

# Public Document Pack



## LOCAL REVIEW BODY MONDAY, 14 DECEMBER, 2015

A MEETING of the LOCAL REVIEW BODY will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, TD6 0SA on MONDAY, 14 DECEMBER, 2015 at 10.00 AM

J. J. WILKINSON,  
Clerk to the Council,

4 December 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>Consider request for review of refusal of planning consent in respect of erection of dwellinghouse (continuation of outline approval 07/00577/OUT) on Plot A, Chirnside Station, Chirnside. 14/00996/PPP 15/00023/RREF</b></p> <p>Copies of the following papers attached:-</p>	
	(a) <b>Notice of Review and accompanying papers including: Decision Notice</b>	(Pages 1 - 24) Page 21
	(b) <b>Officer's report</b>	(Pages 25 - 28)
	(c) <b>Papers referred to in officer's report</b>	(Pages 29 - 52)
	(d) <b>Consultations</b>	(Pages 53 - 64)
	(e) <b>List of policies</b>	(Pages 65 - 80)
5.	<p><b>Consider request for review of refusal of planning consent in respect of change of use of land for siting 23 residential mobile homes on land south west of Northburn Caravan Park, Eyemouth. 14/01282/FUL 15/00027/RREF</b></p> <p>Copies of the following papers attached:-</p>	
	(a) <b>Decision Notice</b>	(Pages 81 - 82)

	(b) <b>Notice of Review</b>	(Pages 83 - 114)	
	(c) <b>Officer's report</b>	(Pages 115 - 120)	
	(d) <b>Papers referred to in officer's report</b>	(Pages 121 - 152)	
	(e) <b>Consultations</b>	(Pages 153 - 164)	
	(f) <b>Objections</b>	(Pages 165 - 172)	
	(g) <b>Additional representation and response</b>	(Pages 173 - 176)	
	(h) <b>List of policies</b>	(Pages 177 - 184)	
6.	<b>Consider request for review of refusal of planning consent in respect of the erection of residential dwelling, demolition of stables, access and associated works on land east of Park Lane, Croft Park, Kelso. 15/00745/PPP 15/00028/RREF</b>		
	Copies of the following papers attached:-		
	(a) <b>Notice of Review and accompanying papers including: Officer's report Decision Notice</b>	(Pages 185 - 234) Page 224 Page 229	
	(b) <b>Consultations</b>	(Pages 235 - 238)	
	(c) <b>Objection</b>	(Pages 239 - 240)	
	(d) <b>Additional representations and response</b>	(Pages 241 - 246)	
	(e) <b>Local Development Plan further issues</b>	(Pages 247 - 248)	
	(f) <b>List of policies</b>	(Pages 249 - 256)	
	<b>Consideration of the following reviews will not commence before 1.00 pm</b>		
7.	<b>Consider request for review of refusal of planning consent in respect of replacement windows (retrospective) at the Tushielaw Inn, Ettrick, Selkirk. 15/00601/FUL 15/00025/RREF</b>		
	Copies of the following papers attached:-		
	(a) <b>Decision Notice</b>	(Pages 257 - 258)	
	(b) <b>Notice of Review</b>	(Pages 259 - 264)	
	(c) <b>Officer's report</b>	(Pages 265 - 268)	
	(d) <b>Papers referred to in officer's report</b>	(Pages 269 - 278)	

	(e) <b>Consultation</b>	(Pages 279 - 280)	
	(f) <b>Objections</b>	(Pages 281 - 298)	
	(g) <b>List of policies</b>	(Pages 299 - 302)	
8.	<b>Consider request for review of the decision to grant approval subject to conditions in respect of installation of 2 No rooflights at Caroline Villa, Main Street, West Linton 15/00662/FUL 15/00029/RCOND</b>		
	Copies of the following papers attached:-		
	(a) <b>Decision Notice</b>	(Pages 303 - 306)	
	(b) <b>Notice of Review</b>	(Pages 307 - 312)	
	(c) <b>Officer's report</b>	(Pages 313 - 314)	
	(d) <b>Papers referred to in officer's report</b>	(Pages 315 - 318)	
	(e) <b>Consultation</b>	(Pages 319 - 320)	
	(f) <b>Objection</b>	(Pages 321 - 322)	
	(g) <b>List of policies</b>	(Pages 323 - 328)	
9.	<b>Consider request for review of refusal of planning consent in respect of siting of portacabin for use as flour mill on land north west of Spruce House, Romano Bridge, West Linton. 15/00682/FUL 15/00026/RREF</b>		
	Copies of the following papers attached:-		
	(a) <b>Notice of Review and accompanying papers including: Officer's report Decision Notice</b>	(Pages 329 - 388) Page 363 Page 373	
	(b) <b>Papers referred to in officer's report</b>	(Pages 389 - 394)	
	(c) <b>Additional information</b>	(Pages 395 - 420)	
	(d) <b>Consultations</b>	(Pages 421 - 424)	
	(e) <b>List of policies</b>	(Pages 425 - 430)	
10.	<b>Any Other Items Previously Circulated</b>		
11.	<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, J. Campbell, J. A. Fullarton, I. Gillespie, D. Moffat, S. Mountford and B White

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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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15/00023/REF

Notice of Review



**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: Please read and follow the guidance notes provided when completing this form.**

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:

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

Yes  No

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:

THE APPLICANT WISHES TO HAVE THE OPPORTUNITY TO ADDRESS THE COMMITTEE TO ANSWER ANY QUESTIONS RAISED OR UNCLARIFIED STATEMENTS PROVIDED BY THE PLANNING OFFICER.  
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 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:

Access to carry out a close up inspection of the application site is through private land.

**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 attached Supporting 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.

**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.

Statement of Appeal enclosed including Photographs and Site Plan.

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

*[Signature]*  
MR RICHARD AMOS LTD.

Date

16/09/15



# STATEMENT OF APPEAL



**Plot A Chirnside Station, Chirnside.**

**Planning Reference 14/00996/PPP**

# STATEMENT OF APPEAL

## **Plot A Chirnside Station, Chirnside.**

### **Planning Reference 14/00996/PPP**

The reasons for refusal stated in the Schedule attached to the Planning Refusal Notice (**attached to Appendix 1**) are:

1. *The proposal is contrary to policy D2 of the Scottish Borders Consolidated Local Plan 2011 as the proposal for the dwellinghouse would exceed the maximum threshold of 8 new dwellinghouses or a 30% increase in the size of the existing building group (when assessed in conjunction with associated applications 14/00997/PPP and 14/00995/PPP) during the current Local Plan period and the need for the number of units above this threshold in this location has not been adequately substantiated. The proposal would therefore represent an unacceptable and unjustified development which would inappropriately expand the building group in to the surround countryside.*
  
2. *The proposal would be contrary to policy INF2 of the Scottish Borders Council Consolidated Local Plan 2011 in that the dwelling would have an adverse effect on the continued use of the access route/railway, which is promoted under Policy EP12 of the Proposed Local Development Plan 2013. Reason: to protect general rights of responsible access.*

#### **1. Policy D2:**

- a) *The proposal for the dwellinghouse would exceed the maximum threshold of 8 new dwellinghouses or a 30% increase in the size of the existing building group .....*

It is argued that the existing building group is large enough to accommodate the proposed dwelling on the application site. The building group consists of 30 dwellings, including one dwelling on Plot C, where construction has commenced. In addition, some of the original stone Steading buildings at Chirnside Mill and the Ahlstrom brick and slate building will be suitable for conversion to three or more dwellings.

**Planning Reference I4/00996/PPP  
Plot A Chirnside Station, Chirnside.**

**List of Dwellings and Addresses in the Building Group (see attached Site Plan in Appendix I):**

<i>Site Plan No.</i>	<i>Houses in Building Group Chirnside Station</i>	<i>Details</i>	<i>Photograph Ref:</i>
1	Chirnside Mill Farmhouse	Band A ref 1030/26004	
2	Station House	Band C ref 1036/33415	
3	Orchard House	Band G ref 1036/33606	
4	Flat A New Station Cottages	Band A ref 1036/25001	
5	Flat B New Station Cottages	Band A ref 1036/26008	
6	Flat C New Station Cottages	Band A ref 1036/27004	
7	Flat D New Station Cottages	Band A ref 1036/28001	
8	Flat E New Station Cottages	Band A ref 1036/29007	
9	Flat F New Station Cottages	Band A ref 1036/30004	
10	Flat G New Station Cottages	Band A ref 1036/31001	
11	Flat H New Station Cottages	Band A ref 1036/32007	
12	4 Station Cottages	Band A ref 103620000	
13	5 Station Cottages	Band A ref 103621006	
14	6 Station Cottages	Band B ref 103622002	
15	7 Station Cottages	Band B ref 103623009	
16	8 Station Cottages	Band A ref 103624005	
17	9 Station Cottages	Band A ref 103624502	
18	Kerlau	Band G ref 1036/33500	
19	Maryfield	Band E ref 103634000	
20	Myrtle Villa	Band E ref 103606009	
21	1 Bakery Cottages	Band E ref 103601007	
22	2 Bakery Cottages	Band C ref 103602003	
23	3 Bakery Cottages	Band E ref 103603000	
24	4 Bakery Cottages	Band C ref 103604006	
25	5 Bakery Cottages	Band B ref 103605002	
26	Tweedsmuir	Band F ref 103600001	
27	Chestnut Lodge	Band E ref 1035/99001	
28	Rockcliffe House	Band A ref 103638013	
29	Bird House	Band A ref 1035/99025	
30	Chirnside Station Plot C	Construction commenced	
31	Conversion 1No. unit		A
32	Conversion 3No. units		B & C
33	Conversion 1No. unit		D

**Planning Reference 14/00996/PPP  
Plot A Chirside Station, Chirside.**



Photograph 'A'



Photograph 'B'

Photographs of buildings suitable for re-development and conversion



Photograph 'C'



Photograph 'D'

**A 30% addition to the building group is at least nine or ten houses and not eight as has been allowed.**

**b) *The need for the number of units above this threshold in this location has not been adequately substantiated.***

As previously stated, it is not agreed that approval of a dwelling on the application site will be above the current threshold.

An additional house above the threshold can however be easily substantiated. Chirside Station was specifically identified in the previous Local Plan, as a **preferred building group** to satisfy local housing needs. This has not changed and it is obvious that Chirside Station is desperately in need of re-development.

By re-developing the semi-derelict Station Cottage Flats (New Station Cottages) the applicant has previously provided 8No. Low Cost Housing Units for the rental market (Nos. 4 to 11 on the attached Site Plan, in Appendix I). Since completion, there have been no void rental periods and there has been no need to advertise; 'word of mouth' in the workplace has ensured continuity of Tenants.

The site is within walking distance and has a public footpath link from Station Cottages to Ahlstrom's, one of the largest employers in Berwickshire. In addition there is a shorter link to Ahlstrom's, via the 'David Hume' walk, which is obviously well used. A further 500m to the East of Ahlstrom are major employers, E S Black Ltd, Greenvale AP and McCreath, Simpson & Prentice Ltd at Craigswalls, who are all within a short bus route (1 mile) of the Chirside Station / A6105 road junction. This has kept the New Station flats fully occupied and substantiates the requirement for housing land, which is on the doorstep of many major employers. The employers from these businesses require a full range of employees from manual to professional.

Chirside Station is a mixed use area, both agricultural and forestry related employment opportunities are also available there.

There is a public footpath link from the application site to the Berwick-Upon-Tweed / Duns / Galashiels Bus route. Chirside Station is much nearer to the above employers than Chirside and Duns, as such it is a genuinely sustainable rural housing development zone, where there is no requirement for private transport to the workplace.

The lack of recent development in this building group is typical of the rural Borders and reflects the downturn in the housing market over the last 6 or more years. Demand for housing in the general Borders area is now recovering and with increasing in-migration and the new Border Railway link to Edinburgh, every opportunity should be made available to provide housing in areas such as this, which are crying out for re-generation.

**c). *The proposal would therefore represent an unacceptable and unjustified development which would inappropriately expand the building group in to the surround countryside.***

The previously approved application for this and other sites on and around the former railway line, confirms that the Planning Authority have over the years considered the site suitable for development and that the site is appropriately located in relation to the building group.

The previous approvals at Chirside Station, refurbishment of 8No. dwellings (re-development complete) and 19No. new housing units (3No. of which have been built and 1No. construction commenced) and (application 09/01388/PPP for up to 12No. houses, recommended for approval in March 2010, see copy approval letter in Appendix I), provide sufficient evidence to show that the Planning Authority have already agreed that up to 31No. houses would not inappropriately expand the building group into the surrounding countryside.

**Planning Reference 14/00996/PPP  
Plot A Chirnside Station, Chirnside.**

Whilst it is understood that there is a need to control the unnecessary sprawl of the smaller isolated building groups in the open countryside, this building group could comfortably absorb more than the new limit of 30% and would greatly enhance and re-generate the Chirnside Station 'Hamlet'. It is very short sighted to restrict the re-development of this building group and refuse previously approved application sites, which remain undeveloped for obvious economic reasons.

Criteria for siting of housing in relation to existing building groups have not altered and as such there is no justification in the refusal based on the inappropriate expansion of the building group. The Western boundary of the former railway line has always formed a distinct edge to the Station Cottages building group.

**2. Policy Inf2 & EP12:**

**a) The proposal would be contrary to policy INF2 of the Scottish Borders Council Consolidated Local Plan 2011 in that the dwelling would have an adverse effect on the continued use of the access route/railway, which is promoted under Policy EP12 of the Proposed Local Development Plan 2013. Reason: to protect general rights of responsible access.**

The proposal already satisfies Inf2, in that the existing approved development (Plot C) infringes on the existing railway line route. The presence of this site has already justified a modification in the existing access provisions along the disused railway line. The 'David Hume' walk recognises this and diverts around the development zone and around the land belonging to Ahlstrom. The subject land/ site is no longer used in any way for public access.



Photograph 'E'



Photograph 'F'

Photographs showing the route of the 'David Hume' walk through Chirnside Station, also indicated on the Site Plan in Appendix I

**Planning Reference 14/00996/PPP  
Plot A Chirside Station, Chirside.**



**Photograph 'G'**



**Photograph 'H'**

**Photographs showing the route of the 'David Hume' walk through Chirside Station, also indicated on the Site Plan in Appendix I**

**Planning Reference 14/00996/PPP  
Plot A Chirside Station, Chirside.**



Photograph 'J'



Photograph 'K'

**Photographs showing the route of the 'David Hume'  
walk through Chirside Station, also indicated on the  
Site Plan in Appendix I**



Photograph 'L'



**Planning Reference 14/00996/PPP  
Plot A Chirnside Station, Chirnside.**

There would be no perceived benefit to the public in opening up this short length of former railway line, as, beyond the subject site the former railway line terminates within land belonging Ahlstrom. This is a secure industrial zone, which is not safe for public access.



Photograph 'M'



Photograph 'N'

Photographs showing Ahlstrom's secure fencing and gates on route of old railway line, protecting land beyond the application site.



Photograph 'O'

Although an appropriate access route could be accommodated and managed, it would not be responsible to provide access for the public through the subject site. The other public access routes in and around this area are well established and provide a safe means of passage for pedestrians, cyclists and the like.

**Planning Reference 14/00996/PPP  
Plot A Chirnside Station, Chirnside.**

Use of the former railway line, as part of the strategic green network, obviously terminates at the old level crossing adjacent to the Eastern boundary of Plot C, where the full width of the railway line is taken up by a housing site. The 'David Hume' walk follows this route acknowledging that the use of the former railway line is no longer viable beyond this point.

**3. General**

This application was submitted and registered (8<sup>th</sup> September 2014) prior to the expiry (21<sup>st</sup> October 2014) of an existing Outline Planning Approval for the site (07/00577/OUT).

If a detailed Planning Application for an appropriately designed dwelling had been submitted the application would have been approved. Under the circumstances, there is no justification in refusing a Planning application to extend an Outline Approval, where a detailed application would have succeeded.

In effect the value of the land, currently a 'Brownfield' site of no other reasonably beneficial use, has been reduced to £zero.

# **APPENDIX I**

**Detailed Site Plan of Chirside Station 'Building Group'**

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**Photograph of Site and Existing Access (309A & 305)**

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**Planning Application to Scottish Borders Council including Site Plan**

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**Scottish Borders Council Decision Notice (Refusal)**

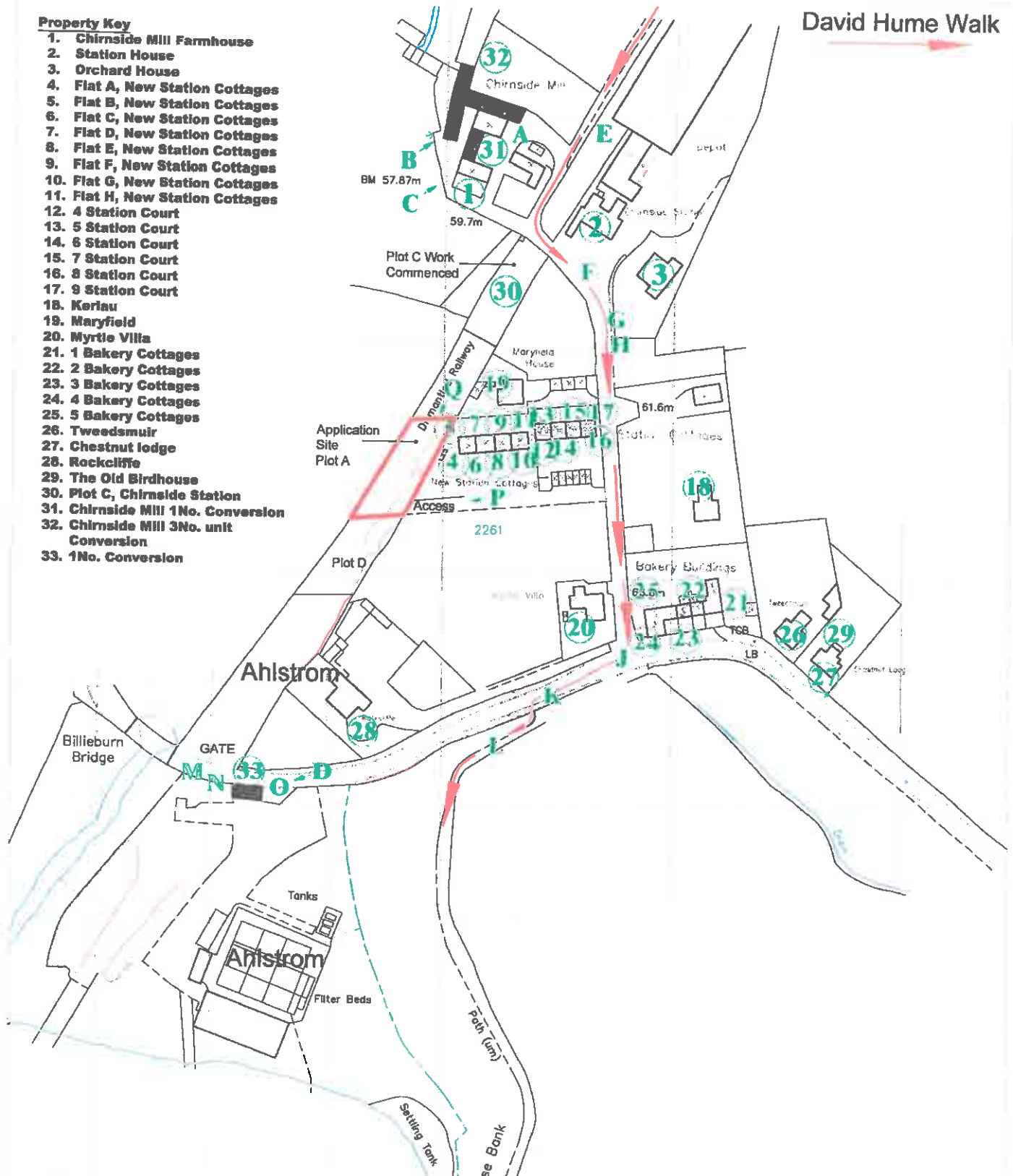
•

**Site with SBC recommendation for approval of up to 12No. Houses (withdrawn 2013)**

**Property Key**

1. Chirnside Mill Farmhouse
2. Station House
3. Orchard House
4. Flat A, New Station Cottages
5. Flat B, New Station Cottages
6. Flat C, New Station Cottages
7. Flat D, New Station Cottages
8. Flat E, New Station Cottages
9. Flat F, New Station Cottages
10. Flat G, New Station Cottages
11. Flat H, New Station Cottages
12. 4 Station Court
13. 5 Station Court
14. 6 Station Court
15. 7 Station Court
16. 8 Station Court
17. 9 Station Court
18. Kerlau
19. Maryfield
20. Myrtle Villa
21. 1 Bakery Cottages
22. 2 Bakery Cottages
23. 3 Bakery Cottages
24. 4 Bakery Cottages
25. 5 Bakery Cottages
26. Tweedsmuir
27. Chestnut lodge
28. Rockcliffe
29. The Old Birdhouse
30. Plot C, Chirnside Station
31. Chirnside Mill 1No. Conversion
32. Chirnside Mill 3No. unit Conversion
33. 1No. Conversion

David Hume Walk



Ordnance Survey License No. - 100047400

Do not scale off this drawing. All dimensions must be checked on site prior to ordering materials and construction.

<b>CLIENT:</b> G Drummond, Broomhouse, Duns		<b>Richard Amos Ltd.</b> Chartered Architectural and Building Surveying Services  2 Golden Square, Duns, Berwickshire, TD11 3AW, Tel: (01361) 882599, Fax: (01361) 882577, E-Mail: ra@richardamosltd.co.uk	
<b>PROJECT:</b> Chirnside Station, Chirnside Duns			
<b>TITLE:</b> Site Plan	<b>DRG. NO.</b> 15/B395/SP01	Registered Office 2 Golden Square, Duns, Berwickshire, TD11 3AW. Registered in Scotland, Company No. 240332 V.A.T. Reg. No. 502 4656 71	
<b>DRAWN:</b> J. Renton	<b>SCALE:</b> 1:NTS		

**Planning Reference 14/00996/PPP  
Plot A Chirnside Station, Chirnside.**



**Photograph 'P'**

**Access to application site and available parking.**



**Photograph 'Q'**

**The Application site**

LHO



TOWN AND COUNTRY  
PLANNING (SCOTLAND) ACT  
1997 (AS AMENDED)

For Office Use Only:

Application Number: 14/00996/PPP

Date Registered: 8.9.14

## PLANNING APPLICATION

1. Name and Address of applicant	Name and Address of Agent
G. DRUMMOND	
Broom House, Duns	
Post Code: TD11 3PP	
Tel. No. [REDACTED]	Tel. No. ....
E-mail [REDACTED]	E-mail address.....

2. Full Postal Address of Application Site (indicated in red on the site plan)

Plot A FORMER RAILWAY LINE, CHIRNSIDE STATION

Is this address a flat?

Yes  No

3. Brief Description of Proposed Development

4. Type of Application (tick one box only)

- (a) Full application for new building works and/or a change of use and/or engineering works
- (b) Full application for a change of use not involving any building works
- (c) Planning permission in Principle
- (d) Approval of matters specified in conditions (pursuant to a Planning Permission in Principle)
- (e) Application for removal or variation of a condition on a planning permission previously granted (Please indicate reference number of previous application)
- (f) Application for renewal of a limited period permission (Please indicate reference number of previous application) 07/00577 OUT
- (g) Application for renewal of an unimplemented permission (You need only answer Questions 17 and 18) (Please indicate reference number of previous application)

5. Applications for Matters Specified in Conditions (if you ticked (d) in Q.4, please complete)

- (a) State the reference number and date of the planning permission in principle .....
  - (b) State which of the conditions are submitted for approval as part of this application:
- All Conditions (please tick)  or Condition Numbers

**Planning Reference 14/00996/PPP  
Plot A Chirnside Station, Chirnside.**

**17 Declaration**

I hereby apply for planning permission and declare that, to the best of my knowledge, the information contained in this application and on the submitted plans is correct.

I attach FOUR copies of the application forms and enclose the application fee of £...~~380.00~~...**389.00**, together with:

- Four sets of the necessary plans and drawings
- In the case of MAJOR developments, a Pre-Application Consultation Report
- A Design and Access Statement or Design Statement, where the application site is situated within a conservation area, historic garden or designed landscape, a National Scenic Area, the site of a scheduled monument or the curtilage of an A Listed Building (see Notes for Guidance for further information)

Signed..... on behalf of..... Date... **1 Sep 2014**

**18 Please complete Certificate A and Certificate B (please tick ONE box in each)**

**CERTIFICATE A** under Section 35 of the Town and Country Planning (Scotland) Act 1997, as amended

I certify that:

At the beginning of a period of 21 days ending with the date of this application, nobody other than the applicant was the owner<sup>1</sup> of all of the land to which the application relates

OR

The applicant has given the required notice to everyone who, at the beginning of the period of 21 days ending with the date of the accompanying application, was the owner<sup>1</sup> of any part of the land to which the application relates, as listed below:

Owner's Name	Address at which notice was served	Date on which notice was served
[Redacted]		

Signed..... of..... Date.....

**CERTIFICATE B** under Section 35 of the Town and Country Planning (Scotland) Act 1997, as amended

I certify that:

At the beginning of a period of 21 days ending with the date of this planning application, none of the land to which the application relates is, or is part of, an agricultural holding;

OR

The applicant has given the required notice to every person other than the applicant who, at the beginning of 21 days ending with the date of the application, was a tenant of an agricultural holding on all or part of the land to which the application relates, as follows:

Tenant's Name	Address at which notice was served	Date on which notice was served
[Redacted]		

Signed..... of..... Date... **1 Sep 2014**

at least seven years left to run

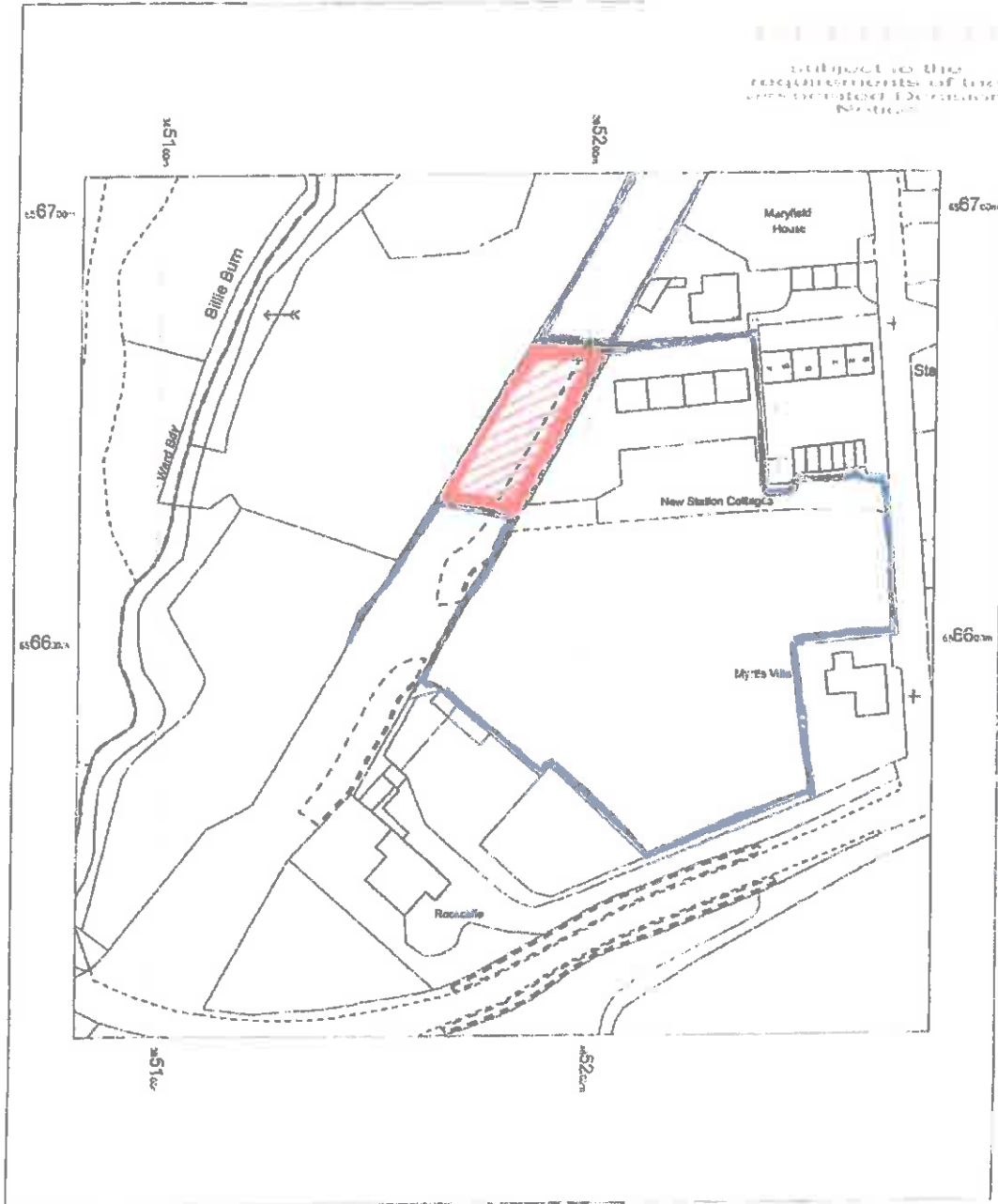
Planning Reference 14/00996/PPP  
Plot A Chirnside Station, Chirnside.

# 14/00996/PPP

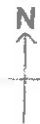
Location Plan

Subject to the requirements of the Environmental Protection Act 1990

subject to the requirements of the Environmental Protection Act 1990



OS MasterMap 1250/2500/10000 scale  
05 September 2014 ID: MNOW 00359041  
mapnow.co.uk  
1:1250 scale print at A4 Centre 38°51'02" E 65°5'09" N  
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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: 14/00996/PPP**

**To: G Drummond Broom House Duns Scottish Borders TD11 3PP**

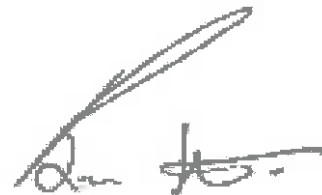
With reference to your application validated on **8th September 2014** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal: Erection of dwellinghouse**

**At: Plot A Chirside Station Chirside Scottish Borders**

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

**Dated 20th April 2015  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**



**Signed .....**  
**Service Director Regulatory Services**

**APPLICATION REFERENCE: 14/00996/PPP****Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
	Location Plan	Refused

**REASON FOR REFUSAL**

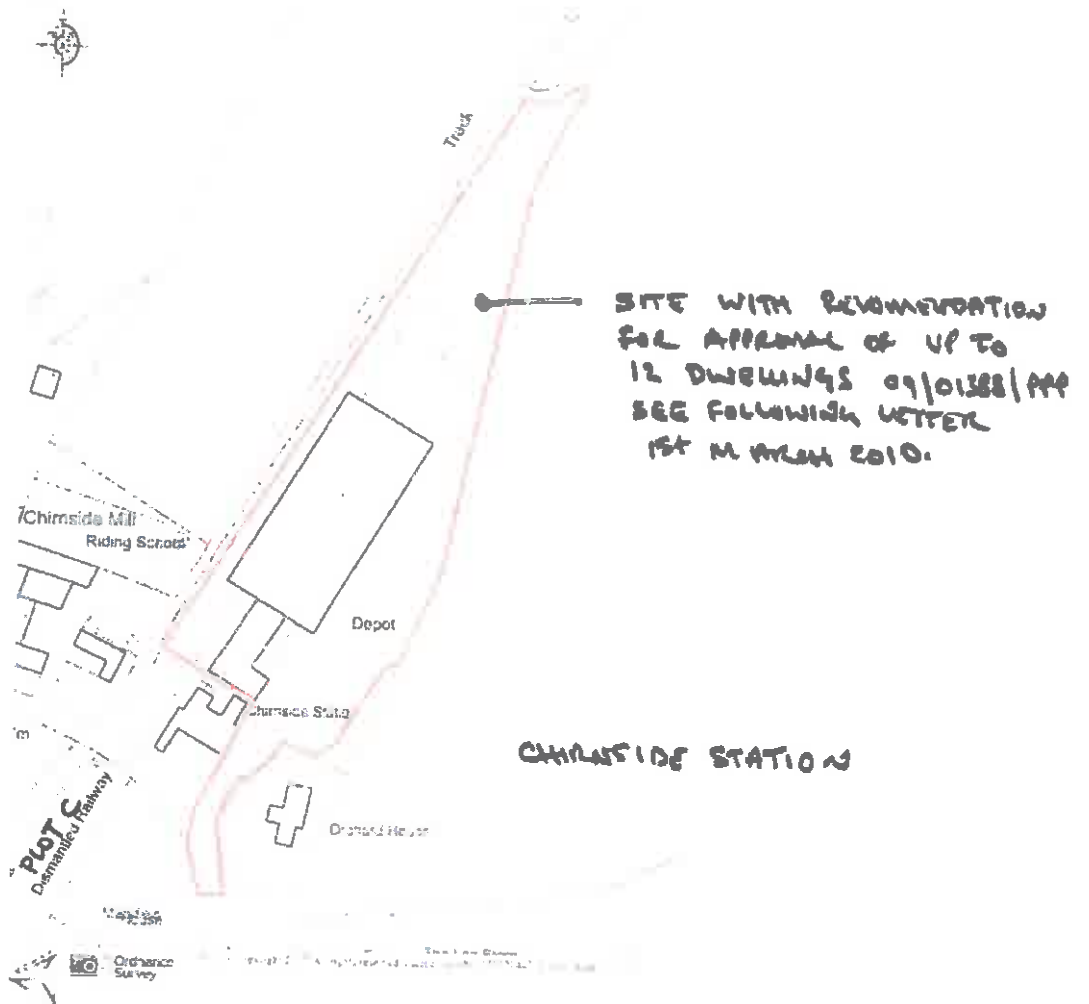
- 1 The proposal is contrary to policy D2 of the Scottish Borders Consolidated Local Plan 2011 as the proposal for the dwellinghouse would exceed the maximum threshold of 8 new dwellinghouses or a 30% increase in the size of the existing building group (when assessed in conjunction with associated applications 14/00997/PPP and 14/00995/PPP) during the current Local Plan period and the need for the number of units above this threshold in this location has not been adequately substantiated. The proposal would therefore represent an unacceptable and unjustified development which would inappropriately expand the building group into the surrounding countryside.
- 2 The proposal would be contrary to policy INF2 of the Scottish Borders Council Consolidated Local Plan 2011 in that the dwelling would have an adverse effect on the continued use of the access route/railway, which is promoted under Policy EP12 of the Proposed Local Development Plan 2013. Reason: To protect general rights of responsible access.

**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.

Site Location Plan - Farmway Store, Chirnside



Sanderson  
Weatherall

*Brian Frater*  
*Head of Planning and Building Standards*

John Richardson  
per Sean Hedley  
Sanderson Weatherall  
22-24 Grey Street  
Newcastle upon Tyne  
NE1 6AD

*Please ask for:* John Hiscox  
*Our Ref:* 09/01388/PPP  
*E-Mail:* JHiscox@scotborders.gov.uk  
*Your Ref:*  
*Date:* 1<sup>st</sup> March 2010

Dear Sir

**RESIDENTIAL DEVELOPMENT OF UP TO 12 HOUSES, LAND NORTH OF CHIRNSIDE STATION, CHIRNSIDE, BERWICKSHIRE**

I refer to the above planning application, and write to advise that the recommendation to approve said application subject to conditions (x10), informative notes (x3) and a legal agreement (Section 75) relating to development contributions and road/access improvements has been agreed under delegated powers. Contributions relating to this development would be required in relation to local schooling, affordable housing and potentially in relation to the management of Core Path 88, a public path route which forms part of the site.

I attach a copy of the agreed planning report, with conditions and informative notes included. I do not have the heads of terms for the legal agreement as yet. Said agreement would be dealt with by my colleague being the Negotiations Officer, whose consultation response is visible on Public Access (SBC website) and by our legal team in Corporate Resources.

I now need you to provide details of any legal representative you intend to engage, to deal with the required legal agreement. On receipt of this information I will refer the case to the Negotiations Officer and the legal part at this end of the planning process can begin.

I look forward to hearing from you shortly in this regard.

Yours faithfully

**John Hiscox**  
Planning Officer

**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO  
SERVICE DIRECTOR REGULATORY SERVICES**

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

**REF :** 14/00996/PPP

**APPLICANT :** G Drummond

**AGENT :**

**DEVELOPMENT :** Erection of dwellinghouse

**LOCATION:** Plot A Chirnside Station  
Chirnside  
Scottish Borders

**TYPE :** PPP Application

**REASON FOR DELAY:** Negotiation

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**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

Local Plans: The Officer has reviewed applications 14/00995/PPP, 14/00996/PPP and 14/00997/PPP and concluded that application 14/00995/PPP is more within the core of the building group and consequently relates better to it. The Officer notes that in keeping with the requirements of policy D2 in the consolidated Plan 2011 there is potential for an extension to the group of a maximum 8 no new houses. He notes that significantly, there is an issue with applications 14/00996/PPP and 14/00997/PPP in that they are on the route of the former railway line. Policy EP12 seeks to protect these routes for potential future walking, cycling or recreational purposes (or future potential rail). The Officer advice is that 8no units are approved within application ref 14/00995/PPP and that applications 14/00996PPP and 14/00996/PP are refused.

Housing Section: No comments

Roads: No objection to this application in principle, I would request that the detailed design of the site includes parking and turning for a minimum of two vehicles, not including any garage. This must be provided and retained in perpetuity within the curtilage of the property. In addition, the means of accessed to be agreed at detailed design stage.

Environmental Health Officer: No objections subject to conditions and informative in respect of water supply and land contamination. A site investigation and risk assessment is required with a remediation strategy and verification plan if required by the site assessment.

Outdoor Access: No objection but condition sought in respect of core paths. Forward Planning to be consulted in respect of Local Plan Policies: Safeguarding Former Railway Routes, and Green Networks. According to our records, as outlined on the enclosed plan, there are no known Core Paths / Promoted Paths / Rights of Way that are directly affected by this proposal. Core Path 88

(CHIR/88/12) utilises the public roadway that passes to the east and route DUNS/asp/3 to the south. It should be noted that both these routes form part of the promoted route known as the David Hume Walk. Both pathways, as indicated above 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 property (as outlined in this application). Reason: To protect general rights of responsible access.

Education: 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 objection

Development Negotiator: A S75 already exists for 07/00577/OUT. However, as an additional contribution is now sought for Chirnside, a fresh S75 is required rather than a renewal, the applicant having been advised that the original can be applied for discharge upon registration of the new.

## **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Consolidated Local Plan Adopted 2011

D2: Housing the Countryside

G1: Quality Standards for New Development

G5: Developer Contributions

H2: Protection of Residential Amenity

Inf2: Protection of Access routes

Inf3: Road Adoption Standards

Inf4: Parking Provisions and Standards

Inf5: Waste Water Treatment Standards

Inf6: Sustainable Urban Drainage

Supplementary Planning Guidance: New Housing in the Borders Countryside

**Recommendation by** - Lucy Hoad (Planning Officer) on 16th April 2015

This application is for planning permission in principle for the erection of 1 No dwellinghouses on Plot A Chirnside Station Chirnside. This is a renewal application with a single dwelling having been consented on the site in Oct 2011(07/00577/OUT). It is noted that 2 further applications for extending the existing building group at Chirnside Station are under consideration, 14/00997/FUL for a single dwelling at Plot D and 14/00995/PPP for a residential development comprising up to 10 units in number.

Consent for Plot C, (05/01042/REM) a separate dwelling plot, situated to the north of Plot A, has been implemented but no construction works had commenced at the time of the site visit.

The principle of residential housing on the site has already been established through the earlier outline planning permission. In assessing this proposal for renewal of permission, it is necessary to determine whether there are any material factors or changes in circumstances/policy since the original determination that would warrant a change of view.

The land forms part of a former railway line now disused and overgrown with vegetation. Forward Planning have advised that route is identified for protection for future walking, cycling and recreation purposes under forthcoming planning policy (EP13 Green Networks).

At the time of the previous consent it was accepted that a building group existed at this location. The applications were assessed under Policy D2 (Housing in the Countryside) of Local Plan 2008, which stated that any consents for new building should not exceed 100% of the existing number of housing units in the group. The plot applied for at that time was accepted on this basis, and the fact that there been no other

over-riding environmental circumstances in respect of material planning concerns. A S75 legal agreement was concluded in respect of developer contributions to be paid to the council prior to commencement of works on site provided an approval of a reserved matters application had been granted.

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside states that the existence of a group will be identifiable by a sense of place which will be contributed to by natural and man made boundaries. Sites should not normally break into undeveloped fields particularly where there exists a definable natural boundary between the building group and the field and the new development should be limited to the area contained by that sense of place. 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.

Indicative site plans have been submitted which show where the plot lies and the relationship to existing housing in the group. However, no details of layout, house design, or access are supplied at this time. Whilst details of design and materials are not provided for at this outline stage, it is noted that there is a mixture of traditional and modern housing within the group, displaying a variety of house styles and building materials. The Roads Officer has not objected to the proposals subject to condition regarding access, parking and turning details are applied

The Environmental Health Officer seeks a site investigation and risk assessment with any requirement arising from this assessment for a remediation strategy and verification plan to be submitted and agreed upon.

The means of water supply and of both surface water and foul drainage will need to be submitted for prior approval in order to ensure that the site is adequately serviced.

From the site visit it was evident that the building group number in this location is static at 28 units and the proposed site remains vacant. In the intervening time period from grant of consent in 2011 until the submission of the current application there has been a significant change in planning policy. Planning Policy D2 under the Consolidated Local Plan 2011 has been amended to state that any consents for new build should not exceed two dwellings, or a 30% increase in addition to the group within the current Local Plan period. No further development above this threshold will be permitted.

The amendment in policy D2 came into effect in February 2011 and the application must therefore be assessed against the current policy.

Given that the number of houses within the group as at the start of the current Local Plan period totals 28 it is considered that the number of newbuild sought under all three applications would result in the capacity of the original building group being exceeded by more than 30%,

Pre-application discussions took place with the applicant prior to the application being submitted and the applicant was advised at the time, of the change in policy in 2011 in respect of additions to building groups and of the number of dwellings that could be considered during the current local plan period, taking into account the number of dwellings in this group.

It is accepted that the proposed Plots A and D are well related to the wider area contained by the sense of place at Chirnside Station. However, this is not sufficient to justify the approval of all of the applications before the authority, which would be contrary to the threshold contained within policy D2 (A). Consideration has been given to each application on its own merit and the logical evolution of the building group as it expands.

Plot A sits on the fringe of the group, as does Plot D. Taken into account the pattern of development up to this point in time these two plots have a weak relationship to the core of the group. The larger housing site (14/00995/PPP) is considered to have a strong and close relationship to the core of the group, and if approved would lead to a cohesive expansion of the group. Forward Planning has advised that application 14/00995/PPP relates better to the core of the existing building group with the two single plots located on a route defined within the Green Networks, with potential for future pathways. These have a weaker relationship with the core of the group.

Given the restriction in expansion under current policy the application for Plot A is considered to be contrary to policy D2 (A). Thus the application as submitted cannot be supported as this would exceed the stated threshold of all 3 applications currently under consideration. The policy allows no further dwellinghouses above 30%.

No economic or agricultural justification has been submitted for a house in these locations above the threshold of two or 30% permitted under policy D2 (A).

The site is recognised as a Green Network under Policy EP12 of the Proposed Local Development Plan 2013. Given the requirement to ensure that path networks are protected, the siting of the dwelling on this former railway route is considered to be contrary to policy INF2. The proposal cannot be supported as the dwelling would impinge on the access route.

No third party representations have been received on the proposals.

#### **REASON FOR DECISION :**

The proposal is contrary to policy D2 of the Scottish Borders Consolidated Local Plan 2011 as the proposal for the dwellinghouse would exceed the maximum threshold of 8 new dwellinghouses or a 30% increase in the size of the existing building group (when assessed in conjunction with associated applications 14/00997/PPP and 14/00995/PPP) during the current Local Plan period and the need for the number of units above this threshold in this location has not been adequately substantiated. The proposal would therefore represent an unacceptable and unjustified development which would inappropriately expand the building group into the surrounding countryside.

#### **Recommendation: Refused**

- 1 The proposal is contrary to policy D2 of the Scottish Borders Consolidated Local Plan 2011 as the proposal for the dwellinghouse would exceed the maximum threshold of 8 new dwellinghouses or a 30% increase in the size of the existing building group (when assessed in conjunction with associated applications 14/00997/PPP and 14/00995/PPP) during the current Local Plan period and the need for the number of units above this threshold in this location has not been adequately substantiated. The proposal would therefore represent an unacceptable and unjustified development which would inappropriately expand the building group into the surrounding countryside.
- 2 The proposal would be contrary to policy INF2 of the Scottish Borders Council Consolidated Local Plan 2011 in that the dwelling would have an adverse effect on the continued use of the access route/railway, which is promoted under Policy EP12 of the Proposed Local Development Plan 2013. Reason: To protect general rights of responsible access.

**“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 :** 14/00995/PPP

**APPLICANT :** G And R Drummond

**AGENT :**

**DEVELOPMENT :** Residential development (renewal of previous consent 07/02424/OUT)

**LOCATION:** Land South Of New Station Cottages  
Chirnside  
Duns  
Scottish Borders  
TD11 3LJ

**TYPE :** PPP Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
	Site Plan	Approved

**NUMBER OF REPRESENTATIONS: 0**  
**SUMMARY OF REPRESENTATIONS:**

**Local Plans:** The Officer has reviewed applications 14/00995/PPP, 14/00996/PPP and 14/00997/PPP and concluded that application 14/00995/PPP is more within the core of the building group and consequently relates better to it. The Officer notes that in keeping with the requirements of policy D2 in the consolidated Plan 2011 there is potential for an extension to the group of a maximum 8 no new houses. He notes that significantly, there is an issue with applications 14/00996/PPP and 14/00997/PPP in that they are on the route of the former railway line. Policy EP12 seeks to protect these routes for potential future walking, cycling or recreational purposes (or future potential rail). The Officer advice is that 8no units are approved within application ref 14/00995/PPP and that applications 14/00996PPP and 14/00996/PP are refused.

**Roads:** No objection subject to condition in respect of access /traffic requirements to be agreed at details stage. The principle of development has already been supported at this location; therefore I have no objections in principle. If the applicant wishes to develop the site and submit for detailed planning, the design would need to reflect current policy in terms of road design, namely Designing Streets. In addition to the internal road design, off-site works may be required to cater for the additional traffic this development would bring.

**Education:** The proposed development, is located within the catchment area for Chirnside Primary School and Berwickshire High School. A contribution of £2990 per unit is sought for the Primary school and £4205 per unit is sought for the High School, making a total contribution of £71950.

**Community Council:** No objection.

**Housing Section:** No comments

Environmental Health Officer: No objections subject to conditions and informative in respect of water supply and land contamination. A site investigation and risk assessment is required with a remediation strategy and verification plan if required by the site assessment.

Outdoor Access: No objection but condition sought in respect of core paths. Forward Planning to be consulted in respect of Local Plan Policies: Safeguarding Former Railway Routes, and Green Networks. According to our records, as outlined on the enclosed plan, there are no known Core Paths / Promoted Paths / Rights of Way that are directly affected by this proposal. Core Path 88 (CHIR/88/12) utilises the public roadway that passes to the east and route DUNS/asp/3 to the south. It should be noted that both these routes form part of the promoted route known as the David Hume Walk. Both pathways, as indicated above 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 property (as outlined in this application). Reason: To protect general rights of responsible access.

Development Negotiator: A S75 already exists for 07/00577/OUT. However, as an additional contribution is now sought for Chirnside, a fresh S75 is required rather than a renewal, the applicant having been advised that the original can be applied for discharge upon registration of the new.

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

Scottish Borders Consolidated Local Plan Adopted 2011

D2: Housing the Countryside

- G1: Quality Standards for New Development
- G5: Developer Contributions
- H2: Protection of Residential Amenity
- Inf2: Protection of Access routes
- Inf3: Road Adoption Standards
- Inf4: Parking Provisions and Standards
- Inf5: Waste Water Treatment Standards
- Inf6: Sustainable Urban Drainage

Supplementary Planning Guidance: New Housing in the Borders Countryside

**Recommendation by** - Lucy Hoad (Planning Officer) on 17th April 2015

This application is for planning permission in principle for the erection of residential development at Chirnside Station Chirnside. This is a renewal application with consent having been consented on the site subject to a restriction in the number of units in Oct 2011(07/02424/OUT). It is noted that 2 further applications for extending the existing building group at Chirnside Station are under consideration, 14/00997/FUL for a single dwelling at Plot D and 14/00996/PPP for a single dwelling at Plot A.

Consent for Plot C, (05/01042/REM) a separate dwelling plot, situated to the north of Plot A, has been implemented but no construction works had commenced at the time of the site visit.

The principle of residential housing on the site has already been established through the earlier outline planning permission. In assessing this proposal for renewal of permission, it is necessary to determine whether there are any material factors or changes in circumstances/policy since the original determination that would warrant a change of view.

The land forms part of a former quarry pit now disused and overgrown with vegetation and there is potential for land contamination.

At the time of the previous consent it was accepted that a building group existed at this location. The application was assessed under Policy D2 (Housing in the Countryside) of Local Plan 2008, which stated that any consents for new building should not exceed 100% of the existing number of housing units in the

group. The plot applied for at that time was accepted on this basis, and the fact that there been no other over-riding environmental circumstances in respect of material planning concerns. A S75 legal agreement was concluded in respect of developer contributions to be paid to the council prior to commencement of works on site provided an approval of a reserved matters application had been granted.

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside states that the existence of a group will be identifiable by a sense of place which will be contributed to by natural and man-made boundaries. Sites should not normally break into undeveloped fields particularly where there exists a definable natural boundary between the building group and the field and the new development should be limited to the area contained by that sense of place. 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.

Indicative site plans have been submitted which show where the plot lies and the relationship to existing housing in the group. However, no details of layout, house design, or access are supplied at this time. Whilst details of design and materials are not provided for at this outline stage, it is noted that there is a mixture of traditional and modern housing within the group, displaying a variety of house styles and building materials. The Roads Officer has not objected to the proposals subject to condition regarding access, parking and turning details are applied

The Environmental Health Officer seeks a site investigation and risk assessment with any requirement arising from this assessment for a remediation strategy and verification plan to be submitted and agreed upon.

The means of water supply and of both surface water and foul drainage will need to be submitted for prior approval in order to ensure that the site is adequately serviced.

From the site visit it was evident that the building group number in this location is static at 28 units and the proposed site remains vacant. In the intervening time period from grant of consent in 2011 until the submission of the current application there has been a significant change in planning policy. Planning Policy D2 under the Consolidated Local Plan 2011 has been amended to state that any consents for new build should not exceed two dwellings, or a 30% increase in addition to the group within the current Local Plan period. No further development above this threshold will be permitted.

The amendment in policy D2 came into effect in February 2011 and the application must therefore be assessed against the current policy.

Given that the number of houses within the group as at the start of the current Local Plan period totals 28 it is considered that the number of new build sought under all three applications would result in the capacity of the original building group being exceeded by more than 30%,

Pre-application discussions took place with the applicant prior to the application being submitted and the applicant was advised at the time, of the change in policy in 2011 in respect of additions to building groups and of the number of dwellings that could be considered during the current local plan period, taking into account the number of dwellings in this group.

It is accepted that the proposed site is well related to the existing building group and wider area contained by the sense of place at Chirnside Station. However, this is not sufficient to justify the approval of all of the applications before the authority, which would be contrary to the threshold contained within policy D2 (A). Consideration has been given to each application on its own merit and the logical evolution of the building group as it expands.

Plot A sits on the fringe of the group, as does Plot D. Taken into account the pattern of development up to this point in time these two plots have a weak relationship to the core of the group. The larger housing site (14/00995/PPP) is considered to have a strong and close relationship to the core of the group, and if approved would lead to a cohesive expansion of the group. Forward Planning has advised that application 14/00995/PPP relates better to the core of the existing building group with the two single plots located on a route defined within the Green Networks, with potential for future pathways.

Given the restriction in expansion under current policy the application for residential development at this location is considered to comply with policy D2 (A) provided the number of units does not exceed the stated threshold. The policy allows no further dwellinghouses above 30%. Whilst the earlier consent was restricted to up to 10No units, the current proposal shall require to be restricted to 8No units in order to comply with policy.

The view was taken in 2011 that the size of the application site and land were large enough to accommodate the development without resulting in over development of the land. The application site remains within the control of the applicant

All other matters remain constant and there are further policy constraints that would prevent this consent being extended for 3 years. In order to remain consistent, it would be appropriate to add similar conditions to the new consent that were applied to the original consent.

There are no immediate neighbours to the proposed development. There are no third party objections.

### **REASON FOR DECISION :**

The acceptability of any extension of the group is a balanced one, but owing to the fact that the site is of an appropriate size and well related to the existing layout of residential housing at Chirnsdie Station,, the proposal is in accordance with policies D2, G1, H2, and INF3 of the Scottish Borders Council Consolidated Local Plan (2011). The siting and location of the development is acceptable, without having a detrimental impact upon the character and amenity of the surrounding rural area or neighbouring properties.

A developer contribution towards improving education facilities and affordable housing would be required. This would be secured through a Section 75 Agreement.

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

- 1 No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.  
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:  
(a) the expiration of three years from the date of this permission, or  
(b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.  
Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.  
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 3 No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.  
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 4 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

- 5 The means of water supply and of both surface water and foul water drainage to be submitted for the approval of the Planning Authority.

Reason : to ensure the site is adequately serviced.

- 6 Both pathways, as indicated in Informative 1 shall 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 property.

Reason: To protect general rights of responsible access.

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

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

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

and thereafter

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

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

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

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

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

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

- 8 The number of houses to be limited to a maximum of 8.

Reason: To ensure a development compatible with the character of the site and to comply with current housing in the countryside policy in relation to expanding the building group size.

- 9 A vehicle turning area and two parking spaces, excluding any garaging, to be provided for each dwellinghouse within the site.

Reason: In the interests of road safety.

## Informatives

It should be noted that:

- 1 In line with Condition No6 the paths to be protected are Core Path 88 (CHIR/88/12) utilises the public roadway that passes to the east and route DUNS/asp/3 to the south. Both these routes form part of the promoted route known as the David Hume Walk.

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



PROPOSED SITE

1. The proposed site is situated on the corner of ...  
 2. The site is bounded by ...  
 3. The site is adjacent to ...  
 4. The site is ...  
 5. The site is ...  
 6. The site is ...  
 7. The site is ...  
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 24. The site is ...  
 25. The site is ...





**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO  
SERVICE DIRECTOR REGULATORY SERVICES**

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

**REF :** 14/00997/PPP

**APPLICANT :** G And R Drummond

**AGENT :**

**DEVELOPMENT :** Erection of dwellinghouse (renewal of previous consent 07/01914/OUT)

**LOCATION:** Plot D Former Railway Line  
Chirnside Station  
Chirnside  
Scottish Borders

**TYPE :** PPP Application

**REASON FOR DELAY:** Negotiation

---

**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused

**NUMBER OF REPRESENTATIONS: 0**  
**SUMMARY OF REPRESENTATIONS:**

Local Plans: The Officer has reviewed applications 14/00995/PPP, 14/00996/PPP and 14/00997/PPP and concluded that application 14/00995/PPP is more within the core of the building group and consequently relates better to it. The Officer notes that in keeping with the requirements of policy D2 in the consolidated Plan 2011 there is potential for an extension to the group of a maximum 8 no new houses. He notes that significantly, there is an issue with applications 14/00996/PPP and 14/00997/PPP in that they are on the route of the former railway line. Policy EP12 seeks to protect these routes for potential future walking, cycling or recreational purposes (or future potential rail). The Officer advice is that 8no units are approved within application ref 14/00995/PPP and that applications 14/00996PPP and 14/00996/PP are refused.

Housing Section: No comments

Roads: No objection to this application in principle, I would request that the detailed design of the site includes parking and turning for a minimum of two vehicles, not including any garage. This must be provided and retained in perpetuity within the curtilage of the property. In addition, the means and materials of the access to be agreed at detailed design stage.

Environmental Health Officer: No objections subject to conditions and informative in respect of water supply and land contamination. A site investigation and risk assessment is required with a remediation strategy and verification plan if required by the site assessment.

Outdoor Access: No objection but condition sought in respect of core paths. Forward Planning to be consulted in respect of Local Plan Policies: Safeguarding Former Railway Routes, and Green Networks. According to our records, as outlined on the enclosed plan, there are no known Core Paths

/ Promoted Paths / Rights of Way that are directly affected by this proposal. Core Path 88 (CHIR/88/12) utilises the public roadway that passes to the east and route DUNS/asp/3 to the south. It should be noted that both these routes form part of the promoted route known as the David Hume Walk. Both pathways, as indicated above 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 property (as outlined in this application). Reason: To protect general rights of responsible access.

Education: 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 objection

Development Negotiator: A S75 already exists for 07/01914/OUT However, as an additional contribution is now sought for Chirside, a fresh S75 is required rather than a renewal, the applicant having been advised that the original can be applied for discharge upon registration of the new.

## **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Consolidated Local Plan Adopted 2011

D2: Housing the Countryside

G1: Quality Standards for New Development  
G5: Developer Contributions  
H2: Protection of Residential Amenity  
Inf2: Protection of Access routes  
Inf3: Road Adoption Standards  
Inf4: Parking Provisions and Standards  
Inf5: Waste Water Treatment Standards  
Inf6: Sustainable Urban Drainage

Supplementary Planning Guidance: New Housing in the Borders Countryside

**Recommendation by** - Lucy Hoad (Planning Officer) on 16th April 2015

This application is for planning permission in principle for the erection of 1No dwellinghouses on Plot D Chirside Station Chirside. This is a renewal application with a single dwelling having been consented on the site in Oct 2011 (07/01914/OUT). It is noted that 2 further applications for extending the existing building group at Chirside Station are under consideration, 14/00996/PPP for a single dwelling at Plot A and 14/00995/PPP for a residential development comprising up to 10 units in number.

Consent for Plot C, (05/01042/REM) a separate dwelling plot, situated to the north of Plot A, has been implemented but no construction works had commenced at the time of the site visit.

The principle of residential housing on the site has already been established through the earlier outline planning permission. In assessing this proposal for renewal of permission, it is necessary to determine whether there are any material factors or changes in circumstances/policy since the original determination that would warrant a change of view.

The land forms part of a former railway line now disused and overgrown with vegetation. Forward Planning have advised that route is identified for protection for future walking, cycling and recreation purposes under forthcoming planning policy (EP13 Green Networks).

At the time of the previous consent it was accepted that a building group existed at this location. The applications were assessed under Policy D2 (Housing in the Countryside) of Local Plan 2008 ,which stated that any consents for new building should not exceed 100% of the existing number of housing units in the group. The plot applied for at that time was accepted on this basis, and the fact that there been no other over-riding environmental circumstances in respect of material planning concerns. A S75 legal agreement

was concluded in respect of developer contributions to be paid to the council prior to commencement of works on site provided an approval of a reserved matters application had been granted.

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside states that the existence of a group will be identifiable by a sense of place which will be contributed to by natural and man-made boundaries. Sites should not normally break into undeveloped fields particularly where there exists a definable natural boundary between the building group and the field and the new development should be limited to the area contained by that sense of place. 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.

Indicative site plans have been submitted which show where the plot lies and the relationship to existing housing in the group. However, no details of layout, house design, or access are supplied at this time. Whilst details of design and materials are not provided for at this outline stage, it is noted that there is a mixture of traditional and modern housing within the group, displaying a variety of house styles and building materials.

The Roads Officer has not objected to the proposals subject to condition regarding access, parking and turning details are applied.

The Environmental Health Officer seeks a site investigation and risk assessment with any requirement arising from this assessment for a remediation strategy and verification plan to be submitted and agreed upon.

The means of water supply and of both surface water and foul drainage will need to be submitted for prior approval in order to ensure that the site is adequately serviced.

From the site visit it was evident that the building group number in this location is static at 28 units and the proposed site remains vacant. In the intervening time period from grant of consent in 2011 until the submission of the current application there has been a significant change in planning policy. Planning Policy D2 under the Consolidated Local Plan 2011 has been amended to state that any consents for new build should not exceed two dwellings, or a 30% increase in addition to the group within the current Local Plan period. No further development above this threshold will be permitted.

The amendment in policy D2 came into effect in February 2011 and the application must therefore be assessed against the current policy.

Given that the number of houses within the group as at the start of the current Local Plan period totals 28 it is considered that the number of new build sought under all three applications would result in the capacity of the original building group being exceeded by more than 30%,

Pre-application discussions took place with the applicant prior to the application being submitted and the applicant was advised at the time, of the change in policy in 2011 in respect of additions to building groups and of the number of dwellings that could be considered during the current local plan period, taking into account the number of dwellings in this group.

It is accepted that the proposed Plots A and D are well related to the wider area contained by the sense of place at Chirnside Station. However, this is not sufficient to justify the approval of all of the applications before the authority, which would be contrary to the threshold contained within policy D2 (A). Consideration has been given to each application on its own merit and the logical evolution of the building group as it expands.

Plot D sits on the fringe of the group, as does Plot A. Taking into account the pattern of development up to this point in time these two plots have a weak relationship to the core of the group. The larger housing site (14/009995/PPP) is considered to have a strong and close relationship to the core of the group, and if approved would lead to a cohesive expansion of the group. Forward Planning has advised that application 14/00995/PPP relates better to the core of the existing building group with the two single plots located on a route defined within the Green Networks, with potential for future pathways. These have a weaker relationship with the core of the group.

Given the restriction in expansion under current policy the application for Plot D is considered to be contrary to policy D2 (A). Thus the application as submitted cannot be supported as this would exceed the stated threshold of all 3 applications currently under consideration. The policy allows no further dwellinghouses above 30%.

No economic or agricultural justification has been submitted for a house in these locations above the threshold of two or 30% permitted under policy D2 (A).

The site is recognised as a Green Network under Policy EP12 of the Proposed Local Development Plan 2013. Given the requirement to ensure that path networks are protected, the siting of the dwelling on this former railway route is considered to be contrary to policy INF2. The proposal cannot be supported as the dwelling would impinge on the access route.

No third party representations have been received on the proposals.

#### **REASON FOR DECISION :**

The proposal is contrary to policy D2 of the Scottish Borders Consolidated Local Plan 2011 as the proposal for the dwellinghouse would exceed the maximum threshold of 8 new dwellinghouses or a 30% increase in the size of the existing building group (when assessed in conjunction with associated applications 14/00996/PPP and 14/00995/PPP) during the current Local Plan period and the need for the number of units above this threshold in this location has not been adequately substantiated. The proposal would therefore represent an unacceptable and unjustified development which would inappropriately expand the building group into the surrounding countryside.

#### **Recommendation: Refused**

- 1 The proposal is contrary to policy D2 of the Scottish Borders Consolidated Local Plan 2011 as the proposal for the dwellinghouse would exceed the maximum threshold of 8 new dwellinghouses or a 30% increase in the size of the existing building group (when assessed in conjunction with associated applications 14/00996/PPP and 14/00995/PPP) during the current Local Plan period and the need for the number of units above this threshold in this location has not been adequately substantiated. The proposal would therefore represent an unacceptable and unjustified development which would inappropriately expand the building group into the surrounding countryside.
- 2 The proposal would be contrary to policy INF2 of the Scottish Borders Council Consolidated Local Plan 2011 in that the dwelling would have an adverse effect on the continued use of the access route/railway, which is promoted under Policy EP12 of the Proposed Local Development Plan 2013.. Reason: To protect general rights of responsible access.

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

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

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

**Application for Planning Permission**

**Reference: 14/00997/PPP**

**To: G And R Drummond C/o Broom House Duns Scottish Borders TD11 3PP**

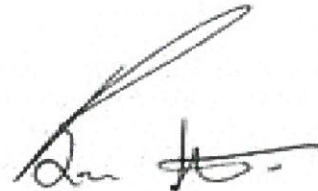
With reference to your application validated on **5th September 2014** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal: Erection of dwellinghouse (renewal of previous consent 07/01914/OUT)**

**At: Plot D Former Railway Line Chirnside Station Chirnside Scottish Borders**

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

**Dated 20th April 2015  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**



**Signed .....**  
**Service Director Regulatory Services**

**APPLICATION REFERENCE: 14/00997/PPP****Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
	Location Plan	Refused

**REASON FOR REFUSAL**

- 1 The proposal is contrary to policy D2 of the Scottish Borders Consolidated Local Plan 2011 as the proposal for the dwellinghouse would exceed the maximum threshold of 8 new dwellinghouses or a 30% increase in the size of the existing building group (when assessed in conjunction with associated applications 14/00996/PPP and 14/00995/PPP) during the current Local Plan period and the need for the number of units above this threshold in this location has not been adequately substantiated. The proposal would therefore represent an unacceptable and unjustified development which would inappropriately expand the building group into the surrounding countryside.
- 2 The proposal would be contrary to policy INF2 of the Scottish Borders Council Consolidated Local Plan 2011 in that the dwelling would have an adverse effect on the continued use of the access route/railway, which is promoted under Policy EP12 of the Proposed Local Development Plan 2013.. Reason: To protect general rights of responsible access.

**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.



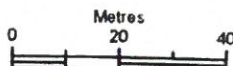
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**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO THE HEAD OF PLANNING  
AND REGULATORY SERVICES**

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

**REF :** 07/00577/OUT  
**APPLICANT :** Gordon Drummond  
**AGENT :**  
**DEVELOPMENT :** Erection of dwellinghouse  
**LOCATION:** Plot A Chirnside Station  
Chirnside  
Scottish Borders  
TD11 3LJ  
**TYPE :** OUT Application

**REASON FOR DELAY:**

---

**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
1:2500	Location Plan	Approved

**NUMBER OF REPRESENTATIONS: 0**  
**SUMMARY OF REPRESENTATIONS:**

None received.

**PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Local Plan 2005 (Finalised):

Policy D2.

**Recommendation by** - John Hiscox (Planning Officer) on 10th February 2009

This is an outline application for the renewal of a consent for a single dwelling on part of the former railway line at Chirnside Station. The site is adjacent to the terrace of existing properties and would be accessed from the parking area serving these. The proposal was lodged before the expiry of the consent. This is a limited site but it lies within the heart of a building group both of established dwellings and further new build proposals.

There have been no objections from either consultees or individuals. Environmental Health did though request a contamination survey while roads highlighted parking requirements.

The principle of development is established and no objection is therefore seen to the current application.

**REASON FOR DECISION :**

By virtue of the nature of the site, and its relationship with the existing building group at Chirnside Station, the development is consistent with planning policy relating to rural housing.

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

- 1 The subsequent approval by the Planning Authority of the means of access, the layout of the site, the design and siting of any buildings and the landscape treatment of the site.  
Reason: Approval is in outline only.
- 2 The means of water supply and of both surface water and foul drainage to be submitted for the approval of the Planning Authority.  
Reason: To ensure that the site is adequately serviced.
- 3 Two parking spaces (not including garages) and a turning area to be provided on site and to be retained in perpetuity.  
Reason: in the interests of road safety.
- 4 Details of a survey and investigation of the soil conditions of the site, sufficient to identify the nature and extent of any soil contamination, together with a schedule of the methods by which it is proposed to neutralise, seal or remove the contamination substances, shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out before any works in connection with this permission are begun.  
Reason: To ensure that the site is made safe before works commence.

**Informatives**

It should be noted that:

- 1 The Developer to ensure that all necessary legal rights to make connection to the drainage system are available before any development of the site commences.

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

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

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations  
2008**

**Application for Planning Permission**

**Reference : 07/00577/OUT**

**To : Mr Gordon Drummond Broom House Duns Scottish Borders TD11 3PP**

With reference to your application validated on **23rd March 2007** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Erection of dwellinghouse**

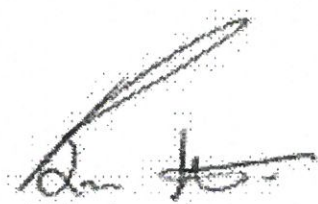
**at : Plot A Chirnside Station Chirnside Scottish Borders TD11 3LJ**

The Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

**subject to the conditions on the attached schedule** imposed by the Council for the reasons stated

**Dated 21st October 2011  
Planning and Economic Development  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**

  
.....  
**Head of Planning and Regulatory Services**

**APPLICATION REFERENCE : 07/00577/OUT**

**Schedule of Plans and Drawings Approved:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
1:2500	Location Plan	Approved

**REASON FOR DECISION**

By virtue of the nature of the site, and its relationship with the existing building group at Chirnside Station, the development is consistent with planning policy relating to rural housing.

**SCHEDULE OF CONDITIONS**

- 1 The subsequent approval by the Planning Authority of the means of access, the layout of the site, the design and siting of any buildings and the landscape treatment of the site.  
Reason: Approval is in outline only.
- 2 The means of water supply and of both surface water and foul drainage to be submitted for the approval of the Planning Authority.  
Reason: To ensure that the site is adequately serviced.
- 3 Two parking spaces (not including garages) and a turning area to be provided on site and to be retained in perpetuity.  
Reason: in the interests of road safety.
- 4 Details of a survey and investigation of the soil conditions of the site, sufficient to identify the nature and extent of any soil contamination, together with a schedule of the methods by which it is proposed to neutralise, seal or remove the contamination substances, shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out before any works in connection with this permission are begun.  
Reason: To ensure that the site is made safe before works commence.

**FOR THE INFORMATION OF THE APPLICANT**

It should be noted that:

The Developer to ensure that all necessary legal rights to make connection to the drainage system are available before any development of the site commences.

**N.B:** This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD  
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA  
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU  
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND

Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA

Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL

BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH

THUS, Susiephone Department, 4<sup>th</sup> Floor, 75 Waterloo Street, Glasgow, G2 7BD

Susiephone System – 0800 800 333

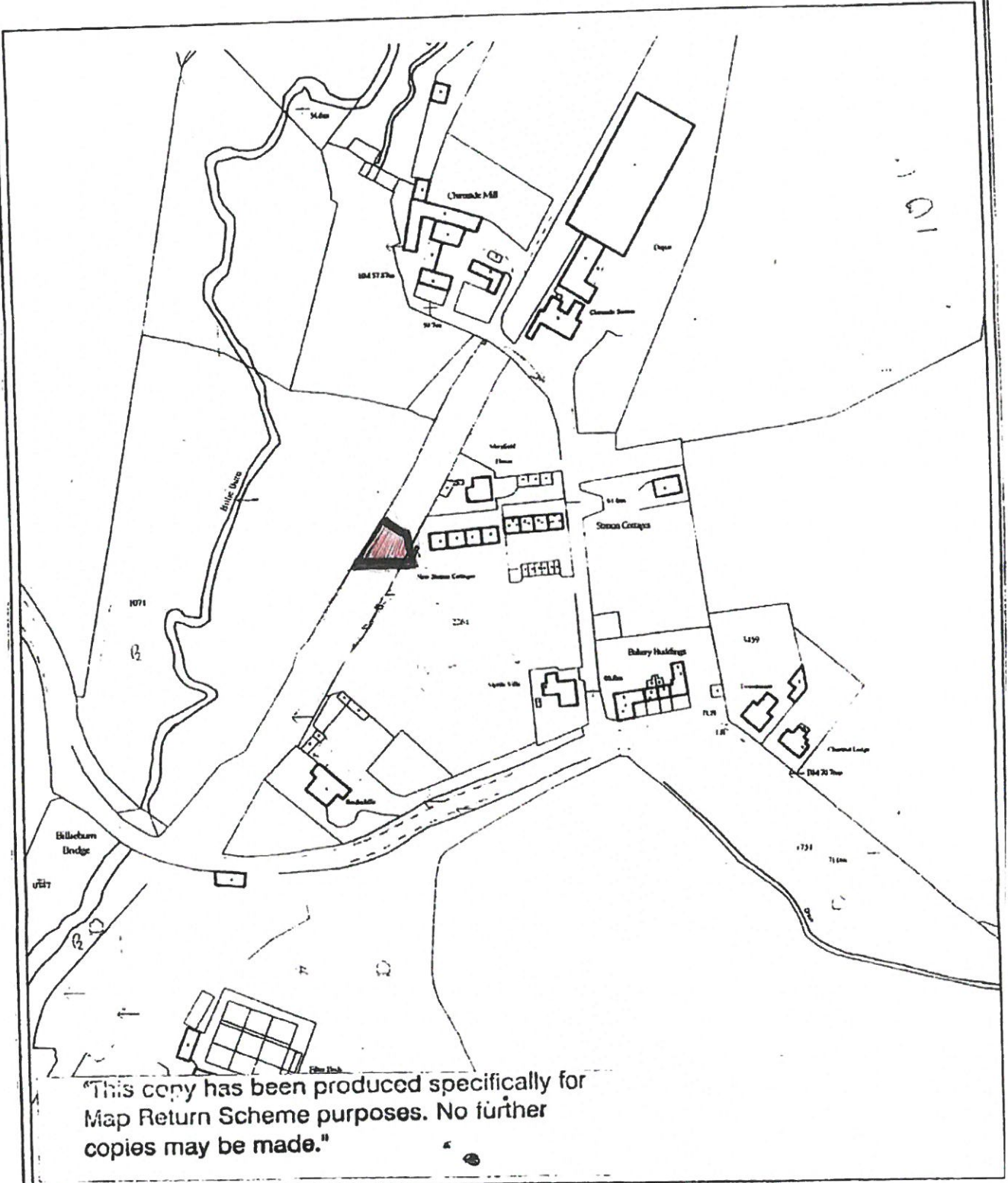
If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire. NG18 4RG.

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.



Chirnside Station  
TD11 3LQ



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**Brian Frater**  
**Service Director Regulatory Services**



Officer Lucy Hoad  
01835 825113  
E-mail lhoad@scotborders.gov.uk

Application Ref : 14/00996/PPP

Date : 16th September 2014

**NAME OF APPLICANT:** G Drummond  
**NATURE OF PROPOSAL:** Erection of dwellinghouse  
**SITE:** Plot A Chimside Station Chimside Scottish Borders  
**GRID REF** Easting: 385183 Northing: 656643

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

**REQUEST FOR OBSERVATIONS OF: Development Negotiator**

Your observations are requested on the above noted planning application. I shall be glad to have your response not later than 7th October 2014. If no reply is received by this date it will be assumed that you have no observations and a decision may be taken on the application.

The following constraints have been highlighted in determining which external consultees need to be consulted, some of which may not be directly relevant to your organisation:

Affordable Housing Contribution AFFORD: Berwickshire - £5,500 @ 25% for residential developments 2-16 units  
High School Catchment Area - Non Den HIGHND: Berwickshire  
Prime Quality Agricultural Land PQAL: SBC Prime Quality Agricultural Land  
Primary School Catchment Area - Non Den PRIMND: Chimside Primary School

**Development Type:- 3b. Housing - Local**

All documents relating to this application can be viewed by following this hyperlink:  
<http://eplanning.scotborders.gov.uk/online-applications/>

*To activate the hyperlink, place your cursor at the end of the line and press the return key.*

Please create your consultation response in a MS Word document and email it to [dcconsultees@scotborders.gov.uk](mailto:dcconsultees@scotborders.gov.uk)

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Yours faithfully

Brian Frater

Service Director – Regulatory Services

## Consultation Response

I can provisionally advise that this application would appear to generate the following Development Contribution requirements. Official Consultation Responses providing definitive advice will be forthcoming in due course.

### **E & LL – Berwickshire High School**

£4,205 x 1 = £4,205

### **E & LL – Chirnside Primary School**

£2,990 x = £2,990

#### **Please note:**

- Waverley and E & LL contributions will be the subject of indexation on an annual basis with effect from 1 April and as per policy provision. The amount requiring to be paid will be derived from the relevant contribution rate in force at the point of settlement requirement.
- These contribution assessments are provisional and may be subject to change pending formal consultation with the relevant Service Providers and/or in the course of determination.

Whilst I am aware that this application comprises a renewal of 07/00577/OUT and for which a S75 Legal Agreement already exists, the new requirement for the Primary School extension, this not being reflected in the extant S75, precludes the re-assignment of the existing agreement. Consequently a fresh one require to be concluded.

I have written to the applicant with confirmation of this provisional contribution requirement and subsequently discussed the position with them. This will enable the instruction of a draft Legal Agreement when I receive a full response to my email dated 17/09/14.

*Jon Bowie*  
*Development Negotiator*

**Brian Frater**  
Service Director Regulatory Services

To: Head of Planning and Building Standards  
F.A.O. Lucy Hoad  
From: **Built & Natural Heritage**  
Contact: Mike Marsh Ext. 6509 Ref: 14/00997/PPP Date: 22/09/14

## PLANNING CONSULTATION

To: Rights Of Way Officer  
From: Development Management Date: 16th September 2014  
Contact: Lucy Hoad ☎ 01835 825113 Ref: 14/00996/PPP

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 7th October 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 7th October 2014, it will be assumed that you have no observations and a decision may be taken on the application.

**Name of Applicant:** G Drummond

**Agent:** N/A

**Nature of Proposal:** Erection of dwellinghouse  
**Site:** Plot A Chirside Station Chirside Scottish Borders

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### OBSERVATIONS OF: Rights Of Way Officer

## CONSULTATION REPLY

### ACCESS OFFICER REPLY:

Thank you for your request to receive an outdoor access consultation response. You should note the following:

### LEGISLATION

National Access Legislation

It is the duty of local authority to uphold access rights, under the *Land Reform (Scotland) Act 2003*, in doing so, to protect and keep open and free from obstruction or encroachment any route, waterway or other means by which access rights may reasonably be exercised.

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

## COMMENTS

According to our records, as outlined on the enclosed plan, there are no known Core Paths / Promoted Paths / Rights of Way that are directly affected by this proposal.

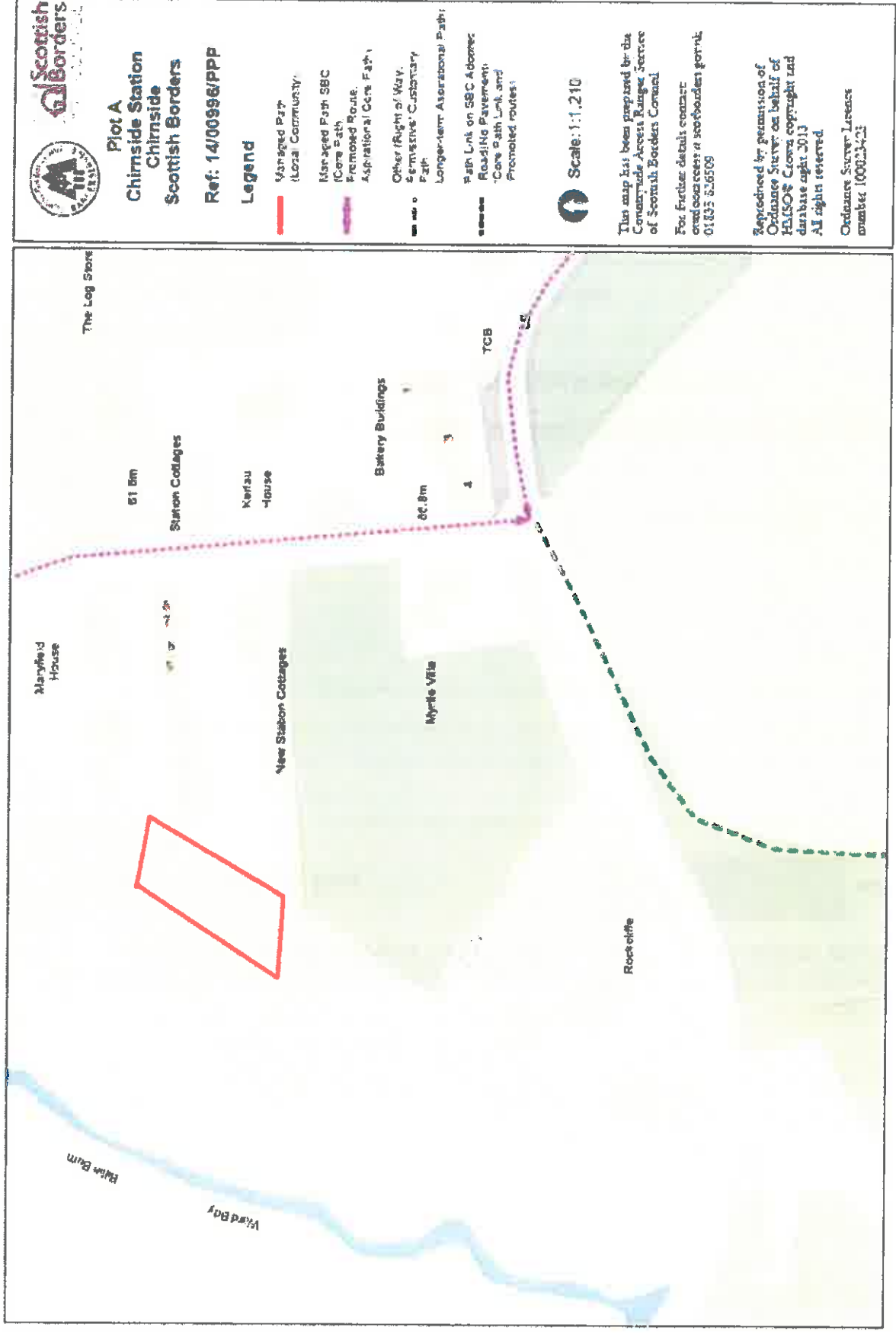
Core Path 88 (CHIR/88/12) utilises the public roadway that passes to the east and route DUNS/asp/3 to the south. It should be noted that both these routes form part of the promoted route known as the David Hume Walk.

Please also note that further consultation should be sought from the relevant officer regarding Local Plan Policies: Safeguarding Former Railway Routes, and Green Networks.

The Access Team have no objections to make regarding this proposal. However the following condition should apply:

Both pathways, as indicated above 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 property (*as outlined in this application*).

Reason: To protect general rights of responsible access.



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Officer Lucy Hoad  
☎ 01835 825113  
Our Ref : 14/00996/PPP

Date : 16th September 2014

**NAME OF APPLICANT:** G Drummond  
**NATURE OF PROPOSAL:** Erection of dwellinghouse  
**SITE:** Plot A Chirnside Station Chirnside Scottish Borders

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

**REQUEST FOR OBSERVATIONS OF: Chirnside Community Council**

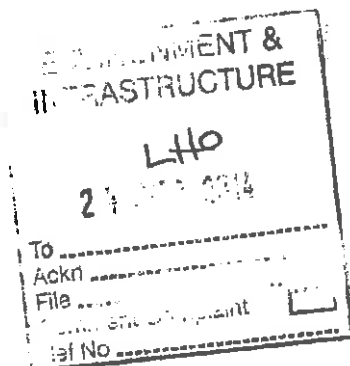
*No objection to this application*

Signed:



Reply Date: 21-9-14.

**PLEASE RETURN TO [PRS@SCOTBORDERS.GOV.UK](mailto:PRS@SCOTBORDERS.GOV.UK) OR REGULATORY SERVICES, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, MELROSE, TD6 OSA**



Council Headquarters, Newtown St Boswells, MELROSE, Scottish Borders, TD6 OSA

[www.scotborders.gov.uk](http://www.scotborders.gov.uk)

Visit <http://eplanning.scotborders.gov.uk/online-applications/> to view Planning Applications online

Scottish Borders Council

Regulatory Services – Consultation reply

<b>Planning Ref</b>	<b>14/00996/PPP</b>
<b>Uniform Ref</b>	<b>14/01848/PLANCO</b>
<b>Proposal</b>	<b>Erection of dwellinghouse</b>
<b>Address</b>	<b>Plot A Chirside Station, Chirside, Scottish Borders</b>
<b>Date</b>	<b>18 September 2014</b>
<b>Amenity and Pollution Officer</b>	<b>Graham Drummond</b>
<b>Contaminated Land Officer</b>	<b>Gareth Stewart – See Comments Below</b>

**Amenity and Pollution**

Assessment of Application

The application refers to proposed erection of a dwellinghouse on plot A at Chirside station near Chirside. The land forms part of a disused railway line and lies to the north of Allstrom Paper Mill. There could be potential for periodic odour nuisance associated with emissions from the paper mill which could impact upon the proposed development, however, there are other similarly located dwellings in the vicinity.

**Recommendation**

Agree with application in principle, subject to conditions.

**Condition : The means of water supply and of both surface water and foul water drainage to be submitted for the approval of the Planning Authority.  
Reason: to ensure the site is adequately serviced.**

**Contaminated land**

Assessment of Application

The above application appears to be proposing the redevelopment of land which previously operated as railway land and formed a cutting for running lines, this cutting may have been infilled. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose.

It is therefore recommended that planning permission should be granted on condition that development is not permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority.

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

The attached standard condition may be helpful in this respect

## 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 / Informative Note~~

## Conditions

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

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

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

and thereafter

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

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

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



## **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: 06 November 2015  
Ref: 14/00996/PPP

## **PLANNING CONSULTATION**

**Name of Applicant:** G And R Drummond

**Agent:** N/A

**Nature of Proposal:** Erection of dwellinghouse  
**Site:** Plot A Chirside Station Chirside 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 Chirside 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.

## PLANNING CONSULTATION

To: Forward Planning Section

From: Development Management

Date: 10th October 2014

Contact: Lucy Hoad ☎ 01835 825113

Ref: 14/00996/PPP

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 31st October 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 31st October 2014, it will be assumed that you have no observations and a decision may be taken on the application.

**Name of Applicant:** G Drummond

**Agent:** N/A

**Nature of Proposal:** Erection of dwellinghouse

**Site:** Plot A Chirside Station Chirside Scottish Borders

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**OBSERVATIONS OF:** Forward Planning Section

## CONSULTATION REPLY

Three separate applications have been submitted on adjoining areas of land at Chirside Station. All applications raise a number of similar issues collectively and it is therefore suggested that they should all be considered at the same time.

The applications are as follows :

14/00995/PPP Residential development Land South Of New Station Cottages (renewal of previous consent 07/02424/OUT. Approved 21.10.2011. There is a condition which limits the number of houses to a maximum of 10 units)

14/00996/PPP Erection of dwellinghouse Plot A Chirside Station (Renewal of 07/00577/OUT Approved 21.10.2011)

14/00997/PPP Erection of dwellinghouse Plot D Former Railway Line (renewal of previous consent 07/01914/OUT Approved 21.10.2011)

In normal circumstances renewals of planning consents are straightforward but such renewals can never automatically be considered to be fait accomplis. On proposals to renew planning approvals consideration must be given as to whether or not there has been a change in policy or circumstances.

The original approvals were granted at a time when policy D2 - Housing in the Countryside within the approved consolidated Local Plan 2005 (finalised) was in place and was the determining policy. In essence this policy sought to establish in the first instance whether or not there is an existing building group within the area of at least 3no buildings, and if so, what would be an acceptable addition to the group. The policy stated that any addition to a building group should not exceed 100% of the existing building group. Each application was dealt with on a case by case basis. It is noted ultimately all three applications were considered in compliance with the policy in the finalised Plan and all were approved with an overall total number of 12no units which was considered an appropriate extension to the building group.

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When the next Local Plan was being considered an issue raised to be addressed related to the concern that some building groups had been extended significantly to a degree whereby the existing building group had become saturated and had lost its identity due to excessive new build additions to the group. Consequently it was agreed that a tangible upper limit to any extension should be laid down within the new policy which effectively gave some control as to what extent a building group could be extended.

Ultimately the consolidated Local Plan 2011 was adopted stating that any recognised building group could be extended by 2no houses or 30% of that building group, whatever was the greater. Consequently these 3no planning applications must be considered under this Housing in the Countryside policy currently in force.

It is understood that the current building group at Chirside Station is 28no houses. In keeping with the requirements of policy D2 in the consolidated Plan 2011 this would allow an extension of a maximum 8 no new houses. This is obviously less than the overall number approved initially.

How to decide how and where these approvals should be allowed will ultimately be down to Development Management's consideration of what are the most appropriate plots. Such consideration should include taking cognisance of what is considered to be the outer limits of the building group defined by any definitive boundary on the western side of the site plus any other material consideration.

However, if I could give some advice it would appear that application ref 14/00995/PPP is more within the core of the building group and consequently relates better to it. Significantly, there is an issue with applics 14/00996/PPP and 14/00997/PPP in that they are on the route of the former railway line. Whilst I am aware they've previously had planning consent as well as a proposal also on the line to the north (ref 05/01042/REM which it has apparently been considered that the consent has been partly implemented and is therefore live) there is an issue with safeguarding former railway routes. Policy EP12 of the proposed Local Development Plan 2013 relates to Green Networks. This policy identification includes the Former Railway Network which can be viewed on the second policy map at the beginning of Volume 2 of the plan which incorporates the route in question. Policy EP12 in essence seeks to protect these routes for potential future walking, cycling or recreational purposes (or future potential rail). Although the proposed Plan is currently subject to Examination by Independent Reporters, no objections have been raised to this particular policy and therefore it is consequently a material consideration to the development management process.

Consequently I would suggest that the 8no units are approved within application ref 14/00995/PPP and that applications 14/00996PPP and 14/00996/PP are refused. Whilst I obviously have sympathy with the applicants in that there have been previous consents issued with set numbers of approved houses, the applications must be judged on current policy and considerations. Ultimately the determination of these applications cannot be made on the interests of the individual applicants, but as an overview as to what is considered the most appropriate development which complies with current relevant policy.

13/11/14

# REGULATORY SERVICES



To: **Development Management Service**  
**FAO Lucy Hoad**

Date: **22 Oct 2014**

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

Ext: **6663**

Ref: **14/00996/PPP**

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**Subject: Erection of Dwellinghouse**  
**Plot A, Chirnside Station, Chirnside**

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My comments on the previous application (07/00577/OUT) are still applicable and I have copied them below for your information:

*Although I have no objection to this application in principle, I would request that the detailed design of the site includes parking and turning for a minimum of two vehicles, not including any garage. This must be provided and retained in perpetuity within the curtilage of the property.*

In addition, the means of accessed to be agreed at detailed design stage.

DJI

**List of Policies**

**Local Review Reference:** 15/00023/RREF  
**Planning Application Reference:** 14/00996/PPP  
**Development Proposal:** Erection of Dwellinghouse  
**Location:** Plot A Chirnside Station, Chirnside  
**Applicant:** G Drummond

**SESplan Strategic Development Plan 2013**

Policy 8 - Transportation

The Local Planning Authorities in collaboration with Transport Scotland and SEStran will support and promote the development of a sustainable transport network. Local Development Plans will:

- a. Ensure that development likely to generate significant travel demand is directed to locations that support travel by public transport, foot and cycle;
- b. Ensure that new development minimises the generation of additional car traffic, including through the application of mode share targets and car parking standards that relate to public transport accessibility;
- c. Relate density and type of development to public transport accessibility;
- d. Consider the need for additional rail freight facilities and when considering sites for development that would generate significant freight movements, require the potential for rail freight to be investigated;
- e. Consider the potential for expanded port capacity in the Firth of Forth and the cross-boundary implications this may have;
- f. Take account of the cross-boundary transport implications of all policies and proposals including implications for the transport network outwith the SESplan area;
- g. Ensure that the design and layout of new development demonstrably promotes non-car modes of travel; and
- h. Consider the merits of protecting existing and potential traffic-free cycle and walking routes such as disused railways affected by any development proposal.

Policy 11 – Delivering the Green Network

The Strategic Development Plan supports the creation of a strategic Green Network including the Central Scotland Green Network and the Scottish Borders Green Network. Local Development Plans will identify opportunities to contribute to the development and extension of the Green Network and mechanisms through which they can be delivered. In addition, they should have regard to the following principles:

- The form, function, development and long term maintenance of the Green Network should be considered as an integral component of plan-making and place-making, and should be incorporated from the outset;
- Connectivity across boundaries at a variety of spatial scales should be secured: between local authority boundaries in Local Development Plans; between master plans and their surrounding areas; between proposed new strategic development sites and existing communities and neighbourhoods; and between individual sites and neighbouring proposed and existing communities;
- Major developments in the SESplan area should contribute positively to the creation, maintenance and enhancement of the green network; and
- Multi-functional Green Networks should be developed that optimise the potential of components of the network to deliver a range of economic, social and environmental benefits.

### **Consolidated Scottish Borders Local Plan 2011:**

#### 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 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 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 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 sewered 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.

**Proposed Local Development Plan 2013** (incorporating proposed changes recommended by Reporter where applicable)

Policy HD2: Housing in the Countryside

The Council wishes to promote appropriate rural housing development:

- a) in village locations in preference to the open countryside where permission will only be granted in special circumstances on appropriate sites,
- b) associated with existing building groups where this does not adversely affect their character or that of the surrounding area, and
- c) in dispersed communities in the Southern Borders housing market area.

These general principles in addition to the requirement for suitable roads access will be the starting point for the consideration of applications for housing in the countryside, which will be supplemented by Supplementary Planning Guidance / Supplementary Guidance on New Housing in the Borders Countryside and on Placemaking and Design.

**(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:

- a) 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,
- b) 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,
- c) 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.

In addition, where a proposal for new development is to be supported, the proposal should be appropriate in scale, siting, design, access, and materials, and should be sympathetic to the character of the group.

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 Development Plan period. This will include those units under construction or nearing completion at that point.

**(B) Dispersed Buildings 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 that meet the above criteria may be approved provided that:

- a) the Council is satisfied that the site lies within a recognised dispersed community in the Southern Borders housing market area,
- b) 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,
- c) the design of housing will be subject to the same considerations as other types of housing in the countryside proposals.

#### (C) Conversions of Buildings to a House

Development that is a change of use of a building to a house may be acceptable provided that:

- a) the Council is satisfied that the building has architectural or historic merit, is capable of conversion and is physically suited for residential use,
- b) 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
- c) the conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

#### (D) Restoration of Houses

The restoration of a house may also be acceptable provided that the walls of the former residential property stand substantially intact (normally at least to wallhead height). In addition:

- a) the siting and design reflects and respects the historical building pattern and the character of the landscape setting,
- b) any proposed extension or alteration should be in keeping with the scale, form and architectural character of the existing or original building, and
- c) significant alterations to the original character will only be considered where it can be demonstrated that these provide environmental benefits such as a positive contribution to the landscape and/or a more sustainable and energy efficient design.

#### (E) Replacement Dwellings

The proposed replacement of an existing house may be acceptable provided that:

- a) the siting and design of the new building reflects and respects the historical building pattern and the character of the landscape setting,
- b) the proposal is in keeping with the existing/original building in terms of its scales, extent, form and architectural character,
- c) significant alterations to the original character of the house will only be considered where it can be demonstrated that these provide environmental benefits such as a positive contribution to the landscape and /or a more sustainable and energy efficient design.

#### (F) Economic Requirement

Housing with a location essential for business needs may be acceptable if the Council is satisfied that:

- a) 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
- b) 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
- c) 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
- d) no appropriate site exists within a building group, and
- e) there is no suitable existing house or other building capable of conversion for the required residential use.

In ALL instances in considering proposals relative to each of the policy sections above, there shall be compliance with the Council's Supplementary Planning 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 PMD2: Quality Standards

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:

##### Sustainability

- a) 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 such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology,
- b) it provides digital connectivity and associated infrastructure,
- c) it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance,
- d) it encourages minimal water usage for new developments,
- e) it provides for appropriate internal and external provision for waste storage and presentation with, in all instances, separate provision for waste and recycling and, depending on the location, separate provision for composting facilities,
- f) 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,
- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

### Placemaking & Design

- h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
- i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
- j) 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,
- k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
- l) it can be satisfactorily accommodated within the site,
- m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
- n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

### Accessibility

- o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,
- p) it incorporates, where required, access for those with mobility difficulties,
- q) it ensures there is no adverse impact on road safety, including but not limited to the site access,
- r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,
- s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

### Greenspace, Open Space & Biodiversity

- t) It provides meaningful 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,
- u) 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.

Developers are required to provide design and access statements, design briefs and landscape plans as appropriate.

### Policy HD3 – 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:

- a) the principle of the development, including where relevant, any open space that would be lost; and
- b) 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, loss of privacy and sunlighting provisions. 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 IS2: Developer Contributions

Where a site is otherwise acceptable in terms of planning policy, 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 partial contribution towards the cost of addressing such deficiencies.

Contributions may be required for one or more of the following:

- a) treatment of surface or foul waste water in accordance with the Plan's policies on preferred methods (including SUDS maintenance);
- b) provision of schools, school extensions or associated facilities, all in accordance with current educational capacity estimates and schedule of contributions;
- c) off-site transport infrastructure including new roads or road improvements, Safer Routes to School, road safety measures, public car parking, cycle-ways, bridges and associated studies and other access routes, subsidy to public transport operators; all in accordance with the relevant standards and the provisions of any Travel Plan;
- d) leisure, sport, recreation, play areas and community facilities, either on-site or off-site;
- e) landscape, open space, allotment provision, trees and woodlands, including costs of future management and maintenance;
- f) 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;
- g) 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; provision of street furniture and digital connectivity with associated infrastructure.

Wherever possible, any requirement to provide developer contributions will be secured by planning condition. Where a legal agreement is necessary, the preference for using an agreement under other legislation, for example the 1973 Local Government (Scotland) Act and the 1984 Roads (Scotland) Act will be considered. A planning obligation will only be necessary where successors in title need to be bound by its terms. Where appropriate, the council will consider the economic viability of a proposed development, including possible payment options, such as staged or phased payments.

### Policy IS5 – Protection of Access Routes

Development that would have an adverse impact upon an access route available to the public will not be permitted unless a suitable diversion or appropriate alternative route, as agreed by the Council, can be provided by the developer.

### Policy IS6 – Road Adoption Standards

On non trunk roads new roads, footpaths and cycleways within developments must be provided and constructed in accordance with the Council's adopted standards to secure Road Construction Consent, with the exception of development which can be served by a private access.

### Policy IS7 – Parking Provision and Standards

Development proposals should provide for car and cycle parking in accordance with approved standards.

Relaxation of technical standards will be considered where appropriate due to the nature of the development and/or if 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 seeking additional public parking provision, in the context of policies to promote the use of sustainable travel modes.

### Policy IS9 - Waste Water Treatment Standards and Sustainable Urban Drainage

#### Waste Water Treatment Standards

The Council's preferred method of dealing with waste water associated with new development will be, in order of priority:

- a) direct connection to the public sewerage system, including pumping if necessary, or failing that:
- b) 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:
- c). agreement with Scottish Water and SEPA where required 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:
- d) for development in the countryside i.e. not within or immediately adjacent to publicly sewered areas, the use of private sewerage treatment may be acceptable, 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 sewage treatment system will normally be refused unless exceptional circumstances prevail and the conditions in criteria d above can be satisfied,

Development will be refused if:

- a) it will result in a proliferation of individual septic tanks or other private water treatment infrastructure within settlements,
- b) it will overload existing mains infrastructure or it is impractical for the developer to provide for new infrastructure.

#### Sustainable Urban Drainage

Surface water management for new development, for both greenfield and brownfield sites, must comply with current best practice on sustainable urban drainage systems to the satisfaction of the council, Scottish Environment Protection Agency (where required), Scottish Natural Heritage and other interested parties where required. 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. 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 EP12: Green Networks

The Council will support proposals that protect, promote and enhance the Green Space Network.

Where a proposal comes forward that will result in a negative impact on the natural heritage, greenspace, landscape, recreation or other element of a Green Network, appropriate mitigation will be required.

Where infrastructure projects or other developments are required that cross a Green Network, such developments must take account of the coherence of the Network. In doing this, measures which allow access across roads for wildlife, or access for outdoor recreation will be required.

#### **Other Material Considerations**

SBC Supplementary Planning Guidance: New Housing in the Borders Countryside 2008  
Planning Advice Note 65 : Planning and Open Space 2008

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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 : 14/01282/FUL**

**To : Park Resorts Ltd per GVA Hotels & Leisure Per Rachel Whaley 1St Floor City Point 29 King Street Leeds LS1 2HL**

With reference to your application validated on **21st November 2014** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Change of use of land to form extension to existing holiday park**

**at : Land South West Of Northburn Caravan Park Pocklaw Slap Eyemouth Scottish Borders**

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

**Dated 24th July 2015  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

A handwritten signature in black ink, appearing to be "D. H.", written over a horizontal line.

Signed .....  
**Service Director Regulatory Services**

**APPLICATION REFERENCE : 14/01282/FUL****Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
3487- 310	Block Plans	Refused
3487-300	Location Plan	Refused
3487 -320 A	Site Plan	Refused
3487- 315	Sections	Refused

**REASON FOR REFUSAL**

- 1 The proposals would be contrary to policy H3 of the Consolidated Local Plan in that the proposed change of use of land would result in the loss of allocated housing land which is required to meet the housing land requirement for the Berwickshire Housing Market Area.
- 2 The proposal would be contrary Policy Inf3 of the Consolidated Local Plan in that the proposed development would give raise to road safety concerns with additional traffic to the park requiring to access residential streets rather than utilising the existing park entrance and access route.

**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.



Chief Executive

Notice of Review

15 OCT 2015

Democratic Services

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: Please read and follow the guidance notes provided when completing this form.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name: PARK RESORTS LTD
Address: CHARTER COURT, MIDLAND ROAD, HEMEL HEMPSTEAD
Postcode: HP2 5GE
Contact Telephone 1:
Contact Telephone 2:
Fax No:
E-mail\*:

Agent (if any)

Name: RACHEL WHALEY
Address: BILFINGER GVA, 1st floor CITY POINT, 29 KING STREET, LEEDS
Postcode: LS1 2HL
Contact Telephone 1: 0113 280 8091
Contact Telephone 2: 07919 326390
Fax No:
E-mail\*: rachel.w haley@gva.co.uk

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



Yes No
[checked] [ ]

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

Planning authority: SCOTTISH BORDERS

Planning authority's application reference number: 16/01282/FUL

Site address: LAND SOUTH WEST OF NORTHBURN CARAVAN PARK, ROCKLAW SLAL, EYE MOUTH

Description of proposed development: CHANGE OF USE OF LAND FOR SITING 23 MOBILE HOMES (EXTENSION TO HOLIDAY PARK)

Date of application: 21.11.2014 Date of decision (if any): 29.07.2015

**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:

Further submissions are necessary to clarify the nature of park home development. A Hearing session is requested to allow the issue to be properly discussed, giving the applicant opportunity to clarify any mis understandings and the Council opportunity to Site Inspection Request clarification on points relating to the nature of park home operation.

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:

\* Subject to notifying the applicant access could be gained from within the holiday park if required.



**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 submitted statement and appendices -

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.

**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.

- Statement

Appendix 1 - park home brochures

Appendix 2 - GVA letter 18<sup>th</sup> february

Appendix 3 - amended site plan (access)

**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

*M. Kelly*

Date

12.10.2015



GVA  
First Floor,  
City Point,  
29 King Street,  
Leeds  
LS1 2HL

## Statement

**In support of S43 (A) Notice of Review  
against refusal of planning application  
14/01282/FUL**

**Applicant: Park Resorts Ltd**

**Site: Land at Eyemouth Holiday Park,  
Pocklaw Slap, Eyemouth**

[gva.co.uk](http://gva.co.uk)

Prepared by *Rachel Whaley*      Status: Associate .....Date: 26 08 2015

**For and on behalf of Bliffinger GVA - Retail, Hotels and Leisure**

## CONTENTS

1.	INTRODUCTION.....	4
2.	APPLICATION SITE AND PROPOSALS.....	5
3.	REASONS FOR SEEKING A REVIEW .....	6
4.	MATTERS THE APPLICANT WISHES TO BE TAKEN INTO ACCOUNT .....	7
5.	SUMMARY.....	12

### Appendices

1. Manufacturer's brochures of park home and lodge styles
2. Letter dated 18<sup>th</sup> February 2015 in response to consultee comments
3. Copy of amended plan 3487-320A

## 1. Introduction

- 1.1 Bilfinger GVA has been instructed by Park Resorts Ltd., owners and operators of Eyemouth Holiday Park, to submit a Notice of Review - in accordance with S43 (A) of the Town and Country Planning Act (Scotland) 1997 - to the Scottish Borders Council in relation to their planning application ref. 14/01282/FUL which was refused on 24<sup>th</sup> July 2015.
- 1.2 The proposal description on the application as submitted was for "change of use of land for siting 23 residential mobile homes" but the proposal description used by the Council and stated on the refusal notice is "change of use of land to form extension to holiday park".
- 1.3 Also the application site is referred to in the submitted documents as Eyemouth Caravan Park but the site description used by the Council and stated on the refusal notice is "land south-west of Northburn Caravan Park", a reference to the original name of the holiday park.
- 1.4 Planning application 14/01282/FUL was refused for the following reasons:
  - i) *The proposals would be contrary to Policy H3 of the Consolidated Local Plan in that the proposed change of use would result in the loss of allocated housing land which is required to meet the housing land requirements for the Berwickshire Housing Market Area.*
  - ii) *The proposal would be contrary to Policy Inf3 of the Consolidated Local Plan in that the proposed development would give rise to road safety concerns with additional traffic to the park requiring to access residential streets rather than utilising the existing park entrance and access route.*
- 1.5 This Statement is submitted in support of the Notice of Review to set out the reasons why the applicant is seeking a review; the matters the applicant wishes to be taken into account in determining the review, and to provide any further clarification or evidence they consider necessary to assist in those matters being properly taken into account.

## 2. Application site and Proposals

- 2.1 A full description of the site context and details of the development proposals is set out in the Planning Statement submitted with the planning application.
- 2.2 The site is currently allocated as a housing site (BEY1) immediately south of the holiday park and within the same ownership. Despite repeated marketing exercises and renewal of the outline housing consent, efforts to sell the site on with planning permission for housing have failed. The site has been allocated for housing for over 20 years and yet still remains undeveloped.
- 2.3 There is continued demand for holiday caravans in this location but the Council advised the applicant that planning permission for siting holiday caravans on this allocated site would only be granted for a very short term temporary period of around 5 years.
- 2.4 Such a short term approach is not viable commercially and so the applicant proposed to develop the site with residential standard lodges that can be sold as permanent homes under the Mobile Homes Act. This would allow Park Resorts to operate the site as part of their existing caravan park whilst maintaining the residential status of the site in planning terms and ensuring it can contribute towards local housing provision. They already operate another site in this way at Breydon Water, Norfolk where the park has two distinct areas, the holiday park and the mobile home park with 40 residential units on it.
- 2.5 As noted above, despite the application being very clearly submitted as an application for change of use of land for siting residential mobile homes, the proposal description used by the Council during determination referred to it simply as an extension to the holiday park. This may have led to some confusion amongst officers as to what the application was seeking.
- 2.6 For clarity, we wish to confirm that a residential mobile home meets the legal definition of a caravan (as set out in the Caravan Sites and Control of Development Act 1960 and Caravan Sites Act 1968). As a residential caravan rather than a holiday caravan it must be designed to higher specification (BS 3632) to ensure it is suitable for year round habitation. As a mobile home it is sold under a residential licence agreement (between the home owner and the park owner) in accordance with the Mobile Homes

Act, rather than under a holiday licence agreement. Residential mobile homes operate under a separate Residential Caravan Site Licence issued by the local authority which imposes higher standards of site layout than on a typical holiday site licence.

- 2.7 There are also a number of different terms within the mobile home industry, with many higher specification units (whether for holiday or residential use) referred to as lodges. It is also common on residential caravan parks for the mobile homes to be referred to as park homes and the sites marketed as park home estates. Park homes also meet the definition of a caravan (being a mobile home) but have a design and external finish more like a bungalow in appearance, often with brick skirts and steps rather than the trellis skirting and Canexel balcony/finber decking more commonly associated with holiday lodges and caravans.
- 2.8 Park homes (or mobile homes) already make a significant contribution to the housing stock across the UK. There are currently around 2000 licensed park home estates across the UK providing approximately 100,000 park homes. Around ¼ million people live in these park homes. According to the National Caravan Council around 2000 new park homes are manufactured for the UK market each year.

### 3. Reasons for seeking a Review

- 3.1 The applicant is seeking a Review of the decision for the following reasons:
- i) Officers have not fully understood the proposal as submitted. In particular they have not understood the way in which residential mobile home parks operate. This has led them to conclude that the proposal as submitted cannot deliver housing on the site.*
  - ii) Officers have not taken into account the additional information, including amended plans, provided by the applicant to address the comments of the highways department in respect of access to the site. The refusal reason based on Policy Inf3 is therefore unsound.*



## 4. Matters the Applicant wishes to be taken into account

- 4.1 This section sets out the matters the applicant wishes the Local Review Body to take into account when reviewing the decision. Some relate to the details submitted with the application originally and others relate to the further clarification provided to the Council on certain matters during determination of the application. As noted above, the applicant considers certain matters have been misunderstood and/or not properly taken into account by officers.

### Current Status of the Housing Allocation

- 4.2 The site has been allocated in the Local Plan for housing since the 1980s in the former Berwickshire Local Plan. We note that in 2005 the Council actually proposed to take the allocation out of their new Scottish Borders Local Plan at that time on the grounds that no housing development had come forward so it was not deemed necessary. The applicant owned the site at that time and submitted representations to retain the land as an allocated housing site.
- 4.3 The applicant has submitted applications for outline housing permission originally granted in 2007 has since renewed the consent in 2010. The site has been actively marketed for housing development since 2007 when the original outline permission was granted and a fresh marketing exercise was launched at the time the consent was being renewed. This included a new marketing board on site, details circulated to local agents and listings in numerous property websites (EGi, GVA, Focus/Scottish Property Network and Nova Local). To date no interest has been received from developers to take the site forward for housing.

### The role of Mobile Homes in delivering housing supply

- 4.4 As noted above, mobile homes are residential caravans, in that they meet the legal definition of a caravan. However, they are designed and licensed for permanent residential occupation, typically in the form of lodge style unit or a park home which has more of a bungalow appearance. Details of a typical lodge style and park home unit (including floor plans) are attached as **Appendix 1**

- 4.5 As referenced in para. 2.8 mobile or park homes make a significant contribution to the housing stock across the UK. Mobile homes provide low cost market housing, similar to two/three bedroom bungalows in layout and appearance, however they sell for substantially less than similar bricks and mortar properties in the same housing market area. Modern mobile homes are built to the same exacting high standards as the latest high quality bricks and mortar houses. Developing low cost market housing on the application site will help the Council to deliver a diverse mix of housing type across the district.
- 4.6 Including mobile homes within the housing mix for the area is particularly important when considering the housing needs of the elderly. Mobile homes are particularly popular with older people due to their smaller property size, easier single storey living (i.e. lack of stairs) and the significantly lower purchase price which enables elderly and retired people to realise their existing property assets and release capital whilst at the same time freeing up the stock of larger family housing available on the open market.
- 4.7 In responding to this application the Forward Planning Section raised a number of queries which indicate that officers do not fully appreciate how the mobile home market works. The applicant provided a detailed response to this in a letter dated 18<sup>th</sup> February 2015 and is concerned this has not been fully taken into account. A copy of the letter submitted is attached as **Appendix 2**.
- 4.8 In their comments Forward Planning suggest that because the units are mobile homes they can only be considered as a temporary housing solution. Officer raised concerns that there would be no control over occupancy of the homes and they could be occupied as short stay holiday accommodation in keeping with the rest of the holiday park. Officer also queried why they would remain as part of the caravan park if they were intended to be occupied as permanent housing.
- 4.9 As mobile homes they would be operated in the same way that holiday homes are on a caravan park, in that the owners purchase the mobile home and pay pitch fees to the caravan park operator who owns the land. It is quite common for caravan parks to operate holiday and residential caravans on the same site. Indeed, Park Resorts already operate another of their parks in this way at Breydon Water, Norfolk. In this instance residents would then have the benefit of the facilities on the caravan park as well as in the town.

4.10 However, as mobile homes (ie. residential not holiday) these would be sold under a Residential Licence Agreement. This requires the purchaser to confirm that the mobile home is to be occupied as their permanent residence. As such residents are protected under the Mobile Homes Act 1983, which gives statutory rights of occupation for their lifetime and that of their spouse/dependents.

4.11 So occupants of the mobile homes cannot use it as a holiday or second home and the park operator cannot suddenly decide to revert to holiday use on that part of the site and render people homeless. So in actual fact the development of mobile homes on the site will give far greater security in terms of homes being occupied permanently and therefore meeting the local housing need in the area. By comparison there would be no control over built housing to prevent the dwellings being purchased as second or holiday homes, other than the 3 units that were to be provided as affordable housing.

The suggested temporary use of the site for holiday caravans is not viable

4.12 Pre-application advice suggested that planning permission may be granted for siting holiday caravans for a temporary period of 5 years or so. This would not be a viable option due to the development costs involved and the expected lifetime of a holiday caravan of at least 30 years. Purchasers wishing to buy a holiday home would not do so on the basis of a 5 year lease. It would not be commercially viable for the applicant to run this part of the site as hire fleet (ie retaining ownership and letting out for holidays) as 5 years is not long enough to achieve a return on the development costs, including initial purchase of the holiday caravans.

4.13 As noted above, operating a residential caravan site with mobile homes does provide a permanent housing solution. It should also be borne in mind that long-term either all or part of the site could still be developed for built housing in the future.

The applicant has provided a satisfactory access solution for the development

4.14 The Roads Planning Service response also suggests some confusion over the application description, suggesting that vehicular access to the site would be better served from within the existing holiday park.

4.15 The application is for residential development, in the form of mobile homes. The application noted the concerns of residents in relation to the proposed access from

Barefoots Avenue. An amended plan was therefore submitted with the letter of 18<sup>th</sup> February – drawing ref. 3487-320A. A copy is attached as **Appendix 3**.

- 4.16 The amended plan shows vehicular access coming from the west off Pocklaw Slap. The outline permission for housing on the application site was approved with main vehicular access coming off Pocklaw Slap to serve 20 dwellings. This is noted in the response from Roads Planning Services.
- 4.17 As planning permission for housing has already been approved on the application site with vehicular access coming off Pocklaw Slap there can be no objection to the proposal as amended on highway grounds. There is no requirement for residents of the mobile homes to access their homes via the holiday park. Pedestrian access between the existing holiday park and the application site would be maintained. The principle of residential development accessing the site from Pocklaw Slap is already established for a similar scale of development. The refusal reason based on Inf3 citing road safety concerns is therefore unsound.

Refusal of the application leaves the site sterile

- 4.18 Refusal of the application leaves the land sterile. The applicant has marketed the site for over 7 years and there has been no interest from a buyer to develop housing. The applicant cannot obtain planning permission for an alternative use of siting holiday caravans which would be of benefit to the local economy, due to it being allocated for housing.

This proposal for siting mobile homes is the ideal solution as it retains the site in residential use providing low cost market housing that can be delivered by the applicant and managed in conjunction with their existing holiday caravan site.

Support for the proposal from neighbours and the community council

- 4.19 It is clear from the comments received by neighbours that there is a strong preference for the single storey accommodation proposed compared to the two-storey dwellings approved under the outline consent. The main concern raised by neighbours was in relation to the proposed vehicular access off Barefoots Avenue. The access arrangements have now been amended so this is no longer a concern.

4.20 Picking up on the comments of neighbours the community council also support the application.

## 5. Summary

5.1 In seeking a review of the officers' decision to refuse this application, the applicant considers that proposal for siting 23 mobile homes should be approved for the following reasons:

- The proposed development is entirely in accordance with the site's allocation for housing. The proposed scheme will provide 23 permanent homes at lower cost than built housing. This is a greater number than the 20 houses referred to in the outline consent. The homes in this proposal will all be used as a person's main residence in accordance with the requirements of the Mobile Homes Act 1983 whereas the dwellings built under the outline housing consent could be sold as second or holiday homes and not occupied by people with a genuine housing need in the area. The proposal therefore makes a greater contribution to the housing needs of the Berwickshire Housing Market Area.
- This housing can be delivered now as the applicant is in a position to commence development straight away and operate the mobile homes in conjunction with their existing holiday park. This is something they already have experience of operating on one of their other parks. It is evident from the length of time the site has been on the market with no interest from developers that built housing on this site will not be delivered in the foreseeable future.
- The local community council and neighbours have expressed a strong preference for the single storey accommodation proposed in this scheme rather than the two-storey housing that would be built under the outline housing consent. This is an important material consideration.
- The principle of providing vehicular access from Pocklaw Slap to the application site to serve residential development is already established through the granting of the outline housing consent so there should be no objection on highway grounds to the proposed access arrangements shown on the amended plans submitted during determination of the application.



## Appendix 1

### Park home brochure

[gva.co.uk](http://gva.co.uk)

# The Cardigan

Have you always imagined your own country cottage



The Cardigan is able to evoke memories of the cottages that are seen throughout the glorious British countryside

With feature beam ceilings, and inglenook fireplace, along with your very own range of oven to the kitchen. We have cleverly hidden the dishwasher and fridge freezer by integrating

them into your kitchen units retaining the feel of a country kitchen. The bathroom has a traditional roll top bath and feature tiled wall

The bedroom units have also been selected from our range to compliment the traditional styles. As always Stately-Aldon are able to accommodate your personal requirements



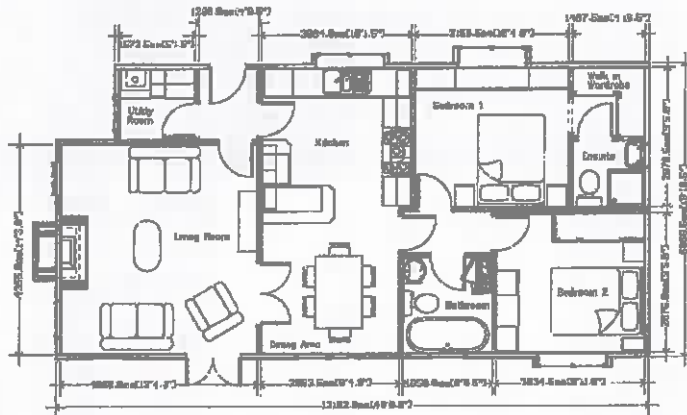


*The Cardigan Cottage is able to evoke memories of the traditional English country cottage.*

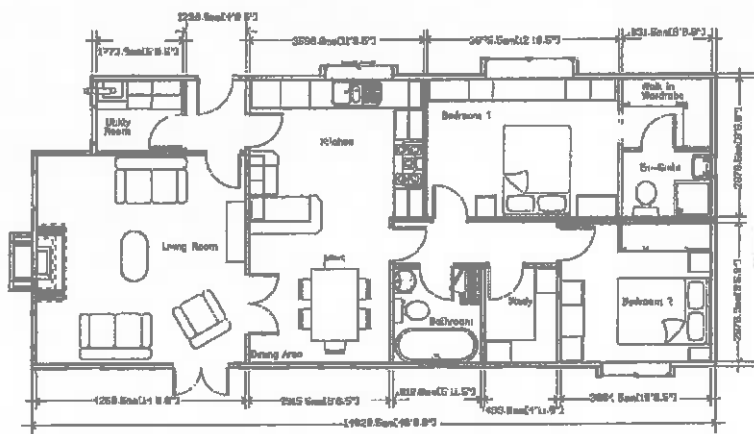




The Cardigan 40 x 20



The Cardigan 46 x 20



*An example layout, more layouts available upon request*



**Odyssey**  
model  
A long and  
successful  
adventurous journey.





# journey of a lifetime

The Odyssey has a charming appearance, with box bay windows and an overhanging roof, reminiscent of a quintessential rural home of North America.



a quality kitchen for creating appetising banquets

The contemporary spacious living room is flooded with light from the three remote controlled velux windows with remote blinds. The large picture windows and the French doors, create a real feeling of the outdoors in this comfortable home.

The dining area and kitchen are open plan to the living room and there are vaulted roofs in the lounge, kitchen and dining room which further enhance the feeling of space.

The well fitted kitchen also includes an integrated washer/dryer and a stylish tiled floor:



luxury furnishing for sophisticated dining



plenty of space to relax and unwind

create an elegant bedroom with bi-fold or walk-through wardrobes



master bedroom

# no stone left unturned



You create the perfect home to match your lifestyle, whether you want a luxurious bedroom to relax in or a bolt-hole to write that novel. Lissett will leave no stone unturned to help you create your dream home.



second bedroom

Dependent upon the size of the home you choose, you can have one or two bedrooms with a study or simply two bedrooms. The master bedroom could have either a walk-through wardrobe to an en suite or bi-fold robes and your second bedroom could have a sofa bed giving you the choice to match your lifestyle... perfectly.



# to complement your lifestyle



contemporary  
shower room

The Odyssey combines a unique exterior with a high quality, contemporary interior.

Synonymous with a North American Ridgewood style home, the Odyssey would ideally benefit from either decking or a patio for those who relish outdoor entertaining.

With the addition of chrome towel warmers in the bathroom and stainless steel switches to socket plates the attention to detail is second to none.

Lissett's unrivalled reputation and build quality are reflected throughout the entire range, as is certainly exemplified in the Odyssey, which is definitely a home to aspire to.

your choice  
of lifestyle



For the complete online brochure and to see Lissett Homes on location, visit

[www.lissetthomes.com](http://www.lissetthomes.com)



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York YO42 1NR  
Telephone: (01759) 302801  
Facsimile: (01759) 322159



This brochure forms no part of any contract and Lissett Residential reserves the right to make any changes to the specifications without prior notice. E.B.C.E.

Available in

13 72m x 6.15m (237' x 20'2")  
14 02m x 6.15m (46' x 20'2")  
14 83m x 6.15m (48' x 20'2")  
15 24m x 6.15m (50' x 20'2")  
max width of 6.71m (22')  
and even larger versions



## Appendix 2

GVA letter  
dated 18<sup>th</sup>  
February  
2015

[gva.co.uk](http://gva.co.uk)





RW06/2014/02B124540

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Leeds LS1 2HL

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18<sup>th</sup> February 2015

[gva.co.uk](http://gva.co.uk)

Scottish Borders Council  
Planning and Economic Development  
Council Headquarters  
Newton St Boswells  
Melrose  
TD6 0SA

Dear Lucy,

**PARK RESORTS - EYEMOUTH HOLIDAY PARK  
PLANNING APPLICATION FOR CHANGE OF USE FOR SITING 23 RESIDENTIAL MOBILE HOMES  
14/01282/FUL**

Further to our recent conversation and your email of 5<sup>th</sup> February I wish to address the comments raised by consultees prior to final determination of this application.

Firstly, there seems to be some confusion amongst consultees as to what our client was applying for. We note much of the consultation refers to the proposal as "Change of use of land to form extension to existing holiday park", whereas our submitted application was clearly for "Change of use of land for siting 23 residential mobile homes".

To confirm, our client's intention with this application is to obtain planning permission for the siting of residential mobile homes that can be used as persons' sole or main residence, as opposed to holiday homes (lodges/caravans) that are granted permission for holiday use only with conditions preventing their use as permanent residence. This is precisely because we had been advised at pre-application stage that holiday lodges would not be supported on this site for more than a very short temporary period due to the application site being allocated for housing.

The Forward Planning Section comments have picked up from the submitted details that the proposal is for a residential development. They raise a number of queries which clearly require clarification.

The units are referred to as mobile homes/residential caravans. To clarify they are not buildings but meet the legal definition of a caravan. This development would operate as a residential park, distinct from the existing holiday caravan park run by the applicant. It is for this reason that a separate access was proposed rather than coming through the holiday park area. The site would continue to run under a Caravan Site Licence



operated by Park Resorts but this development would benefit from a residential caravan licence. The homeowners would purchase the mobile home but then pay an annual ground rent (pitch fee) to Park Resorts who would continue to own the land as park operator. That is the nature of residential caravan parks.

These mobile homes on licensed residential caravan sites are generally referred to in the industry as "park homes" and can be designed to have more of the appearance of a bungalow (whilst still meeting the legal definition of a caravan) as opposed to the more traditional holiday static caravan or lodge.

However, the quality of today's modern holiday caravans and lodges is such that they can also be designed to residential standard in terms of insulation and so they are also suitable for permanent residential occupation. Hence the term residential lodges. I have enclosed some images of both lodges and park homes for reference. It should be noted that both meet the legal definition of a caravan and would be operated under a residential caravan site licence as outlined above.

Reference to them being mobile does not mean they only offer temporary housing. The rights of mobile home residents are protected under the Mobile Homes Act 1983.

As far as controlling occupancy and concerns they may still be let out for short-term holiday use, this would not be an issue. In the same way as purchasers of holiday caravans have to confirm that they do have a permanent home address elsewhere, when purchasing a residential caravan under the Mobile Homes Act the owner must confirm that they are using it as their main home.

It is evident from the response of occupants from neighbouring property that they would prefer to see the site developed with single storey accommodation as proposed in this application rather than the two-storey built housing that would follow from the outline housing consent. The main concern raised related to provision of a new access from Barefoots Avenue with the suggestion given of an alternative access from the west off Pocklaw Slap. This response is shared by the community council.

We also note that the council's landscape officer considers this current proposal would have less impact on the surrounding area than the housing development previously approved.

Highways have commented that the development should be accessed from within the holiday park, assuming it was an extension to the holiday park and have also commented that the previous housing applications have indicated access would be from Pocklaw Slap.

To address the concerns raised on the point of access we have now amended the site layout to incorporate a vehicular access off Pocklaw Slap instead of Barefoots Avenue. A copy of the revised site layout is enclosed.

I hope this letter provides some clarification on the permanent nature of a park home development and the fact that the nature of this development is such that they must be occupied as permanent homes and not sub-let as short stay holiday accommodation. In this regard there is more control over the use of the accommodation as permanent housing than there would be on a built housing development where no such control could be imposed on the occupancy of any open market housing.

We have addressed concerns regarding access by amending the proposal to have access of Pocklaw Slap instead of Barefoots Avenue.

It is clear from the other consultee responses that this proposal is supported in principle by neighbouring residents, the community council and the landscape officer who consider it to be preferable to the alternative of two-storey built housing development. This strength of local opinion must also be taken into account.

I hope that officers will be able to reconsider their recommendations on this application in light of our further comments. I would be happy to discuss any points further if that would assist.

Yours sincerely,



**Rachel Whaley BSc (Hons) DipTP MRPTI**  
**Associate, Retail, Hotels and Leisure**  
**For, and on behalf of, GVA**



**Appendix 3**  
**Amended**  
**site plan**  
**(access)**

[gva.co.uk](http://gva.co.uk)







**EYEMOUTH HOLIDAY PARK**  
**PROPOSED 23NO. RESIDENTIAL LODGES - PROPOSED PLAN**




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**LEGEND**

-  APPLICATION AREA
-  EYEMOUTH HOLIDAY PARK SITE OWNERSHIP BOUNDARY
-  PROPOSED LANDSCAPING
-  PROPOSED ACCESS ROAD
-  EXISTING FOOTWAY
-  EXISTING ROADWAY



	
PARK RESORTS LTD. 175, THE GARDENS, EYEMOUTH, NORTH ABERDEENSHIRE, AB11 7JG	
PROPOSED 23NO. RESIDENTIAL LODGES	
PROPOSED PLAN	
PLANNING	
3487-320	A



**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO  
SERVICE DIRECTOR REGULATORY SERVICES**

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

**REF :** 14/01282/FUL

**APPLICANT :** Park Resorts Ltd

**AGENT :** GVA Hotels & Leisure

**DEVELOPMENT :** Change of use of land to form extension to existing holiday park

**LOCATION:** Land South West Of Northburn Caravan Park  
Pocklaw Slap  
Eyemouth  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
3487- 310	Block Plans	Refused
3487-300	Location Plan	Refused
3487 -320 A	Site Plan	Refused
3487- 315	Sections	Refused

**NUMBER OF REPRESENTATIONS: 7**

**SUMMARY OF REPRESENTATIONS:**

Representations have been received from 6 householders - objections mainly relate to the proposed access route.

Main point raised include.

Access and road safety

Noise and disruption

Privacy

Use -all year round

Community Council: No objection to the principle but concerns raised over the proposed access to the site and road safety.

Landscape Officer: No objection in principal but seeks further details before being able to support this application to include planting, SUDS, cabin design, access, site furniture and fittings.

Flood Management: SEPA records indicate that the site is not at risk from a flood event with a return period of 1 in 200 years.. Further detials on SUDS required prior to development. There will be an increase in hard, impermeable surfaces at the development site and this would need to be mitigated against. I would require that further details of the level of sustainable urban drainage (SUDS) to be submitted prior to the development. All SUDS work should be carried out in accordance with the SUDS Manual (C697) and should incorporate source control.

Outdoor Access Officer: No objection subject to a condition in respect of right of way access route BB22. The path, as indicated above, 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 property (as outlined in this application). Reason: To protect general rights of responsible access.

Environmental Health Officer: No comments. An informative is advised. If Consent is granted, an amendment to the site licence will be required. The applicant is advised to liaise with SBC's Legal and Democratic Services, Licensing Team regarding the proposed increase, and possible amendments required to the site licence.

Economic Development: Supportive of the proposals. The application fits with the Tourism Strategy 2013-2020 and the Visit Scotland consultation paper (Feb 2013) on the National Tourism Development Plan for Scotland. If the application for a change of use is approved we would seek a full business plan to include financial forecasts, marketing information and job creation.

Roads Planning: Objects on road safety grounds. The office considers that the additional units should be served via the existing holiday park regardless of the status of the units.

Forward Planning: Objects on policy grounds. The proposal is contrary to policy H3 of the Consolidated Local Plan 2011. It has been necessary to allocate a certain level of housing to meet the south east Scotland Strategic Development Plan (SESplan) housing requirement as part of the Local Development Plan process. It is therefore considered that it would be inappropriate to allow alternative uses on allocated housing land at this time. Whilst it is accepted the proposal will offer some community benefit in terms of tourism and related local economic benefit, it is considered this would not outweigh the need to protect allocated housing sites and land supply.

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

Scottish Borders Consolidated Local Plan 2011

G1 Quality Standards for New Development  
G5 Developer Contributions  
EP2 Areas of Great Landscape Value  
EP4 Coastline  
H1 Affordable Housing  
H2 Protection of Residential Amenity  
H3 Land Use Allocations  
Inf2 Protection of Access Routes

**Recommendation by** - Lucy Hoad (Planning Officer) on 20th July 2015

#### Site

The site comprises a rectangular section of land on the northern outskirts of Eyemouth, lying adjacent to the established caravan site to the north east and residential housing to the south west and south east. The site lies within the development boundary of the town and is allocated for housing in the Consolidated Local Plan 2011 with nominal capacity for 20 houses. The topography is sloping land grassed over at present. This coastal site is located adjacent to a Special Landscape Area, re-designated following the 2012 review of local landscape designation to include former Areas of Great Landscape Value.

#### History

06/00611/OUT Erection of twenty dwellinghouses Approved 13.09.2007  
10/00516/PPP Erection of twenty dwellinghouses (renewal of application 06/00611/OUT) Pending approval subject to conclusion of legal agreement

#### Proposal

The proposal is for a change of use of the land in order to develop the site (1.00 hectare) to provide 23 mobile homes/residential caravans. It is intended that these homes/caravans are to be used as a person's sole/main residence. The application is accompanied by plans, site sections and planning statement. The



layout illustrates 2 No rows of mobile homes, one to each side of an access track. Space is allocated on the plan for parking provision (single car) adjacent to each mobile home. It is intended to access the site from Pocklaw Slap ( the plans originally depicted access being taken from Barefoot Road).

No details of the floorplans or design of the homes has been submitted but the applicant seeks for the development to be single storey in scale, with materials to be sympathetic in colour to respect the surrounding landscape (timber clad/dark green/grey tiled roofs or muted colours). The homes are to be akin to park bungalow style developments.

The planning statement sets out the case that the development is justified on the following grounds.

- There is a continued demand for holiday caravans in this location.
- The client has actively marketed the site over 7 years and no interest has been received from developers to take the site forward for housing
- A fresh marketing campaign was undertaken by GVA in 2011/2012 but no interest was shown.
- The council should consider whether the housing site is considered to be essential to the delivery of housing land requirements for Eyemouth
- Taking into account the investment required to provide an alternative use of the land for holiday lodges/holiday caravans for a temporary period only (five years) is not financially viable
- A minimum period of 20 years would be need to justify the investment required to develop the site for holiday caravans
- The proposal to develop the site with residential standard caravans ( mobile homes) is compatible with policy as the site is retained for residential use
- Mobile homes would be sold on the open market for purchasers to occupy as their permanent homes
- The type of homes would suit elderly residents
- The visual impact of single storey accommodation will be less than higher density 2-story dwellings.

#### Policy Principle

At a regional level there is a need to meet the requirements of the SESPLAN South East Scotland Strategic Development Plan by allocating specific sites In the Scottish Borders for housing supply. The proposed site is allocated for housing in the current Local Plan 2011 with nominal capacity for 20 houses.

Policy H3 Housing Land Allocations states that any use contrary to the use for which the site is allocated in the Local Plan will be refused; however there are exceptions criteria to include:

- i) It is ancillary to the proposed use and in the case of proposed housing development it still enables the site to be developed in accordance with the indicative capacity shown in the Land Use Proposals table and or associated planning briefs or
- ii) there is a constraint on the site and no reasonable prospect of its becoming available for the development of the proposed use within the Local Plan period or
- iii) the alternative use offers significant community benefits that are considered to outweigh the need to maintain the original proposed use and
- iv) The proposal is otherwise acceptable under the criteria for infill development

The applicant seeks to develop the site for an alternative long term use in order to site residential lodges/mobile homes to be sold under the Mobile Homes Act. The applicant considers that the site is constrained as a housing site in terms of its deliverability, due to the lack of interest from house builders to develop it.

The aim of Policy H3 is to ensure that sites allocated in the Local Plan are developed for their intended use and that adequate justification is provided for any alternative use. Examples of some alternative uses that offer significant community benefit to justify an exemption under this policy may include health or sport facilities, school or employment use.

The use proposed by the applicant is for mobile residential caravans to be sold on the open market. The quality of this style of development is regarded as being temporary in nature, It is noted that an increase in provision of caravans at this site may fit with the aims of the Tourism Strategy 2013-2020, and whilst it is acknowledged there may be some merit in the proposals, with a potential increase in tourism and related economic benefit,, on balance, these community benefits are not considered sufficient to outweigh the

requirement to protect and retain the site for its intended use for main stream housing in compliance with housing land supply policies.

#### Design

The proposed caravans are described as residential and mobile homes and thus are regarded to be temporary in nature. Details of design are lacking but the applicant has advised that they are willing to consider appropriate finishes for the caravans/homes that would be single storey in scale. Whilst it is noted that structures of a similar scale are located in the adjacent caravan park, the precise detail of units would require to be agreed. Whilst the siting of such units at this location on a short term basis (5 years) may be acceptable on the basis that this would allow for the allocated use to be developed for housing, when the market economy improves, the applicant is clearly seeking a longer term use in this instance, due to the cost implications associated with the project.

#### Access and parking

Concerns have been raised by the community council and neighbouring properties in respect of an increase in traffic on the adjacent residential street and road safety concerns. The agent had originally proposed to provide access via Barefoot Road and subsequently Pocklaw Slap. The Roads Officer has been consulted on the proposed development and does not support either of the proposed access routes, confirming that any additional units should be served by an internal link from the existing caravan park. He advised that this option would remove the need for traffic to double back on itself having checked in to the park. Given the comments of the Roads Planning Officer, the concerns raised by the local residents appear to be justified in this instance. Given that the proposed linkages would bring the traffic into the residential schemes, there would be an adverse impact on road safety contrary to planning policy G1 Quality Standards of Development.

#### Amenity

In terms of neighbouring amenity, the proposal raises no privacy or daylight issues.

#### Landscaping

The planning statement and site plan indicate that boundary planting is proposed in order to ensure the new development is assimilated into the wider landscape. No detailed landscaping/planting plan has been provided with the submission. The landscape architect has not objected to the application in principle but seeks further information on the details of the planting, SUDS, cabin design, access, site furniture and fittings.

The size of the caravan park would increase by erecting mobile homes in this undeveloped part of the headland, however the impact on the visual amenities of the area would not necessarily be any greater than the presence of the existing park. A condition to secure an agreed landscape plan and planting/maintenance scheme would be required in order to ensure the development would be successfully embedded in the wider landscape.

#### Flood risk

Policy Inf6 (SUDS) required applicants to take the land requirement implications of SUDS into account in their consideration of layout and design. The Flood Management Officer has been consulted on the application and has advised that further details on the level of sustainable urban drainage (SUDS) would be required to be agreed prior to development. He notes that SEPA records indicated that the site is not at risk from a flood event with a return period of 1 in 200 years. However, the scheme results in an increase in hard, impermeable surfaces at the site, and thus mitigation measures would require to be agreed in advance of any development.

#### Services

The applicant has indicated that the development is to receive its water from a public mains supply. It is intended to connect to the public drainage network. Drainage proposals would require to be assessed by the Building Standards Officer via the building warrant process. Connection to the public mains services would require to be assessed by application to Scottish Water. The Environment has not objected to the proposals but advised that should consent be granted an amendment to the site licence will be required.

#### Legal

In terms of mainstream housing there would be a requirement to consider 25% affordable units. Developer contributions would be required in respect of local education provision in line with supplementary planning guidance.

#### Conclusion

The proposed site is allocated for housing in the Consolidated Local Plan 2011 with nominal capacity for 20 houses. The applicant seeks to develop the site for an alternative use to site residential lodges/mobile homes to be sold under the Mobile Homes Act. The design of the mobile homes, the treatment of surface water at the site, and the landscaping of the scheme have not been detailed in the application.

The proposal is not considered acceptable under the criteria of policy H3 due to the fact that the change of use of the land to provide mobile residential caravans would result in the loss of an allocated site for housing which is required to meet the housing land requirement for the Berwickshire Housing Market Area. The proposal would raise road safety concerns with additional traffic to the park requiring to access residential streets rather than utilising the existing park entrance and access route.

#### **REASON FOR DECISION :**

The proposal for use of the land for the siting of mobile caravans would be contrary to policy G1, H2 and H3 of the consolidated Local Plan.as the development would result in the loss of allocated permanent housing land which is required to meet the housing land requirement for the Berwickshire Housing Market Area. In addition the proposal would promote use of a separate access via residential streets to the site rather than utilising the existing access to the caravan park to the detriment of road safety.

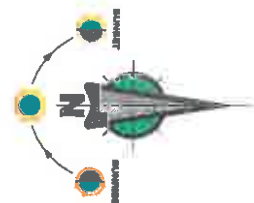
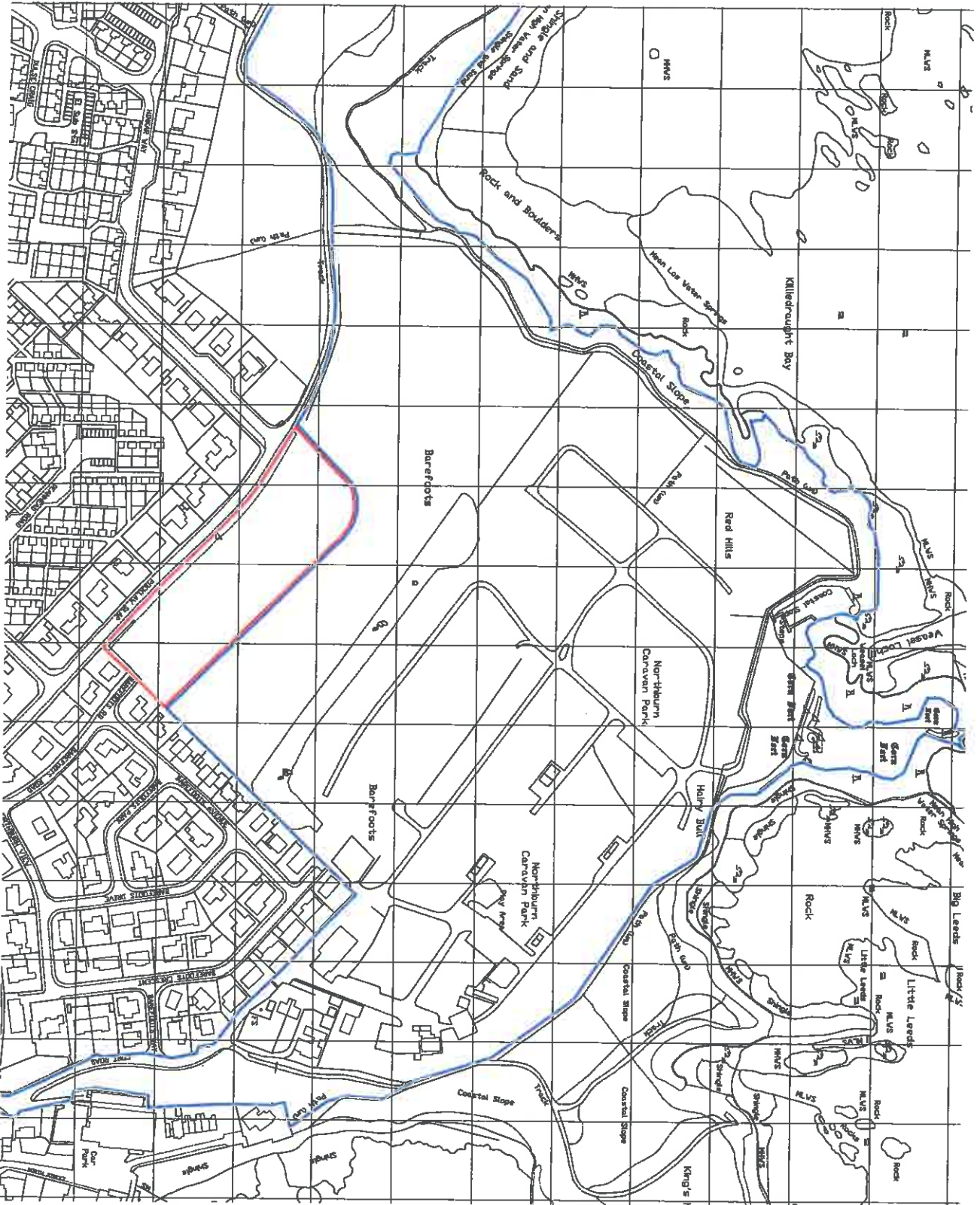
#### **Recommendation:** Refused

- 1 The proposals would be contrary to policy H3 of the Consolidated Local Plan in that the proposed change of use of land would result in the loss of allocated housing land which is required to meet the housing land requirement for the Berwickshire Housing Market Area.
- 2 The proposal would be contrary Policy Inf3 of the Consolidated Local Plan in that the proposed development would give raise to road safety concerns with additional traffic to the park requiring to access residential streets rather than utilising the existing park entrance and access route.

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



**EYEMOUTH HOLIDAY PARK**  
 PROPOSED 23NO. RESIDENTIAL LODGES - SITE LOCATION PLAN



**LEGEND**

-  APPLICATION AREA
-  EYEMOUTH HOLIDAY PARK SITE OWNERSHIP BOUNDARY



**Park Resorts Ltd**  
 EYEMOUTH HOLIDAY PARK  
 PROPOSED 23 NO. RESIDENTIAL LODGES

**SITE LOCATION PLAN**

DATE: 11/09/04  
 DRAWN BY: J.D.  
 CHECKED BY: J.D.  
 APPROVED BY: J.D.  
 PROJECT NO: 23NO. RESIDENTIAL LODGES

3487-300

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# EYEMOUTH HOLIDAY PARK

## PROPOSED 23NO. RESIDENTIAL LODGES - EXISTING SITE BLOCK PLAN

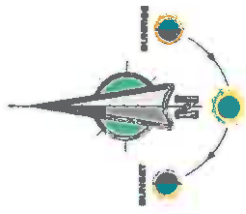
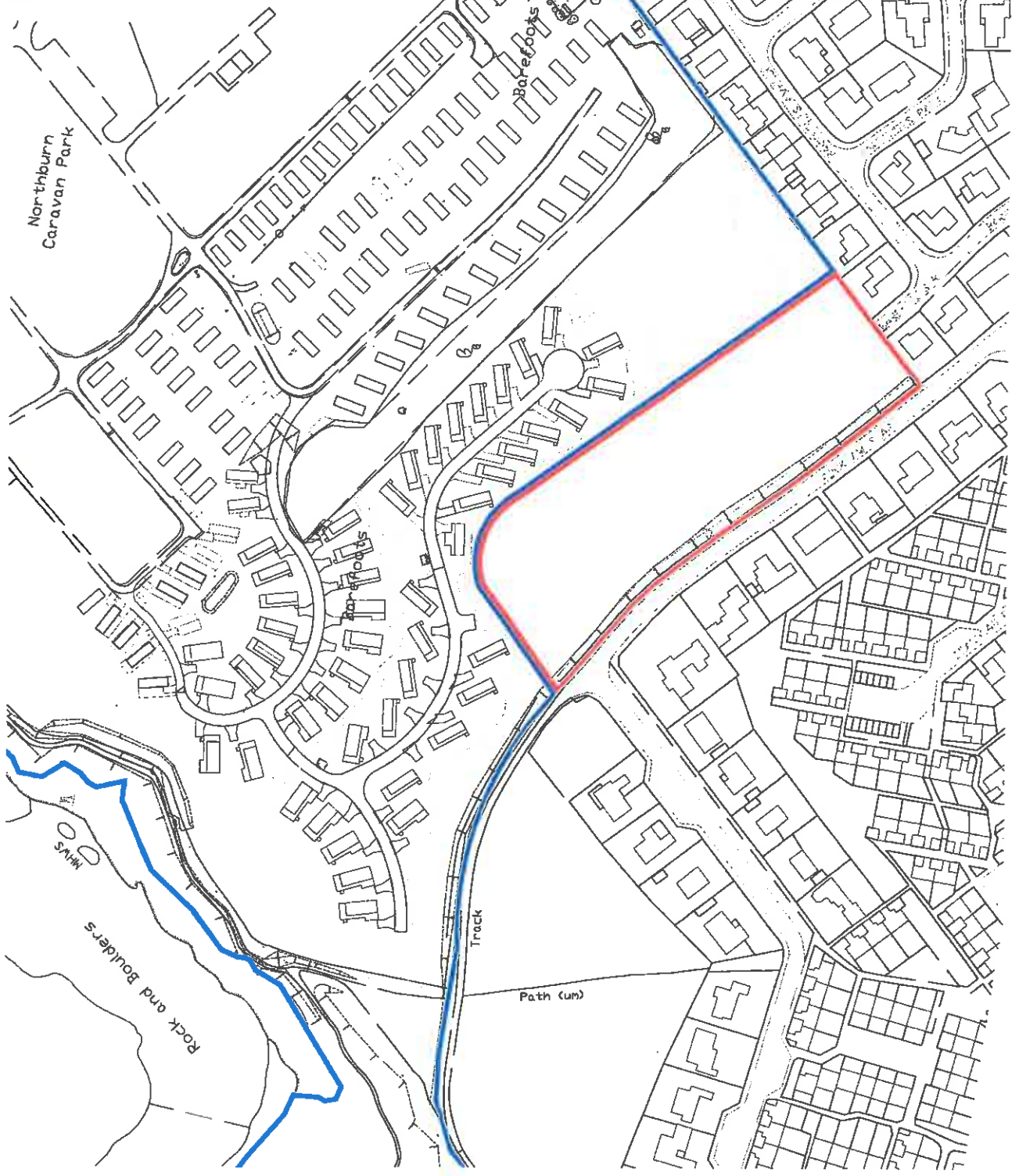
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Scottish Borders Council  
Town and Country  
Planning (Scotland) Act  
1967

**REFUSED**  
subject to the  
requirements of the  
associated Decision  
Notice

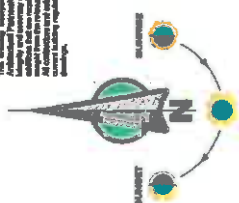


### LEGEND









Drawn By:	John
Checked By:	John
Client:	PARK RESORTS LTD.
Site Address:	EYEMOUTH HOLIDAY PARK KORT HALL, EYEMOUTH, BANGORHEAD, TOWNSE
Project:	PROPOSED 23NO. RESIDENTIAL LODGES
Drawing Title:	EXISTING SITE BLOCK PLAN
Date:	15/02/01
Author:	JD
Checked By:	JD
Scale:	1:1000
Project Number:	3487-310
Planning:	PLANNING

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### LEGEND

-  APPLICATION AREA
-  EYEMOUTH HOLIDAY PARK SITE OWNERSHIP BOUNDARY
-  PROPOSED LANDSCAPING
-  PROPOSED ACCESS ROAD
-  PROPOSED PARKING BAY
-  PROPOSED PEDESTRIAN FOOTPATH



<b>Park Resorts Ltd.</b> 1000 West 10th Street Suite 100 Victoria, BC V8W 2R7 Canada Tel: 250-384-2345 Fax: 250-384-2346 Email: info@parkresorts.com	
<b>PROPOSED PLAN</b> Planning File: 2301	
Date: 18/11/2014 Drawn: J. B. / J. S. Checked: J. B. / J. S.	Date: 18/11/2014 Drawn: J. B. / J. S. Checked: J. B. / J. S.



Scottish Borders Council  
 Planning (Scotland) Act  
 1987  
**REFUSED**  
 subject to the  
 requirements of the  
 associated Conditions  
 Notice

# EYEMOUTH HOLIDAY PARK

## PROPOSED 23NO. RESIDENTIAL LODGES - PROPOSED PLAN

# EYEMOUTH HOLIDAY PARK

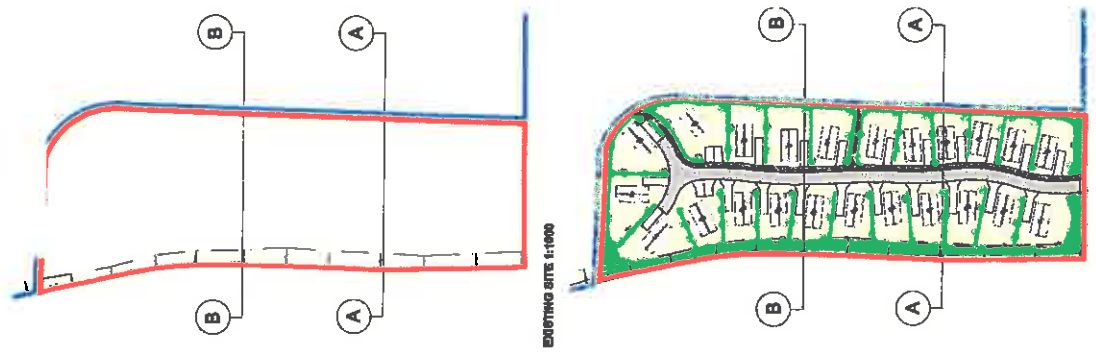
## PROPOSED 23NO. RESIDENTIAL LODGES - EXISTING & PROPOSED SITE SECTIONS

Scottish Borders Council  
Town And Country  
Planning (Scotland) Act  
1997

**REFUSED**

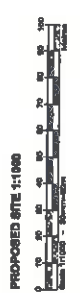
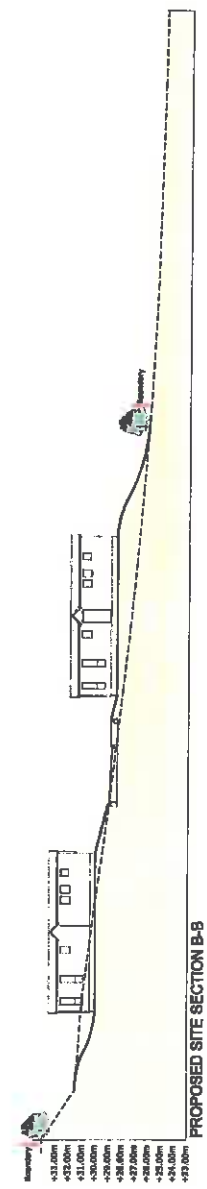
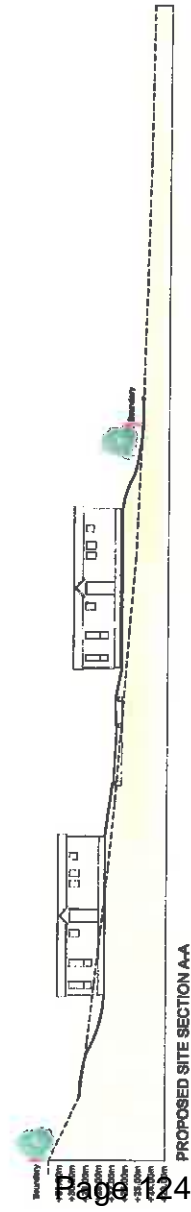
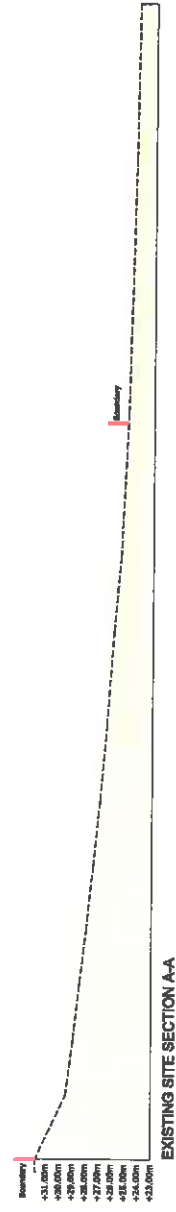
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### LEGEND

- APPLICATION AREA
- EYEMOUTH HOLIDAY PARK SITE OWNERSHIP BOUNDARY
- EXISTING GROUND LEVEL
- PROPOSED GROUND LEVEL
- PROPOSED RESIDENTIAL LODGE
- PROPOSED LANDSCAPING



Client:	PARK RESORTS LTD.
Site Address:	EYEMOUTH HOLIDAY PARK FORT ROAD, EYEMOUTH, NEWBOROUGH, TD14 8EJ
Project:	PROPOSED 23NO. RESIDENTIAL LODGES
Drawing No:	
Author:	
Check:	
Date:	15/03/14
Drawn by:	
Checked by:	
Scale:	AS SHOWN
Project No:	
Drawing Title:	PLANNING
Revision:	
Project No:	3487-315



Bpr Maclean

SCOTTISH BORDERS COUNCIL

DEVELOPMENT AND BUILDING CONTROL COMMITTEE

14 AUGUST 2006

APPLICATION FOR PLANNING PERMISSION

ITEM: REFERENCE NUMBER: 06/00611/OUT

OFFICER: Mr A Maclean  
LOCAL MEMBER: Councillor Russell  
PROPOSAL: Erection of twenty dwellinghouses  
SITE: Land South West of Holiday Park adjacent Pocklaw Slap  
and Barefoots Eyemouth  
APPLICANT: David Vaughan  
AGENT: Martin Taylor

**SITE AND APPLICATION DESCRIPTION:**

This is an outline application submitted on behalf of the operators of Eyemouth Caravan Park for a residential development on the periphery of their land holding. The proposal envisages development of around twenty houses on an area of around 1.5 ha. The site is bounded to the south west by the access road servicing the housing on Pocklaw Slap while the south eastern boundary abuts housing on Barefoots. An access spur from Barefoots terminates at the site boundary. The two remaining boundaries are not presently demarcated.

The site lies substantially below the level of Pocklaw Slap road and generally slopes away from the road from west to east. That level difference does however diminish towards north west. A section of grass park is shown retained as separation from the boundary of the developed caravan park area, its edge now being substantially screened by a well established tree belt. No details have been provided for the development of the site but the applicants have indicated that provision would be made for a play area compliant with Council policy in the grass park adjoining the site. A lengthy supporting statement has been provided to accompany the application.

**PLANNING HISTORY:**

The site was allocated for development in the Eyemouth Local Plan 1981. That status was reconfirmed in the 1994 Berwickshire Local Plan.

Over the years there have been discussions about the development potential of the site but these were never fully progressed, the owners at the time concentrating on their core business which was the caravan site. The caravan park has recently changed hands and the new developers have sought to bring forward the residential development of this part of the holding.

## **DEVELOPMENT PLAN POLICIES:**

### **Approved Structure Plan 2001-2011**

Policies N12, N20 and H3 apply which state:

#### **POLICY N12 - Coastline**

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.

#### **POLICY N20 - Design**

The Council will encourage a high quality of layout, design and materials in all new developments, including redevelopments and alterations. Favourable consideration is more likely where development proposals:

- (viii) provide a design brief or design statement, where required, as part of a submission for planning permission
- (ix) incorporate a landscape plan, where required, as part of the application,
- (x) demonstrate an appropriate use of building materials in keeping with their surroundings,
- (xi) promote the use of recycled building materials where possible,
- (xii) demonstrate a consideration of energy efficiency in orientation and design,
- (xiii) demonstrate a consideration of water minimisation measures, and
- (xiv) demonstrate a consideration of safety and security.

#### **POLICY H3 - Housing Land Allocation**

Within settlements, Local Plans will assess sites for housing against the following criteria:

- i. energy efficiency in terms of location, aspect and orientation,
- ii. accessibility to public transport, and in particular the strategic public transport network,
- iii. the re-use of vacant, derelict, previously developed or contaminated 'brownfield' sites,
- iv. the avoidance of flooding,
- v. the non-sterilisation of mineral deposits,
- vi. the impact on biodiversity,
- vii. the impact on the man-made environment including archaeology,
- viii. the capacity of the landscape to absorb development,
- ix. accessibility to services and facilities by foot, cycle or public transport,
- x. the relationship to business, industrial and other employment generating uses,

- xi. the capacity of individual settlements to absorb development, in particular in relation to thresholds of water, sewerage, and education capacity,
- xii. the scope for more productive use of under-utilised town centre property,
- xiii. the need to retain open space within settlements to prevent town or village 'cramming',
- xiv. relevant socio-economic factors, such as employment, shopping, leisure and recreational facilities, health and social support systems.

#### Berwickshire Local Plan 1994

Proposal Hsg 6, Policies 1, 5, 17, 61 & 62 apply which state:

#### Proposal HSG.6

The following sites are allocated for housing development in Eyemouth during the Local Plan period:

Gunsgreen	10.0ha
Acredale	2.2ha
Gillsland	1.4ha
Barefoots	1.5ha

#### Policy 1

The Regional Council will allocate the 54.7ha of land, in addition to the 1991 Effective Land Supply, for housing development up to the year 2001.

	Effective Land Supply		Existing Local Plan Undeveloped Area	New Allocations Area	Total	
	Area	Capacity			Area	Capacity
Ayton	1.5	30	1.3	7.1	8.4	170
Birgham	0.9	16	-	-	-	-
Chirnside	1.7	34	-	-	-	-
Cockburnspath	-	-	-	7.0	7.0	140
Coldingham	0.1	2	-	-	-	-
Coldstream	2.4	81	7.2	-	7.2	140
Duns	1.4	18	2.7	7.6	10.3	161
Eyemouth	1.4	16	1.5	12.2	13.7	245
Foulden	1.5	10	-	-	-	-
Gavinton	-	-	-	0.5	0.5	5
Gordon	-	-	1.4	0.7	2.1	28
Greenlaw	1.0	25	-	1.8	1.8	40
Paxton	0.7	18	-	-	-	-
Reston	-	-	-	2.3	2.3	20
Swinton	-	-	1.4	-	1.4	25
Small Sites	-	87	-	-	-	-
<b>Total</b>	<b>12.6</b>	<b>337</b>	<b>15.5</b>	<b>39.2</b>	<b>54.7</b>	<b>974</b>

## **Policy 5**

Where settlement boundaries are defined, they indicate the extent to which towns and villages should be allowed to expand during the Local Plan period. All development related to these settlements should be contained within this boundary.

## **Policy 17**

The Regional Council will require the provision of children's play areas in new housing areas where appropriate. Details of required standards are set out in Appendix 1.

### **Appendix 1**

#### **Play Space Standards**

1. The Regional Council adopted a set of standards relating to the provision of children's play space in new residential developments in 1991. Previously the absence of clear guidelines on this subject often resulted in housing areas where play space provision was either non-existent, of poor quality, or restricted to sub-standard, peripheral locations with a resultant loss of amenity for residents.
2. In light of this it is important that the provision of play space in new developments is adequate in terms of area, is sensibly located relative to the layout of the development and is designed to the standards laid down by the District Council. The following standards, which have been adopted by the Regional Council, will apply to all private residential developments with over 9 family dwellings.
  - i) In all developments play space will be provided at the level of 20 square metres per dwelling
  - ii) In all developments, the proportion of equipped to non-equipped play space will be in favour of equipped space by the ratio of 3:2
  - iii) In developments of up to 44 dwellings, play space provision will normally be required for the under 5's age group only
  - iv) In developments of 45 dwellings and upwards, play space provision will be required for both the under 5's and 5-12's age group in separate areas
  - v) The maximum distance from an under 5's play area to dwellings served will be 100 metres
  - vi) The maximum distance from a 5-12's play area to dwellings served will be 300 metres

**NOTE:** In all new private residential developments the provision of existing play areas within agreed catchment areas will be taken into consideration in determining the level of provision required.

### **Policy 61**

The Regional Council will protect areas of open space, in and around towns and villages, from encroachment or loss by development.

### **Policy 62**

Developments in and around settlements should have particular regard to the character and nature of the surrounding area and should incorporate appropriate layouts, designs and materials. Skyline locations and ribbon development will not normally be permitted.

### **Scottish Borders Finalised Local Plan 2005**

Policies G1, G5, G8, H1, EP4 & D2 apply which state:

#### **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. As a general principle, the Council will encourage full planning applications in preference to outline. 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,
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 and incorporating as a minimum, the National Playing Fields Association "Six Acre Standard". 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 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, cycleways 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 G8 – DEVELOPMENT OUTWITH DEVELOPMENT BOUNDARIES**

Where Development Boundaries are defined on Proposals Maps, they indicate the extent to which towns and villages should be allowed to expand during the Local Plan period to 2011. Development should be contained within the Development Boundary and proposals for new development outwith this boundary and not on allocated sites identified on the proposals maps will normally be refused.

Exceptional approvals may be granted provided strong reasons can be given that:

1. it is a job-generating development in the countryside that has an economic justification under Policy D1 or D2, OR
2. it is an affordable housing development that can be justified under in terms of Policy H1, OR
3. there is a shortfall identified by Scottish Borders Council through the housing land audit with regard to the provision of an effective 5 year housing land supply; OR
4. It is a development that it is considered would offer significant community benefits that outweigh the need to protect the Development Boundary.

AND the development of the site:

5. represents a logical extension of the built-up area, and
6. is of an appropriate scale in relation to the size of the settlement, and
7. does not prejudice the character, visual cohesion or natural built up edge of the settlement, and
8. does not cause a significant adverse effect on the landscape setting of the settlement or the natural heritage of the surrounding area.

The decision on whether to grant exceptional approvals will take account of:

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 4;
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.

## **POLICY H1 – AFFORDABLE HOUSING**

Where the Local Housing Strategy or local needs assessment identifies a local housing need, the Council will require affordable and/or special needs housing, both on allocated and windfall sites. The final scale of such affordable and/ or special needs housing will be assessed against:

1. ongoing local housing needs assessment work being carried out by the Council,
2. the location and size of the site, and
3. the availability of other such housing in the locality.

Developers may be required to make contributions through:

4. the provision of a proportion of affordable housing on site, or
5. the provision of additional land elsewhere to accommodate the required number of affordable housing units, or
6. the provision of commuted payments.

#### **POLICY EP4 – COASTLINE**

Development proposals at a coastal location will be required to comply with Structure Plan policy N12.

The 'defined settlement boundary' referred to in that policy refers to the Eyemouth built-up area boundary comprising "developed coast" in terms of National Planning Policy Guideline 13 – Coastal Planning (NPPG 13). The area outwith the Eyemouth built-up area boundary comprises "undeveloped coast" in terms of NPPG 13.

#### **POLICY D2 – HOUSING IN THE COUNTRYSIDE**

The Council wishes to promote appropriate rural housing development:

- (a) in village locations in preference to open countryside, and
- (b) in dispersed communities in the southern Borders that are experiencing depopulation in preference to areas under significant commuter pressure in the Northern Borders, Central Borders and Berwickshire.

These general principles will be the starting point for the consideration of applications for housing in the countryside which will be assessed against the Council's Policy Guidance Note "New Housing in the Borders Countryside" 1993, as amended 2000 and 2004 and Structure Plan policies H5 and H6. This policy should be read in conjunction with these other policy statements which give more detailed guidance on siting, design and interpretation.

Housing in the countryside may be approved provided that:

***EITHER***

##### **(Building Group)**

1. The Council is satisfied that the site is well related to an existing group of at least three houses or building(s) 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. In a small number of areas of the Borders where there are few building groups comprising 3 houses and a more dispersed pattern is the norm, a lower threshold may be appropriate. A lower threshold may also be accepted in instances where the development would bring tangible environmental benefits. In these cases the existence of a sense of place will be the primary consideration.
3. Any consents for new build granted under this part of this policy should not exceed 100% of the existing number of housing units in the group. No further development above this threshold should be permitted.
4. The cumulative impact of new development 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 on the landscape or the natural heritage, unless it can be shown that development is merited through other criteria as set out below.

**OR**

**(Anchor point)**

The Council is satisfied that the site lies within a recognised "dispersed community" that functions effectively as an anchor point in the southern Borders. These dispersed communities are to be found in areas of rural depopulation and comprise the Ettrick and Yarrow valleys and southern Borders as indicated on Policy Maps P0-P5. Any consents granted under this part of this policy will not normally exceed 100% of the existing number of housing units in the dispersed group. The design of housing will be subject to the same considerations as other types of housing in the countryside proposals.

**OR**

**(Economic Requirement)**

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; such could include businesses that would cause disturbance or loss of amenity if located within an existing settlement, or
2. 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**

3. no appropriate site exists within a building group, and
4. there is no suitable existing house or other building capable of conversion for the required residential use, and

**EITHER**

5. a) it is for a worker predominantly employed in an enterprise which is itself appropriate to the countryside and the presence of that worker on-site is essential to the efficient operation of the enterprise,

**OR**

- b) 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.

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, in the case of 5b) above, 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.

OR

**(Conversion)**

The proposed development is a change of use of a building to a house, provided that:

1. the Council is satisfied that the building has architectural or historic merit or is physically suited for residential use; and
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.

OR

**(Rebuilding)**

The proposed development is the rebuilding or restoration of a house, 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), and
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); and
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. the proposal relates to an established policy/parkland setting, not normally comprising part of a designed landscape, and
7. there is evidence of the existence of the building in terms of criteria 1-3 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
8. the siting and design of new buildings reflects and respects the historical building pattern and the character of the landscape setting, and
9. the extent of new building does not exceed what is to be replaced.

In ALL instances there shall be compliance with the Council's Policy and Guidance Note on 'New Housing in the Borders Countryside' and must not negatively impact on landscape and existing developments. The cumulative effect of applications under this policy will be taken into account when determining impact.

Where the Local Housing Strategy or local needs assessment identifies a local housing need, the Council will require affordable and/or special needs housing, both on allocated and windfall sites. The final scale of such affordable and/ or special needs housing will be assessed against:

1. ongoing local housing needs assessment work being carried out by the Council,
2. the location and size of the site, and
3. the availability of other such housing in the locality.

Developers may be required to make contributions through:

4. the provision of a proportion of affordable housing on site, or
5. the provision of additional land elsewhere to accommodate the required number of affordable housing units, or
6. the provision of commuted payments.

The residential allocation of the site in previous Local Plans has been removed in the finalised plan with the site in consequence lying outwith the defined settlement boundary. The applicant has formally objected to this aspect of the Finalised Plan. He has argued that it is a well located site and sustainable development proposal. There have been no material changes to regional or national policy to alter the suitability of the site for development.

#### **OTHER PLANNING CONSIDERATIONS:**

None.

#### **CONSULTATION RESPONSES:**

##### **Scottish Borders Council Consultees**

**Director of Technical Services:** No objection in principle. A road and footway infrastructure is in place linking the site with the town centre. Linkage into Barefoots Road would be required but the main access could be taken off Pocklaw Slap. He has also advised that the developer should take account of the revised policy on parking provision.

##### **Statutory Consultees**

**Scottish Water:** No objection subject to compliance with their standard condition. Separate foul and surface water drainage provision would be required and a SUDS drainage scheme would be required. Capacity availability would though require to be assessed as and when any development of the site progresses.

**Scottish Environment Protection Agency:** Foul sewage needs to be connected to the public system. SUDS drainage would be required.

**Eymouth Community Council:** Object to the site as it is not included for development in the Finalised Local Plan.

#### **OTHER RESPONSES:**

Twelve individual representations have been received along with a 31 signature petition. Supporting information has also been provided by the applicant.

The lack of detail of the proposal in terms of siting, design, height of dwellings on the proposed site has been a particular concern as is the potential loss of view and devaluation of property. Parking and access could be further difficulties. The change in site status in the Finalised Plan has been emphasised. The adequacy of site access too has been questioned and the adequacy of drainage has also been queried. There

appears too to be some misunderstanding of the nature of the development proposed, a number of the representations implying holiday home or mobile home use of the site.

The applicant has submitted a statement outlining why he considers the development to be consistent with current policy and has highlighted that an objection has been lodged to the Finalised Plan which has still to go to public inquiry. He has also emphasised that landscaping and design conditions could satisfy many of the concerns of the neighbours though he has highlighted that loss of view is not a material planning consideration. Effort would be made to ensure that impact on neighbour's outlook would be mitigated. He has also emphasised there is no intention to use any part of the proposed site for holiday caravans or mobile park homes.

#### **PLANNING ISSUES:**

The primary determining issue on this application is the allocation status of the site.

#### **ASSESSMENT OF APPLICATION:**

While some technical issues have been raised through objection to the application these have not been substantiated by the responses from Scottish Water and the Director of Technical Services. As an outline proposal there will need to be subsequent detailed preparation of plans to enable any effective development of the site to take place.

The site has had a long term allocation for residential use in both the Eyemouth Local Plan and subsequent Berwickshire Local Plan. It is an area adjacent to existing dwellings being effectively bounded on two sides by housing. General accessibility from the site to the town is reasonable and in that regard development of the site has to be regarded as sustainable. It appears that the reason for exclusion of the site from the prospective plan stems primarily from lack of progress in its development. Undoubtedly that was in part an attitude accepted by the previous owners but there is now too a distinct change in the local housing market with significantly increased demand for housing being demonstrated.

Notwithstanding the exclusion of the site from the Finalised Plan it is the department's view that the Berwickshire Local Plan still holds primacy in terms of land allocations and accordingly a current decision to refuse would leave the Authority open to challenge on appeal. It is concluded therefore that the principle of development of this site has to be accepted.

Many of the points of representation raised also relate heavily to the detailed design and treatment of the site. This would need to be the subject of future application at which time neighbours would again have the opportunity to comment on precise siting, design, heights, materials, layout. It has to be stressed though that loss of view is not in itself a planning reason to refuse an application.

The development would be liable to contribute to the affordable housing provision and in that regard the applicants in principle have indicated they would be willing to make available the appropriate number of units. The site could not however be subject to contribution under the planning gain initiative the site presently being an allocated development area.

It is considered that the application can be supported.

**RECOMMENDATION BY HEAD OF PLANNING AND BUILDING STANDARDS:**

I recommend approval subject to the following conditions:

*subject to Section 21 relating to affordable housing*

1. The subsequent approval by the Planning Authority of the means of access, the layout of the site, the design and siting of any buildings and the landscape treatment of the site.

Reason: Approval is in outline only.

2. The means of water supply and of both surface water and foul drainage to be submitted for the approval of the Planning Authority.

Reason: To ensure that the site is adequately serviced.

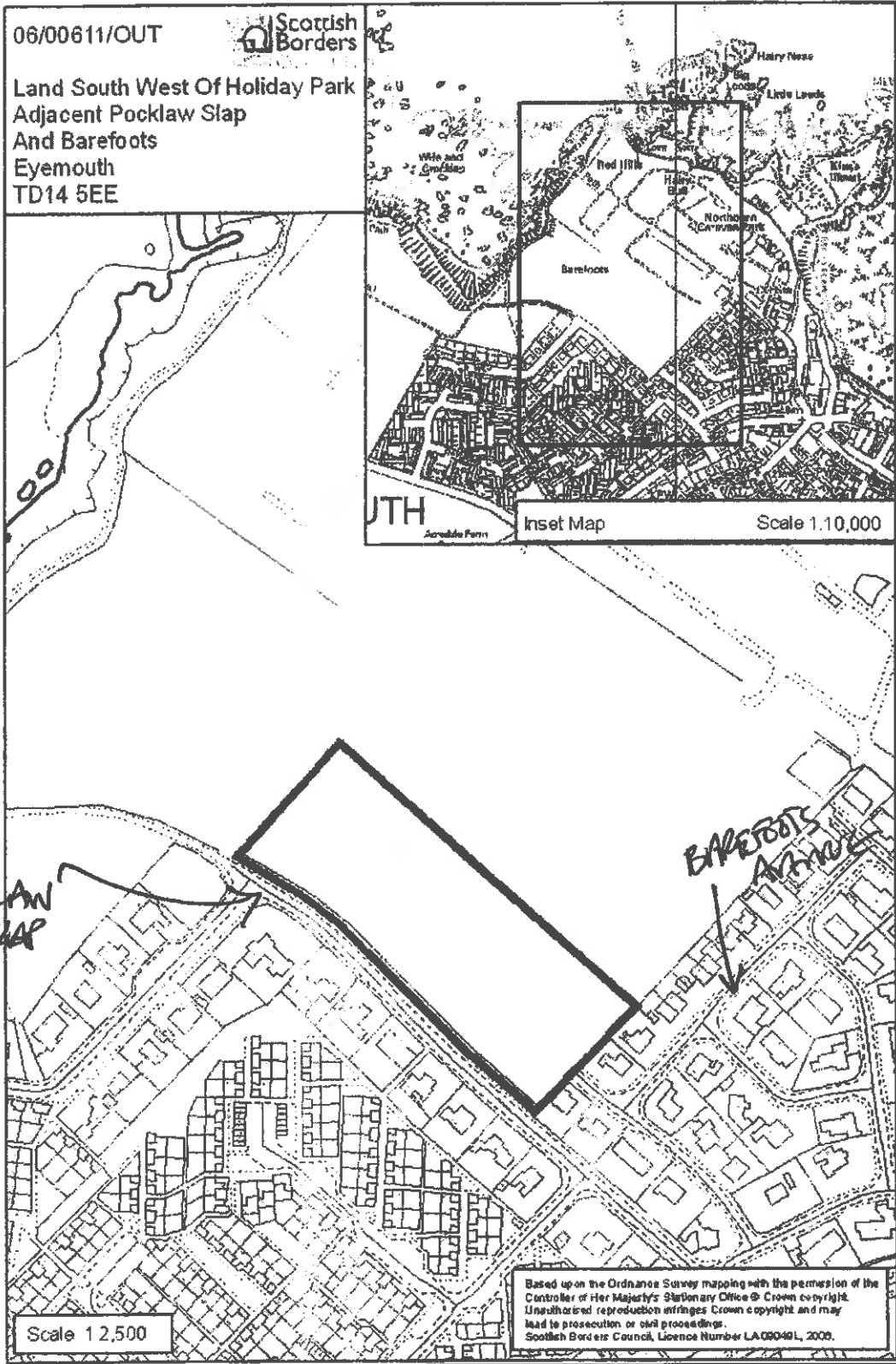
3. A tree/shrub planting scheme to be submitted before the development commences for approval by the Planning Authority, the planting to be carried out concurrently with the development or during the next planting season thereto and to be maintained thereafter.

Reason: To maintain and enhance the visual amenities of the area.

4. Details of play area provision within the site to be submitted to and approved by the Planning Authority prior to the commencement of the development.

Reason: To ensure adequate play areas within the development.

***Original copy of report signed by  
BRIAN FRATER (Head of Planning and  
Building Standards)***



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

**Town and Country Planning (General Development Procedure) (Scotland) Order 1992**

**Application for Outline Planning Permission**

**Reference : 06/00611/OUT**

**To : David Vaughan (Chief Executive) per Martin Taylor Hill Humberts Leisure Pavilion  
View 19 New Road Brighton BN1 1UF**

With reference to your application validated on **27th March 2006** for outline planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Erection of twenty dwellinghouses**

**at : Land South West Of Holiday Park Adjacent Pocklaw Slap And Barefoots Eyemouth  
Scottish Borders TD14 5EE**

The Scottish Borders Council hereby **grant outline planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 **subject to the standard conditions** on the attached schedule:-

and **subject to the conditions on the attached schedule** imposed by the Council for the reasons stated:-

**Dated 13th September 2007  
Planning and Economic Development  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

Signed .....  
**Head of Planning & Building Standards**



**STANDARD CONDITIONS**

- a) In the case of any reserved matter, the application for approval must be made not later than the expiration of **three years** beginning with the date of grant of this outline planning permission.
- b) That the development to which this permission relates must be begun not later than whichever is the later of the following dates:-
  - i) the expiration of **five years** from the date of this outline planning permission,
  - ii) the expiration of **two years** from the final approval of the reserved matters, or, in the case of approval on different dates, the **final approval** of the last such matter to be approved.

**SCHEDULE OF CONDITIONS**

- 1 The subsequent approval by the Planning Authority of the means of access, the layout of the site, the design and siting of any buildings and the landscape treatment of the site.  
Reason: Approval is in outline only.
- 2 The means of water supply and of both surface water and foul drainage to be submitted for the approval of the Planning Authority.  
Reason: To ensure that the site is adequately serviced.
- 3 A tree/shrub planting scheme to be submitted before the development commences for approval by the Planning Authority, the planting to be carried out concurrently with the development or during the next planting season thereto and to be maintained thereafter.  
Reason: To maintain and enhance the visual amenities of the area.
- 4 Details of play area provision within the site to be submitted to and approved by the Planning Authority prior to the commencement of the development.  
Reason: To ensure adequate play areas within the development.

**FOR THE INFORMATION OF THE APPLICANT**

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consent are obtained.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD  
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA  
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU  
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND  
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA  
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL  
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH  
THUS, Susiephone Department, 4<sup>th</sup> Floor, 75 Waterloo Street, Glasgow, G2 7BD  
Susiephone System – 0800 800 333



If the applicant is aggrieved by the decision of the Planning Authority, an appeal may be made to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997, within six months from the date of this notice. The appeal should be addressed to the Chief Reporter, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR.

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 V of the Town and Country Planning (Scotland) Act, 1997.



**SCOTTISH BORDERS COUNCIL**  
**PLANNING AND BUILDING STANDARDS COMMITTEE**

**14 JUNE 2010**

**APPLICATION FOR PLANNING PERMISSION**

<b>ITEM:</b>	<b>REFERENCE NUMBER:</b> 10/00516/PPP
<b>OFFICER:</b>	Mr B Fotheringham
<b>WARD:</b>	Mid/East Berwickshire
<b>PROPOSAL:</b>	Erection of Twenty Dwellinghouses (Renewal of Application 06/00611/OUT)
<b>SITE:</b>	Land North West of Northburn Caravan Park, Pocklaw Slap, Eyemouth
<b>APPLICANT:</b>	Park Resorts
<b>AGENT:</b>	Humberts Leisure

**SITE DESCRIPTION**

This is an outline application submitted on behalf of the operators of Eyemouth Caravan Park for a residential development on the periphery of their land holding. The site is bounded to the south west by the access road servicing the housing on Pocklaw Slap while the south eastern boundary abuts housing on Barefoots Avenue. An access spur from Barefoots Avenue terminates at the site boundary. The two remaining boundaries are not presently demarcated but a strip of mature structure planting currently defines the south west boundary of the caravan park. The site lies substantially below the level of Pocklaw Slap road and generally slopes away from the road from west to east. That level difference does however diminish towards north west.

**PROPOSED DEVELOPMENT**

The proposal seeks consent for the development of twenty dwellinghouses on an area of around 1.5 ha. No details have been provided for the development of the site but the applicants have indicated that access would be via Pocklaw Slap and Barefoots Avenue. A supporting statement has been provided to accompany the application.

**PLANNING HISTORY**

The site was allocated for development in the Eyemouth Local Plan 1981. That status was reconfirmed in the 1994 Berwickshire Local Plan and now forms part of the adopted Scottish Borders Local Plan 2008 with a land allocation for housing. The housing designation was removed initially from the Finalised Scottish Borders Local Plan 2005 when it was proposed to amend the settlement profile removing the sites from the development boundary.

06/00611/OUT – Outline planning consent for residential development on this site was approved by the Berwickshire Area Committee on 14 August 2006 subject to the following conditions:

1. The subsequent approval by the Planning Authority of the means of access, the layout of the site, the design and siting of any buildings and the landscape treatment of the site.  
Reason: Approval is in outline only.
2. The means of water supply and of both surface water and foul drainage to be submitted for the approval of the Planning Authority.  
Reason: To ensure that the site is adequately serviced.
3. A tree/shrub planting scheme to be submitted before the development commences for approval by the Planning Authority, the planting to be carried out concurrently with the development or during the next planting season thereto and to be maintained thereafter.  
Reason: To maintain and enhance the visual amenities of the area.
4. Details of play area provision within the site to be submitted to and approved by the Planning Authority prior to the commencement of the development.  
Reason: To ensure adequate play areas within the development.

## **REPRESENTATION SUMMARY**

Nine individual letters of representation have been received. The principal grounds of objection can be summarised as follows:

- There are currently a number of dwellings for sale in Eyemouth, some of which have been for sale for two years and Taylor Wimpey pulled out of a second development at Hallydown. This application should not be supported in the current economic climate as there is a need for affordable housing.
- There is an established right of way on this area of land which has already been compromised by the siting of additional caravans.
- Access is insufficient as the roads in Barefoots Avenue are too narrow.
- The proposed development would over look and over shadow properties on Barefoots Avenue.
- No provision has been made for traffic calming measures in Barefoots Avenue.
- Over provision of dwellings in Eyemouth.
- Loss of privacy.
- Impact on local amenity.
- Inadequate water and drainage arrangements.
- Eyemouth Primary School is near capacity and the erection of additional dwellings will place a strain on teaching provision, infrastructure and facilities.
- Potential contaminated land issues.
- Resale values of adjacent properties will be compromised.
- The proposed tree screen would remove all views to the north and west.

## **APPLICANTS' SUPPORTING INFORMATION**

The applicant has submitted a supporting statement along with the application, which can be viewed on the Council's *Public Access* website. The statement broadly sets out the policy position as it affects this site.

## **DEVELOPMENT PLAN POLICIES**

### **Scottish Borders Structure Plan 2001-2018**

Policy N12 – Coastline  
Policy N20 – Design  
Policy H3 – Housing Land Allocation and Development  
Policy H9 – Affordable and Special Needs Housing  
Policy C7 – Play Areas  
Policy I11 – Parking Provision in New Development

### **Scottish Borders Local Plan 2008**

Policy G1 – Quality Standards for New Development  
Policy G5 – Developer Contributions  
Policy EP2 – Areas of Great Landscape Value  
Policy EP4 – Coastline  
Policy H1 – Affordable Housing  
Policy H2 – Protection of Residential Amenity  
Policy H3 – Land Use Allocations  
Policy Inf2 – Protection of Access Routes

### **Scottish Borders Local Plan Amendment 2009**

Policy H2 – Protection of Residential Amenity

## **OTHER PLANNING CONSIDERATIONS**

SPG 9 – Developer Contributions (April 2009)  
SPG 10 – Affordable Housing (March 2007)  
SPG – Landscape and Development (March 2008)  
SPG – Placemaking and Design (January 2010)

Scottish Planning Policy (February 2010)  
Designing Streets – A Policy Statement for Streets (2010)

PAN 44 – Fitting New Housing Development into the Landscape  
PAN74 – Affordable Housing

## **CONSULTATION RESPONSES**

### **Scottish Borders Council Consultees**

#### **Director of Technical Services (Roads):**

Principle of development has already been accepted through the previous planning application (06/00611/OUT), therefore I will not object to this renewal. However, recent changes in planning policy and guidance mean that any detailed design should embrace this new design philosophy. Documents such as the policy based 'Designing Streets' and the 'Placemaking & Design' SPG, should help achieve a design that respects its surroundings, while achieving a layout that produces natural traffic calming and integrates all modes of transport.

### **Director of Education and Lifelong Learning:**

Eyemouth Primary School is near capacity and the new High School replaces one that was unsuitable for further expansion, therefore a contribution will be sought for each school.

A contribution of £2,743 per dwelling is sought for the Primary School and £3,851 per dwelling for the High School. This contribution should be paid upon receipt of detailed planning consent but may be phased subject to an agreed schedule.

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 the level of the contribution may be varied if it is not paid before 1 April 2010.

### **Landscape Officer:**

In light of the site being designated for housing in the adopted local Plan 2008, does not object to the renewal of the consent for housing at this location, but considers that a development of 20 units would be overdevelopment of the site, with little room for a landscape scheme.

### **Statutory Consultees**

**Eyemouth Community Council:** No response

**Scottish Water:** Scottish Water has no objection to this planning application. However they are unable to reserve capacity at their water and wastewater treatment works in advance of a formal agreement being made. In view of this, the information provided in their response will need to be reviewed if this proposal progresses to full planning approval.

In terms of planning consent, Scottish Water does not object to this planning application. However, any planning approval granted by the Local Authority does not guarantee a connection to SW's infrastructure. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received.

### **Other Consultees**

None

### **KEY PLANNING ISSUES**

The primary determining issue on this application is the allocation status of the site.

### **ASSESSMENT OF APPLICATION**

#### **POLICY**

The application site has had long term allocation for residential use in the Eyemouth Local Plan, Berwickshire Local Plan and more latterly in the Scottish Borders Local Plan 2008. It is an area adjacent to existing dwellings being effectively bounded on two sides by housing and would represent a logical infill development opportunity consistent with the established land use of the

surrounding area. The principle of residential use on this site has also been established by the earlier grant of outline planning permission (06/00611/OUT) which was approved on 13 September 2007 and will expire on 13 September 2010. The application site is identified as allocation BEY1 in the Local Plan and has an indicative housing capacity of 20 units.

The application site is covered by Policy H3 of the Local Plan and Policy H3 of the Structure Plan which aim to ensure that allocated sites are developed for their intended use. This is particularly important for residential sites as housing allocations needed to meet the Structure Plan Housing Land Requirement.

The development of housing sites are generally guided by planning briefs although in this case, a planning brief has not yet been prepared or adopted by the Council. Any future detailed planning application for this site will be required to be accompanied by a planning brief that meets the standards employed in the Council-prepared briefs and can be covered by a suitably worded condition.

There has been no significant shift in policy that would preclude this site from being developed for housing or the earlier consent from being renewed. The principle of housing on this site has clearly been established by the long term allocation of this land for housing in the development plan, and the recent outline permission for residential development reinforces this position.

#### RESIDENTIAL AMENITY

Many of the points of representation raised focus heavily upon the detailed design and treatment of the site. This would need to be the subject of future application at which time neighbours would again have the opportunity to comment on precise siting, design, heights, materials, landscaping and layout. Members will be aware, however, that the loss of a view or the devaluation of nearby properties are not in themselves planning reasons to refuse an application.

It is contended that the development of this site for residential purposes would be consistent with the established land use of the area and would respect (in principle) the character of the surrounding area and neighbouring built form. Housing development would fit within a predominantly residential area of the town and would be consistent with the general pattern of development on this edge of town location.

Issues such as over looking, loss of privacy and loss of amenity are legitimate planning considerations but should be more appropriately explored following the submission of the subsequent detailed application.

#### RIGHTS OF WAY

Some of the representations submitted mention a claimed right of way which runs through the application site and which has been established for 20 years. At the time of writing this report a response had not been received from the Council's Access Officer and the use of this path as a right of way cannot be confirmed or denied. It is hoped that this will be clarified in time for the meeting, although given the timescale referred to would also have been an issue at the time of the earlier grant of permission.

Notwithstanding the claimed right of way on the site, the application site does lie close to an established right of way along the Eyemouth coastline. This forms part of the Berwickshire

Coastal Path network and access rights to this path must be upheld during and after development of this site. Given the distance between the site and the coastal path it is considered that the proposed residential development would not have a significant adverse effect on the continued access to or enjoyment of the nearby access route.

## COASTLINE

Development proposals at a coastal location will be required to comply with Policy N12 of the Structure Plan and Policy EP4 of the Local Plan. Development at these locations will only be permitted where the proposal is located within a defined settlement boundary, or related to a building group, where the development requires a coastal location and the benefits of the development clearly outweigh any damage to the landscape character of the area.

The proposed site clearly falls within the development boundary of Eyemouth as defined in the Local Plan and covered by Policy G8 which protects development boundaries. It is considered that the development of this site will not have an adverse effect on the coastal resource and will not have an adverse impact on this tourism asset.

## LANDSCAPE

No proposals for landscaping have been submitted with the application in support of these proposals. The application site is narrow and does not benefit from any established landscaping other than an intermittent hedge along the west boundary shared with Pocklaw Slap. It is essential that any detailed application submitted for the development of this site is complemented by a detailed landscape assessment and proposal that will demonstrate a reasonable 'fit' within the site and wider townscape but also help to reconcile the proposed caravan park extension which is currently under consideration (10/00485/FUL). Detailed proposals should form the basis for further consideration during any detailed application and this can be covered by condition. While the view of the Landscape Officer is acknowledged, the position remains unchanged since the grant of the earlier permission, and the opportunity will exist at detailed stage to consider the scope for landscaping, much of which will depend upon the layout and density of the housing proposed. As the scheme is only at "principle" stage, there is not considered to be any justification for objection on these grounds at this stage.

## DEVELOPMENT CONTRIBUTIONS

Members will be aware that Policy G5 of the Local Plan and the adopted SPG on Development Contributions will be applicable in this case as the earlier grant of outline consent did not attract contributions towards Education and Lifelong Learning (E&LL) at that time. In this instance, development contributions towards E&LL will be required and these should be paid upon receipt of detailed planning consent. Eyemouth Primary School is near capacity and the new High School replaces one that was unsuitable for further expansion, therefore a contribution will be sought for each school.

A contribution of £2,743 per dwelling is sought for the Primary School and £3,851 per dwelling for the High School. These contributions will be secured through a legal agreement should members be minded to support this application.



## **AFFORDABLE HOUSING**

As per the original outline application, there will be a requirement for on-site provision of affordable housing. In the supporting statement the applicant's agent acknowledges that there is a requirement for on site provision of affordable housing on developments of 5 or more units. Within the Berwickshire Housing Market Area there is a 20% housing requirement for affordable housing. This would equate to 3.8 affordable units where the first unit is exempt. The following calculation would apply:

$$(20 \text{ units} - 1) = 19$$

$$19 \times 0.2 (20\%) = 3.8 \text{ units}$$

Therefore 3 affordable units are required to be provided on site. The remaining 0.8 units would be offset by a commuted payment.

## **WATER AND DRAINAGE**

There is concern in the letters of representation that there is insufficient capacity within the existing water and drainage systems to accommodate the proposed number of units. Scottish Water however, has confirmed that they have no objections in principle to this application but confirm that any grant of planning consent does not guarantee a connection to their infrastructure. It would be the responsibility of the developer to contact SW during the detailed planning application stage to agree proposals for connection following the submission of a Development Impact Assessment.

As an outline proposal there will need to be subsequent detailed preparation of plans to enable any effective development of the site to take place. This should include details of all water and drainage arrangements but can be covered by suitably worded conditions.

## **REPRESENTATIONS**

There are a number of representations which have raised legitimate planning considerations and these have been taken into consideration during the application process. The principle grounds of objection related to residential amenity, increase in traffic, lack water and drainage provision, loss of a view and devaluation of properties. These issues have been properly considered and have been discussed above. It is accepted that there will be an impact on nearby properties but it is considered that a suitably designed layout with appropriate levels of landscaping and dwellings of appropriate architectural quality can be accommodated on this site without significant adverse effect on the residential amenity of the surrounding area.

## **CONCLUSION**

In conclusion, there has been no significant shift in policy that would prevent this application for outline consent from being approved or the earlier grant of consent being extended. There is considerable planning history of residential development permissions on this site and it continues to be allocated for residential use in the current development plan. Subject to an improved schedule of conditions and the conclusion of a legal agreement covering education contributions and affordable housing it is considered that this application can be supported by the planning authority.

## RECOMMENDATION BY HEAD OF PLANNING AND BUILDING STANDARDS

I recommend that the application is approved subject to the following conditions and informative, and the successful conclusion of a legal agreement covering affordable housing and education contributions:

1. Approval of the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site shall be obtained from the Local Planning Authority.  
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
  - (a) the expiration of three years from the date of this permission, or
  - (b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.  
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.  
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
4. The subsequent application for the approval of reserved matters shall be accompanied by:
  - i. a site layout plan at a scale of 1:500 showing the position of all buildings, roads, footpaths, parking areas (distinguishing, where appropriate, between private and public spaces), walls and fences and landscaping;
  - ii. plans and elevations of each house and garage type showing their dimensions and type and colour of external materials;
  - iii. a landscaping plan at a scale of 1:200 showing the location, species and ground spread of existing and proposed trees, shrubs and hedges;
  - iv. details of the phasing of development;
  - v. details of existing and finished ground levels, and finished floor levels, in relation to a fixed datum, preferably ordnance datum.Reason: To ensure a satisfactory form of development.
5. The means of water supply and of both surface water and foul drainage to be submitted for the approval of the Planning Authority.

Reason: To ensure that the site is adequately serviced.

6. No development shall take place until a scheme for the provision of a public open space and an equipped play area has been submitted to and approved in writing by the Local Planning Authority. The scheme so submitted shall include-
  - i. type and location of play equipment, seating, fences, walls and litter bins
  - ii. surface treatment of the play area
  - iii. proposals for the implementation/phasing of play area(s) in relation to the construction of houses on the site.

Reason: To ensure that proper provision is made for recreational facilities within the site.

7. The proposed development shall incorporate measures to maximise the efficient use of energy and resources, and the incorporation of sustainable building techniques and renewable energy technologies, in accordance with the scheme of details that shall first have been submitted to and approved in writing by the planning authority.

Reason: To ensure the development minimises any environmental impact

### **Informative**

1. Documents such as the policy based 'Designing Streets – A Policy Statement for Scotland' and the 'Placemaking & Design' SPG, should help achieve a design that respects its surroundings, while achieving a layout that produces natural traffic calming and integrates all modes of transport. These should form the basis for an informed detailed layout for any subsequent application.

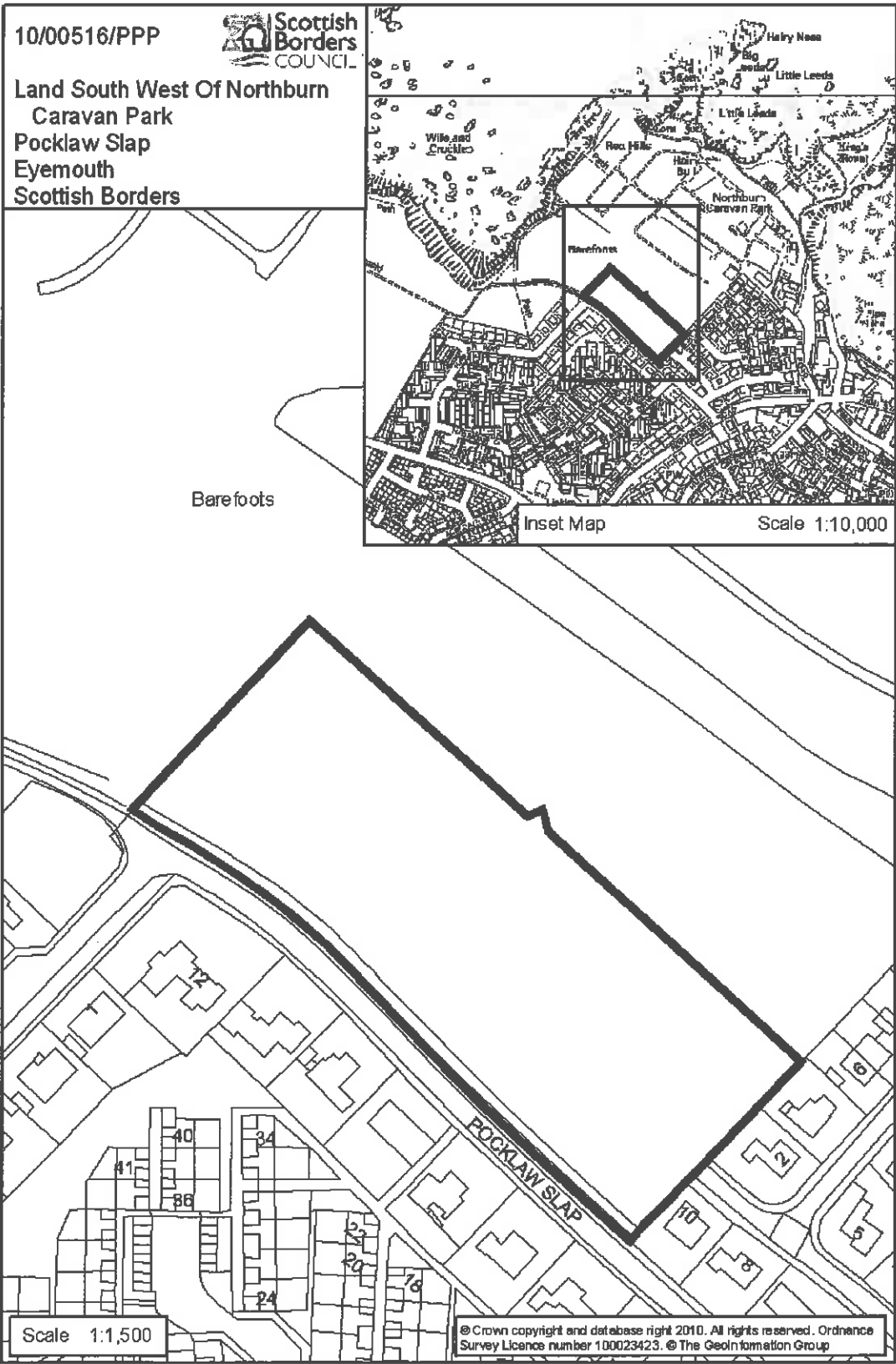
### **Approved by**

Name	Designation	Signature
Brian Frater	Head of Planning and Building Standards	

The original version of this report has been signed by the Head of Planning and Building Standards and the signed copy has been retained by the Council.

### **Author(s)**

Name	Designation
Barry Fotheringham	Principal Planning Officer



**PLANNING CONSULTATION REPLY**



**Brian Frater  
Service Director Regulatory Services**

To: Head of Planning and Building Standards  
 F.A.O. Lucy Hoad  
 From: Built & Natural Heritage  
 Contact: Mike Marsh Ext. 5267 Ref: 14/01282/FUL Date: 25 November 2014

**PLANNING CONSULTATION**

To: Rights Of Way Officer  
 From: Development Management Date: 24<sup>th</sup> November 2014  
 Contact: Lucy Hoad ☎ 01835 82511 Ref: 14/01282/FUL

**PLANNING CONSULTATION**

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 15th December 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 15th December 2014, it will be assumed that you have no observations and a decision may be taken on the application.

**Name of Applicant:** Park Resorts

**Agent:** GVA Hotels & Leisure

**Nature of Proposal:** Change of use of land to form extension to existing holiday park  
**Site:** Land South West Of Nothburn Caravan Park Pocklaw Slap Eyemouth  
 Scottish Borders

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**OBSERVATIONS OF: Rights Of Way Officer**

**CONSULTATION REPLY**

**ACCESS OFFICER REPLY:**

Thank you for your request to receive an outdoor access consultation response. You should note the following:

**LEGISLATION**

National Access Legislation

It is the duty of local authority to uphold access rights, under the [Land Reform \(Scotland\) Act 2003](#), in doing so, protect and keep open and free from obstruction or encroachment any route, waterway or other means by which access rights may reasonably be exercised.

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

#### COMMENTS

According to our records, as outlined on the enclosed plan, there are no known Core Paths / Promoted Paths / Rights of Way that are **directly** affected by this proposal.

Right of Way BB22 passes to the west of the proposed site on Pocklaw Slap Road.

The Access Team have no objections to make regarding this proposal. However the following condition should apply:

The path, as indicated above, 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 property (*as outlined in this application*).

Reason: To protect general rights of responsible access.

*Mike Marsh*

Access Ranger (Berwickshire)  
Built & Natural Heritage  
Regulatory Services  
Scottish Borders Council  
Newtown St Boswells  
TD6 0SA



Council Headquarters, Newtown St Boswells, MELROSE, Scottish Borders, TD6 0SA  
 Customer Services: 0300 100 1800 [www.scotborders.gov.uk](http://www.scotborders.gov.uk)

Eyemouth Town Community Council  
Planning  
c/o Mrs Margaret Paterson  
37a Church Street  
Eyemouth  
Berwickshire  
TD14 5DH

For attention of Lucy Hoad:

LAND NORTHWEST OF NORTHBURN CARAVAN  
PARK,POCKLAW SLAP,EYEMOUTH.  
App Ref: 14/01282/FUL

Eyemouth Town Community Council held their monthly meeting on 24<sup>th</sup> November 2014 where the above planning application was discussed.

Whilst there were no objections to the extension of the site and the application to build over twenty residential lodges as opposed to two storey houses applied for in a previous application there was some concern about the narrow access to the site where the current hammerhead runs between two residential homes .This road would be accessing onto the Barefoots estate which is currently a narrow road twisting road with barely room for two vehicles to pass . Bearing in mind the increase in traffic from the new residential site which would be private cars for over twenty lodges ,visitors , utility , delivery etc the ETCC felt that the access road for the lodges would be better coming of the top of Pocklaw Slap which is a much wider and easier to negotiate two lane road .

We as the members of Eyemouth Town Community Council do hope that you will take these suggestions on board and safeguard the already congested Barefoots estate where children are used to playing out in the area in safety.

Yours on behalf of ETCC

Mrs Margaret Paterson  
Planning & Treasurer



**Scottish Borders Council**

**Regulatory Services – Consultation reply**

<b>Planning Ref</b>	<b>14/01282/FUL</b>
<b>Uniform Ref</b>	<b>14/02271/PLANCO</b>
<b>Proposal</b>	<b>Change of use of land to form extension to existing holiday park</b>
<b>Address</b>	<b>Land South West Of Nothburn Caravan Park, Pocklaw Slap, Eyemouth, Scottish Borders</b>
<b>Date</b>	<b>9<sup>th</sup> December 2014</b>
<b>Amenity and Pollution Officer</b>	<b>David A. Brown</b>
<b>Contaminated Land Officer</b>	<b>Reviewed – No comment</b>

**Amenity and Pollution**

**Assessment of Application**

This is an Application to extend an existing Caravan Park development.

If Consent is granted, an amendment to the site licence will be required.

**Recommendation**

Agree with application in principle, subject to Informative.

**Informative**

**CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960**

The applicant is advised to liaise with SBC's Legal and Democratic Services, Licensing Team regarding the proposed increase, and possible amendments required to the site licence.

**Brian Frater**  
**Service Director Regulatory Services**

Landscape Architect  
Scottish Borders Council  
Council HQ  
Newtown St Boswells  
Melrose  
TD6 0SA

Officer                    Lucy Hoad  
☎                            01835 825113  
E-mail                    lhoad@scotborders.gov.uk  
  
Application Ref : 14/01282/FUL  
  
Date :                      25th November 2014

**NAME OF APPLICANT:**                    Park Resorts Ltd  
  
**NATURE OF PROPOSAL:**                Change of use of land to form extension to existing holiday park  
  
**SITE:**                                        Land South West Of Nothburn Caravan Park Pocklaw Slap Eyemouth Scottish Borders  
  
**GRID REF**                                  Easting: 393911            Northing: 664601

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

**THE ENVIRONMENTAL IMPACT ASSESSMENT (SCOTLAND) REGULATIONS 2011**

REQUEST FOR OBSERVATIONS OF: **Landscape Architect**

**ENVIRONMENTAL ASSESSMENT CONSULTATION**

Your observations are requested on the above noted planning application. I shall be glad to have your response not later than 23rd December 2014. If no reply is received by this date it will be assumed that you have no observations and a decision may be taken on the application.

All documents relating to this application can be viewed by following this hyperlink:  
<http://eplanning.scotborders.gov.uk/online-applications/>

*To activate the hyperlink, place your cursor at the end of the line and press the return key.*

Please create your consultation response in a MS Word document and email it to [dcconsultees@scotborders.gov.uk](mailto:dcconsultees@scotborders.gov.uk)

**THE UNAUTHORISED COPYING OF THESE PLANS MAY CONSTITUTE A BREACH OF COPYRIGHT**

Yours faithfully

Brian Frater

Service Director – Regulatory Services

## OBSERVATIONS OF: Landscape Architect: J. Knight

### CONSULTATION REPLY dated 23 December 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.*

#### Description of the Site

The site is a paddock of rough grassland lying between the existing holiday park and residential properties at Pocklaw Slap to the south west and Barefoots to the south east. The site, BEY1, is allocated for housing in the Consolidated Local Plan, 2011, with a nominal capacity for 20 houses.

#### Nature of the Proposal

It is proposed to create 23 residential lodges served by a new access road off Barefoots Road all as set out on the applicant's 'Proposed Plan' drawing number 3487-320 dated SEP 2014. The applicant has submitted a Planning Statement dated August 2014 in support of the proposal.

#### Implications of the Proposal for the Landscape including any mitigation

The land affected is already zoned for housing and, in principal, there is no objection to the type of development proposed. Single storey lodges should be easier to accommodate visually than houses which might be higher and more obstructive to views from the adjoining residential areas. The proposed layout however is linear and repetitive and there is a general lack of detail in terms of cabin type and appearance, external finishes and, particularly, in terms of proposed planting. The submitted planning statement does not address the design issues. From previous experience, we already know that Eyemouth has a demanding climate and the successful establishment of the planting framework is going to be critical to the long term acceptability of the proposal. The lack of detail therefore needs to be addressed and I suggest it should be addressed before the application is determined.

The applicant should provide a short design statement detailing:

- Proposed cabin type with elevations / photos
- Details of access road / hard surfaces generally
- Any SUDS requirements that affect site layout?
- Any site furniture / fittings, including fencing and lighting?
- Details of proposed planting including proposed species, planting specification and density and future maintenance

#### Recommendation

**I do not object to the application in principal but require further information before being able to support this full application.**

**To: Development Management Service  
FAO Lucy Hoad**

**Date: 12 Dec 2014**

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

**Ext: 6663**

**Ref: 14/01282/FUL**

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**Subject: Change of Use of Land to Form Extension to Existing Holiday  
Park  
Land South West of Northburn Caravan Park, Pocklaw Slap,  
Eyemouth**

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This site is currently zoned for housing in the Consolidated Local Plan; therefore the principle of housing has already been accepted on this land. Subsequent comments on the outline planning application (06/00611/OUT) for twenty dwelling units indicated the main access to be taken from Pocklaw Slap with a secondary minor access via Barefoots Road.

However the current proposal is for an extension to the existing caravan park but with a separate access via Barefoots Road, with only a pedestrian link through to the existing holiday park.

Given that this proposal is for an extension to the existing holiday park, I feel the additional units should be served by an internal link from the existing and the access from Barefoots Road removed. As a result this would remove the traffic associated with the holiday park from the narrow residential network adjacent to the site. It would also remove the need for holiday park traffic arriving at the main entrance to check-in, then having to double back to access the additional units by a different access point, which would also require additional signage.

Given the above, I must recommend refusal of this application in its current form. If the applicant wishes to take on board the above comments and provide access to the site from an internal link, then I may be able to look more favourably upon this application.

DJI

## PLANNING CONSULTATION

To: Forward Planning Section

From: Development Management

Date: 24th November 2014

Contact: Lucy Hoad ☎ 01835 825113

Ref: 14/01282/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 15th December 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 15th December 2014, it will be assumed that you have no observations and a decision may be taken on the application.

**Name of Applicant:** Park Resorts Ltd

**Agent:** GVA Hotels & Leisure

**Nature of Proposal:** Change of use of land to form extension to existing holiday park  
**Site:** Land South West Of Northburn Caravan Park Pocklaw Slap Eyemouth  
Scottish Borders

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**OBSERVATIONS OF: Forward Planning Section**

## CONSULTATION REPLY

This site was subject to a pre-applic enquiry last year (ref 13/00842/PPP). The proposal was for the erection of a proposed holiday caravan development on the same site as the application in question.

In essence the response from Forward Planning stated that the site is allocated for housing development within the consolidated Local Plan 2011 (and this allocated is carried forward within the proposed new Local Development Plan) and consequently policy H3 – Housing Land Allocations should be applied which states that any use contrary to the use for which the site is allocated will be refused; however there are exceptions criteria, and in this case the relevant criteria is considered to be:

5 iii) the alternative use offers significant community benefits that are considered to outweigh the need to maintain the original proposed use

It has been necessary to allocate a certain level of housing to meet the south east Scotland Strategic Development Plan (SESplan) housing requirement as part of the Local Development Plan process. It is therefore considered that it would be inappropriate to allow alternative uses on allocated housing land at this time. Whilst it is accepted the proposal will offer some community benefit in terms of tourism and related local economic benefit, it is considered this would not outweigh the need to protect allocated housing sites and land supply.

It was also stated that there are other relevant Local Plan policies including- BE8 Caravan and Camping Sites, EP2 Areas of Great Landscape Value, and EP4 Coastline, and any application would need to consider these policies. It should be noted that AGLV have been replaced with

Special Landscape Areas (SLA) following the Local Landscape Designation Review of 2012. As a part of this review a Statement of Importance was produced for the Berwickshire Coast SLA; this states that caravan parks are one of the forces for change on this designated landscape. The proposed site is located adjacent to the SLA and as a result careful consideration of landscape impacts should be made.

Consequently it was concluded that the proposal could not be supported, other than if the use of the site for the proposed purpose was only for a temporary period. This would leave open the possibility for the allocated use to be developed for mainstream housing when market conditions allowed. It is understood the applicant did not consider this option feasible from a financial point of view.

In terms of the current consultation it is noted that within the supporting planning statement the proposed 23no units are referred to as "residential mobile homes". The fact that they are referred to as mobile suggests they are not for permanent use which is an issue with the Local Plan allocation which requires housing land supply to comprise of permanent homes. If they are for permanent occupancy as stated in the statement it is not understood why the proposal should remain within the confines and the control of the caravan park as is suggested. The question must be asked as to what guarantees would be in place to control occupancy of the units, e.g what would prevent the use of any of the units being used for short stay purposes in character with the operation of any other holiday outlet. Furthermore, although the statement refers to the units as being "residential mobile homes", the site plan refers to them as "residential lodges" and it is noted in para 4.14 they are referred to as "residential standard *caravans*". All these points should be clarified.

Although this is an application for full planning permission the plans submitted are lacking in detail. There are no floor plans submitted with the proposal and therefore the size of the units, the likely no of occupants and the range of interested parties they could accommodate is unclear. It is noted that para 4.16 in the planning statement suggests the accommodation may be 2/3 bedroom although in para 4.17 it is suggested the units will be ideally suited to elderly residents. If this was being promoted as mainstream housing then 25% affordable units would need to be considered. There is no reference to this requirement within the covering statement and if the proposal is for mainstream housing then advice should be sought from the Council's Development Negotiator in due course with regards to any developer contribution requirements.

It is noted that the applicants state that there has been no interest from third parties to develop the site for housing. It is considered therefore the suitability of continuing to allocate the site for housing could be addressed during the preparation of the next Local Development Plan.

Whilst there are a number of questions as stated above to be confirmed, on the evidence submitted the proposed units are mobile and it is considered the reasons for opposing the pre-application proposals remain pertinent to this proposal in that in essence the loss of this allocated permanent housing land which is required to meet the housing land requirement for the Berwickshire Housing Market Area is contrary to policy H3 of the consolidated Local Plan.

9/12/14

## PLANNING CONSULTATION

To: Economic Development Section

From: Development Management

Date: 24th November 2014

Contact: Lucy Hoad ☎ 01835 825113

Ref: 14/01282/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 15th December 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 15th December 2014, it will be assumed that you have no observations and a decision may be taken on the application.

**Name of Applicant:** Park Resorts Ltd

**Agent:** GVA Hotels & Leisure

**Nature of Proposal:** Change of use of land to form extension to existing holiday park  
**Site:** Land South West Of Nothburn Caravan Park Pocklaw Slap Eyemouth  
Scottish Borders

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**OBSERVATIONS OF:** Economic Development Section

## CONSULTATION REPLY

The response from Economic Development is set out below:

**Economic Development supports the change of use to land to form extension to existing holiday park. In particular, this application fits with our Tourism Strategy 2013-2020 by:**

- **Ensuring the Region's accommodation offerings meet consumer demands and where opportunities are available can act as an attractor of demand in themselves.**
- **Ensure a relevant range of types of accommodation is available across the Region to meet evolving market demand and expectations. Identify opportunities where better quality and new products can 'lead' and generate new demand – accommodation destination products. i.e. holiday lodge development**
- **Supporting direct employment:**

**The application also fits with a Visit Scotland consultation paper (Feb 2013) on the National Tourism Development Plan for Scotland - within which Scottish Borders Council noted:**

**Accommodation requirements: "There is an opportunity for the provision of new and improvement of existing self-catering accommodation in our rural area, including bunk house provision & holiday parks"**

If the application for change of use is approved, we would suggest that the following requirement is met:

- A full business plan is submitted including financial forecasts, marketing information & job creation



## Application Comments for 14/01282/FUL

### Application Summary

Application Number: 14/01282/FUL

Address: Land South West Of Nothburn Caravan Park Pocklaw Slap Eyemouth Scottish Borders

Proposal: Change of use of land to form extension to existing holiday park

Case Officer: Lucy Hoad

### Customer Details

Name: Mrs Barbara Prater

Address: Fortview 12 Barefoots Crescent, Eyemouth, Scottish Borders TD14 5BA

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to Residential Amenity
- Increased traffic
- Poor design
- Privacy of neighbouring properties affected
- Road safety

Comment: I am not opposed to the erection of 20 residential chalets, indeed they would be far less intrusive than the two story houses which I had anticipated on that site.

HOWEVER I object extremely strongly to the planned access route through Barefoots Estate.

The roads on this small estate are narrow with sharp bends and corners which make progress difficult.

Using this estate as the sole access route for 20 more dwellings, generating extra delivery vans, visitor traffic on top of the daily access and egress of the residents themselves is totally unacceptable.

Pocklaw Slap runs parallel to this development and is a wider road already serving the Deanhead estate, it would make far more sense to turn the plan around and have the access road at the other end of the development leading onto Pocklaw Slap.

# Application Comments for 14/01282/FUL

## Application Summary

Application Number: 14/01282/FUL

Address: Land South West Of Nothburn Caravan Park Pocklaw Slap Eyemouth Scottish Borders

Proposal: Change of use of land to form extension to existing holiday park

Case Officer: Lucy Hoad

## Customer Details

Name: Mrs Fiona GLOVER

Address: 45 High Street, Eyemouth, Scottish Borders TD14 5EY

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Increased traffic
- Privacy of neighbouring properties affected
- Road safety

Comment: I have NO complaints about the " park". My concern is the planned entrance through Barefoots. This estate comprises narrow streets and is totally unsuitable for the amount of extra traffic the new chalets would bring.

The road B822 is already in use and the site has access to it "Why reinvent the wheel "

# Application Comments for 14/01282/FUL

## Application Summary

Application Number: 14/01282/FUL

Address: Land South West Of Northburn Caravan Park Pocklaw Slap Eyemouth Scottish Borders

Proposal: Change of use of land to form extension to existing holiday park

Case Officer: Lucy Hoad

## Customer Details

Name: Mr Alexander mair Ritchie

Address: 3 Barefoots Road, Eyemouth, Scottish Borders TD14 5EE

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inadequate access

Comment: The access to this proposed development should be from the Caravan park itself, the access gate that is on the application would create an increase in traffic through a private residential street, along with security implications and parking issues that would follow.

The option of an access from the top of the Pocklaw Slap would also be an option, but this would need careful consideration for the same reasons as an access through Barefoots Road.

Basically if this is part of an already established Caravan park I am concerned that they do not want access from their site, another question would be are these homes to be occupied all year round?. I am definitely against this proposal

# Application Comments for 14/01282/FUL

## Application Summary

Application Number: 14/01282/FUL

Address: Land South West Of Northburn Caravan Park Pocklaw Slap Eyemouth Scottish Borders

Proposal: Change of use of land to form extension to existing holiday park

Case Officer: Lucy Hoad

## Customer Details

Name: Mr alex aitchison

Address: 14 Barefoots Avenue, Eyemouth, Scottish Borders TD14 5JH

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Increased traffic
- Loss of view
- Privacy of neighbouring properties affected
- Road safety

Comment: i object to where the entrance /access to the site will be.

barefoots is a quiet residential area and increased traffic will make it a very big problem for the residents .why cant it be accessed from the caravan park.?? to say that there are only two properties affected by this application is poor as most of the houses in barefoots have downstairs bedrooms, upstairs living rooms etc. and what about the houses in pocklaw slap, surely they will be affected too.???

# Application Comments for 14/01282/FUL

## Application Summary

Application Number: 14/01282/FUL

Address: Land South West Of Northburn Caravan Park Pocklaw Slap Eyemouth Scottish Borders

Proposal: Change of use of land to form extension to existing holiday park

Case Officer: Lucy Hoad

## Customer Details

Name: Mr Stephen Sadler

Address: 2 Barefoots Avenue, Eyemouth, Scottish Borders TD14 5JH

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inadequate access
- Increased traffic

Comment: I object to this proposal on the grounds of the poor access provision from the Barefoots Estate. I do not object to the change of use, however, I do not feel that the access from Barefoots is safe or practical, and as such, access to the site should be from the current park roads or from Pocklaw Slap, which is wider and already established for a higher density of traffic.

The roads within the Barefoots Estate are narrow, with the proposed access point being narrower than any other on the estate and totally unsuitable.

# Application Comments for 14/01282/FUL

## Application Summary

Application Number: 14/01282/FUL

Address: Land South West Of Northburn Caravan Park Pocklaw Slap Eyemouth Scottish Borders

Proposal: Change of use of land to form extension to existing holiday park

Case Officer: Lucy Hoad

## Customer Details

Name: Mr Brian Green

Address: 2 Barefoots Road, Eyemouth, Scottish Borders TD14 5EE

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inadequate access
- Increased traffic
- No sufficient parking space
- Road safety
- Value of property

Comment: The roads serving this quiet residential estate are narrow with tight corners and are totally unsuitable for an increase in traffic flow which, in my opinion, would considerably decrease the safety of its residents. There would also be an increase in noise and disruption with increased public 24hr access to the holiday park. The holiday park already has a designated access route via Fort Road and all access requirements servicing the holiday park should be routed through this without further disruption to the residents of the Barefoots Estate. Indeed the question must be raised as to why the Holiday Park have requested an additional access point where they already have an established route which seems to have provided adequate access to date.

My wife also works as a Registered Child Minder and has serious concerns for the safety and security of children being dropped off and collected from our home.

We absolutely oppose this proposal.

To whom it may concern. Re. ref. no. <sup>C1282</sup> 14/10282/FUL  
LH

I write to you as a concerned barefoots avenue resident.

I can see no point even trying to object to the new proposed planning application for Eyemouth holiday park because in my view it's already cut and dried.

The residents of barefoots ave. And pocklaw slap objected to the last development and put up some good points as to why it should not go ahead....but to no avail.

You state that objecting to not having a view is not relevant...but those caravans that were erected have a fantastic one...and what is going to happen to the space that is left...??? I hope to god that it is not going to be a playpark...that indeed would be the last straw.

As have totally lost my faith in the planning department and instances like the monstrosity that has been built at coldingham beach..which is very out of place with the surroundings just emphasises my view.

We pay our council tax year in year out but as residents get trampled on. As for the holiday park..its the same..no consideration shown at all....

Yours....a very upset homeowner of barefoots





**Review reference 15/00027/RREF**

Good Evening I have tried to access the link you sent me for the Scotborders web page but it would not work. But I would like to have the following points considered at the appeal hearing.

- Unless there has been a new plan submitted I cannot see how this appeal can be successful
- The subject of access to this extension still has to be addressed and for this application to have any chance of being accepted the Caravan site owners must create an access to this area that is through the existing caravan site. As any plans to access through Barefoots road would be unmanageable.
- The reason for these static caravans has to be provided, and who they are for (will it be a seasonable occupation) The last thing we need as neighbors is a Gypsy type occupation.

I hope the planning committee come to the correct decision and if the Caravan park does have to be extended then there is a large area to the West of the site that lies undisturbed and currently owned (I believe) by the Caravan park owners.

The proposed area is designated for Private residential housing and this is what it should remain as.

*Kind Regards*

*Alexander mair Ritchie  
Christine mary Ritchie  
3 Barefoots road  
Eyemouth  
Berwickshire  
TD14,5EE*



## Walling, Fiona

---

**From:** Whaley, Rachel (Bilfinger GVA) <Rachel.Whaley@gva.co.uk>  
**Sent:** 16 November 2015 14:33  
**To:** localreview  
**Subject:** Local Review Body - 14/01282/FUL 15/00027/RREF - Eyemouth

### Fao Fiona Walling

Dear Fiona,

Thankyou for forwarding the comments from A & C Ritchie, 3 Barefoots Road. Our response on behalf of our client, Park Resorts Ltd, is set out below:

It appears they are not aware of the most recent amended plan regarding site access which was submitted as part of the planning application. Indeed, part of our client's case is that the Council did not take this into account either when issuing the decision. The plan has been amended to omit the vehicular access from Barefoots Avenue, due to the concerns of residents, and instead the site access is to be relocated to the west coming off Pocklaw Slap. Vehicular access to the application site from Pocklaw Slap has already been approved as part of the outline application (planning permission in principle) for the built housing development on this site. The highways officer also noted this in his comments on the current application subject of this Review. The applicant does not consider that vehicular access all the way through the existing holiday park is the most appropriate to serve the proposed mobile home development and vehicular access from Pocklaw Slap to serve residential development on the same site has already been approved.

They are also unclear on the purpose of the application, and again the case is made in our client's statement that the officers have also failed to understand the nature of the proposal before them. The applicant has made it very clear in the planning application submission and the further statement provided for the review, that the proposed development is for mobile homes, meaning caravans for permanent residential occupation and not for seasonal holiday occupation. These mobile homes are designed to a high standard and are sold to private owners who, in accordance with the Mobile Homes Act 1983, must purchase and occupy them as their permanent home/ main residence.

Details of the type of mobile home/park home have been provided. They will be permanently sited on the land as an attractive residential development in keeping with the surroundings. It will not be a gypsy/traveller site; that is an entirely different housing issue. The site will be owned and managed by Park Resorts as a residential/park home estate.

As noted in our submitted statements, the nature of mobile home developments are that there is in fact much greater control over the occupancy of the housing provided, in that they have to be sold as a person's main or sole residence, unlike built dwellings which can be bought as second homes or holiday homes. Therefore, not only will this development ensure that the site remains in use for private housing, but it will ensure that housing is occupied by people living permanently in the town and not just used as part of the holiday/second home market. As such it will make a far greater contribution to delivering accommodation to meet local housing need than the built houses would do.

The role of mobile homes (or park homes as they are referred to in the industry) in providing low cost market housing across the UK is significant with between 200,000 – 250,000 people living in park homes across the UK; between 1500 – 1800 park home estates/residential caravan parks; and between 1,350 and 1500 new park homes units are manufactured in the UK each year to meet the demand.

I would draw members' attention to the detailed comments in our statement which address these points further.

Yours sincerely,

Rachel

**Rachel Whaley**, Associate, Retail, Hotels and Leisure, Bilfinger GVA  
Direct Dial: 0113 2808081 - Email: [rachel.whaley@gva.co.uk](mailto:rachel.whaley@gva.co.uk) Mobile: 07919 326390  
Web: [www.gva.co.uk](http://www.gva.co.uk) - National Number: 08449 02 03 04 - Fax: 0113 2808080



The image shows a header section for an email. On the left, there is a logo for Bilfinger GVA, consisting of a stylized 'B' and 'G' intertwined, with the word 'BILFINGER' below it and 'GVA' in a circle to the right. To the right of the logo, the address is listed: 'City Point', '29 King Street', 'Leeds LS1 2HL'. Below the logo and address, there is a message: 'Save a tree... please don't print this e-mail unless you really need to'. To the right of this message is a Twitter icon and the text 'Follow Bilfinger GVA on Twitter'.

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### List of Policies

**Local Review Reference:** 15/00027/RREF

**Planning Application Reference:** 14/01282/FUL

**Development Proposal:** Change of use of land to form extension to existing holiday park

**Location:** Land south west of Northburn Caravan park, Pocklaw Slap, Eyemouth

**Applicant:** Park Resorts Ltd

### **SESplan Strategic Development Plan 2013**

#### Policy 5 – Housing Land

The Strategic Development Plan identifies that, for the period from 2009 up to 2024, there is a requirement for sufficient housing land to be allocated so as to enable 107,545 houses to be built across the SESplan area, including on land which is currently committed for housing development. Of that total, the requirement for the period 2009 to 2019 is for 74,835 houses. Supplementary guidance will be prepared to provide detailed further information for Local Development Plans as to how much of that requirement should be met in each of those six areas, both in the period 2009 to 2019 and in the period 2019 to 2024.

The supplementary guidance will be based on an analysis of opportunities and of infrastructure and environmental capacities and constraints, and will be undertaken in consultation with the six constituent planning authorities.

Subject to any justifiable allowance for anticipated house completions from ‘windfall’ sites, and for demolitions of existing housing stock, Local Development Plans will allocate sufficient land which is capable of becoming effective and delivering the scale of the housing requirements for each period, which will be confirmed in the supplementary guidance. Where appropriate they will indicate the phasing and mix of uses to be permitted on any sites to be allocated for housing development.

Those existing housing sites which are assessed as being constrained, but also capable of delivering housing completions in the period 2024 to 2032, should be safeguarded for future housing development.

### **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'.

## 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 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 H1 – AFFORDABLE HOUSING

Where the Local Housing Strategy or local needs assessment identifies a local housing need, the Council will require the provision of a proportion of land for affordable or special needs housing, both on allocated and windfall sites. The final scale of such affordable and/or special needs housing will be assessed against:

1. ongoing local housing needs assessment work being carried out by the Council,
2. the location and size of the site, and
3. the availability of other such housing in the locality.

Developers may be required to make contributions through:

4. the provision of a proportion of the site for affordable housing, or
5. the provision of additional land elsewhere to accommodate the required number of affordable housing units, or
6. the provision of commuted payments.

## 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 H3 – LAND USE ALLOCATIONS

1. Development will be approved in principle for the land uses allocated on the Land Use Proposals tables and accompanying Proposals Maps.
2. Development will be in accordance with any Council approved planning or development brief including where this has been prepared by developers, provided it meets the requirements for the site and its acceptability has been confirmed in writing by the Council.
3. Sites proposed for redevelopment or mixed use may be developed for housing, employment (classes 4, 5 and 6 of the Use Classes Order) or retailing, subject to the sequential test, or a mix of uses that could include community facilities and open space depending on the location of the site, the needs of the community and the deliverability of alternative uses. Redevelopment sites may be developed for a single use.
4. Sites proposed for commercial redevelopment will comprise appropriate town centre uses within Classes 1-4 of the Use Classes Order.
5. Any other use on allocated sites will be refused unless the developer can demonstrate that:
  - (i) it is ancillary to the proposed use and in the case of proposed housing development, it still enables the site to be developed in accordance with the indicative capacity shown in the Land Use Proposals table and/or associated planning briefs, or
  - (ii) there is a constraint on the site and no reasonable prospect of its becoming available for the development of the proposed use within the Local Plan period, or
  - (iii) the alternative use offers significant community benefits that are considered to outweigh the need to maintain the original proposed use, and
  - (iv) The proposal is otherwise acceptable under the criteria for infill development.

### 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.



## **Proposed Local Development Plan 2013 (incorporating changes recommended by Reporter where applicable)**

### Policy PMD2: Quality Standards

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:

#### Sustainability

- a) 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 such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology,
- b) it provides digital connectivity and associated infrastructure,
- c) it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance,
- d) it encourages minimal water usage for new developments,
- e) it provides for appropriate internal and external provision for waste storage and presentation with, in all instances, separate provision for waste and recycling and, depending on the location, separate provision for composting facilities,
- f) 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,
- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

#### Placemaking & Design

- h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
- i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
- j) 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,
- k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
- l) it can be satisfactorily accommodated within the site,
- m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
- n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

#### Accessibility

- o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,
- p) it incorporates, where required, access for those with mobility difficulties,

- q) it ensures there is no adverse impact on road safety, including but not limited to the site access,
- r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,
- s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

#### Greenspace, Open Space & Biodiversity

- t) It provides meaningful 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,
- u) 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.

Developers are required to provide design and access statements, design briefs and landscape plans as appropriate.

#### Policy EP5: Special Landscape Areas

In assessing proposals for development that may affect Special Landscape Areas, the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development, including the visual impact. Proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local importance.

#### Policy EP14: Coastline

Development proposals at a coastal location will only be permitted where:

- a) the proposal is located within the Burnmouth, Eyemouth and St Abbs settlement boundary; or
- b) the proposal is appropriate under Local Development Plan policies; or
- c) the development requires a coastal location; and
- d) 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 Local Development Plan policies.

#### Policy HD1: Affordable and Special Needs Housing

Where the Local Housing Strategy or local Housing Needs and Demands Assessment identifies a local affordable housing need, the Council will require the provision of a proportion of land for affordable or special needs housing, currently set at 25 percent, both on allocated and windfall sites. The final scale of such affordable and/or special needs housing will be assessed against:

- a) ongoing local housing needs assessment work being carried out by the Council,
- b) the location and size of the site, and
- c) the availability of other such housing in the locality.

Developers may be required to make contributions through:

- d) the provision of a proportion of the site for affordable housing in the form of land or built units, or
- e) the provision of additional land elsewhere to accommodate the required number of affordable housing units, or
- f) the provision of commuted payments.

#### Policy HD3 – 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:

- a) the principle of the development, including where relevant, any open space that would be lost; and
- b) 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, loss of privacy and sunlighting provisions. 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 PMD3: Land Use Allocations

Development will be approved in principle for the land uses allocated on the Land Use Proposals tables and accompanying Proposals Maps.

Development will be in accordance with any Council approved planning or development brief provided it meets the requirements for the site and its acceptability has been confirmed in writing by the Council.

Sites proposed for redevelopment or mixed use may be developed for a variety of uses subject to other local plan policies. Where there is evidence of demand for specific uses or a specific mix of uses, these may be identified in a Planning Brief and the site requirements detailed within the Local Plan.

Within new housing allocations other subsidiary uses may be appropriate provided these can be accommodated in accordance with policy and without adversely affecting the character of the housing area. Planning Briefs and site requirements detailed within the Local Plan may set out the range of uses that are appropriate or that will require to be accommodated in specific allocations.

Any other use on allocated sites will be refused unless the developer can demonstrate that:

- a) it is ancillary to the proposed use and in the case of proposed housing development, it still enables the site to be developed in accordance with the indicative capacity shown in the Land Use Proposals table and/or associated planning briefs, or
- b) there is a constraint on the site and no reasonable prospect of its becoming available for the development of the proposed use within the Local Plan period, or
- c) the alternative use offers significant community benefits that are considered to outweigh the need to maintain the original proposed use, and

- d) the proposal is otherwise acceptable under the criteria for infill development.

Policy IS5 – Protection of Access Routes

Development that would have an adverse impact upon an access route available to the public will not be permitted unless a suitable diversion or appropriate alternative route, as agreed by the Council, can be provided by the developer.

**Other Material Considerations**

SBC Supplementary Planning Guidance - Local Landscape Designations 2012  
Scottish Planning Policy 2014

**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:

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

Yes  No

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 Appeal Statement and associated documentation

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.

**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.

Refer to Appendix 1 of Appeal Statement

**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 [Redacted Signature] Date 19/10/15

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



**LOCAL REVIEW BODY**

**STATEMENT OF APPEAL**

**PLANNING REF: 15/00745/PPP**

**ERECTION OF RESIDENTIAL DWELLING, DEMOLITION OF  
STABLES, ACCESS AND ASSOCIATED WORKS**

**LAND ADJACENT TO PARK LANE, CROFT PARK, KELSO,  
TD5 7ET**

**CLIENT: JAMES HEWIT**

**OCTOBER 2015**

## **CONTENTS**

1. Introduction
2. Reason for Refusal
3. Planning Context
4. Grounds of Appeal
5. Conclusion

### **Appendices:**

**Appendix 1: Appeal Documents List**

**Ref: HEW1**  
**LPA Ref: SBC**  
**Author: TF**  
**Telephone: 01896 668 744**  
**Date of Issue: October 2015**

## **1. Introduction**

1.1 This statement of appeal has been prepared by Ferguson Planning on behalf of the applicant and owner of the site Mr James Hewit, who wishes to reside in the proposed house with his wife as they head toward retirement with the current property then being sold to his daughter.

1.2 The applicant did not want to highlight at the time of submission but now feels compelled to, is that the current dwelling is unsuitable for his wife who is disabled, and as such, the new dwelling was to be designed and constructed in such a way in order to allow her to move around the house more freely. It will also mean having family close at hand with the daughter then living at 'Croft Park'.

1.3 The proposal (15/00745/PPP) for the new dwelling was lodged on 27<sup>th</sup> June 2015 with a decision, via delegated powers to refuse the application received on 1<sup>st</sup> October 2015. As such, we now seek to appeal the decision via the Council's Local Review Body. We would recommend that a site inspection be undertaken to get a full appreciation of where the dwelling would be located and how it would sit within its surrounds.

1.4 This statement now responds to the reason of refusal and, where appropriate, cross referring to the delegated officers report, Development Plan and material considerations. The supporting documentation to this appeal are listed within the appeal form and Appendix 1.

## 2. Reason for Refusal

2.1 Within the 'Decision Notice' the main reason for refusal was that:

**“the proposal is contrary to Policies G1 and G7 of the Consolidated Scottish Borders Local Plan 2011 in that the proposed dwellinghouse would result in an inappropriate form of infill development that is out of keeping with the character and amenity of the surrounding area to the detriment of the established residential character of the area. In addition it has not been adequately demonstrated that a dwellinghouse can be accommodated on site without resulting in overdevelopment. The erection of a dwelling on this site would set an undesirable precedent which would not be compatible with, or respect, the neighbouring built form”.**

2.2 It is considered important to highlight at this stage key points or observations on the Planning Officer's report which informed the decision. These being that:

### Representations

2.3 The officers' report mentions that Roads Planning had no response. However, they did respond on 30<sup>th</sup> September. The roads planning department had concerns on previous applications for this site due to the policy on the number of dwellings served by a private road. This policy has now changed from 2 new dwellings to 4 new dwellings which has removed the concerns of the roads planning service. They support the proposal subject to the following conditions:

- Two parking spaces and turning to be provided within the curtilage of the plot and retained in perpetuity.
- The hedge that separates the private access from the public footway to be reduced in height to no greater than 1000mm over the first 2000m.

Pre-application advice also took place with Roads Planning and this is highlighted in our grounds of appeal (GOA3).

2.4 The Kelso Community Council has **no objections** to this proposal.

2.5 There was one objection received which stated they believed it was contrary to the local plan, detrimental to the environment, residential amenity, has inadequate access, road safety, subsidence and landscape being affected.

## **Planning Considerations and Policies**

2.6 SESplan Strategic Development Plan (2013), Scottish Borders Consolidated Local Plan (2011) and Scottish Planning Policy (2014) provide the key planning policies and which are then supported by the denoted Supplementary Planning Guidance (SPG) and Planning Advice Notes (PAN).

2.7 The local plan should be the primary consideration in the determination of this application.

2.8 It is noted that there is a need for the council to facilitate the delivery of sufficient new housing to meet local needs. Scottish Planning Policy supports the principle that settlements be the sequentially preferable location for this to take place.

2.9 The proposal represents a natural infill development in that it falls within the settlement of Kelso, is brownfield in nature and which will align itself with neighbouring dwellings to the west which are located at the same level of the subject site.

2.10 The distance between the proposed dwelling and neighbouring dwellings is significant and ensures that there are no negative residential amenity impacts of note. The site, while elevated, will relate to the properties at a similar level and which sit lower than the built form at High Croft.

2.11 The plot will be located in such a way that it will be less visible than the properties that neighbour it and which will be well screened by existing built form and high hedge row that runs along the southern boundary thus minimising any visual impact from the key visual receptor of Edinburgh Road.

2.12 The development will not conflict with the established land use of the area as it is surrounded by residential dwellings and can easily form part of the overall character of the area.

2.13 The development will not lead to cramming or overdevelopment in the area. There is sufficient space for the dwelling and much of the site area will be untouched by the development with no significant transport impacts.

2.14 The dwelling will not result in any significant loss of daylight, sunlight or privacy to adjoining properties such as overshadowing or overlooking. It will primarily replace the existing stable block and thus it is concluded as being a sustainable and appropriate form of development.

### **Other considerations**

2.15 As this is planning permission in principle, much of the detailed design is reserved for a later stage in the planning process. However we believe that the proposal meets Policy G7, G1 and the forthcoming Policy PMD2 for reasons that will be outlined in our 'Grounds of Appeal' (GOA).

2.16 The development will maximise the efficient use of energy resources such as the use of Solar PV, will avail of current infrastructure and use sustainable construction techniques.

2.17 The rear wall of the house will sit as the retaining wall as shown by the drawings and technical documentation lodged within the application and this will not require significant engineering/embankment works contrary to comments made by the case officer.

2.18 Following consultation with the Roads Department it is agreed that an area to accommodate two cars would be provided together with internal turning area and that the existing hedgerow along the access road would be significantly reduced.

2.19 The dwelling will be a unique design and finished externally in materials, colours and textures of the highest architectural quality.

### 3. Planning Context

#### Scottish Borders Consolidated Local Plan (Adopted) 2011

3.1 Within the report of handling the Planning Officer has focussed the determination of the application on a single policy contained within the above local plan. That being 'Policy G7 – Infill Development'. The policy contains six criteria with criterion ii and iii the focus for the recommendation to refuse. The officer's report also notes that policies G1 and H2 are relevant to refuse the application based on the quality of new residential developments on how they respect the environment and safeguard the amenity of residential areas.

3.2 The officer's report notes that the proposal is compliant with all other parts of the local plan. Policy G7 is quoted in full.

***The Council wishes to support suitable infill development provided it meets certain criteria. These criteria are:***

- i) Where relevant, it does not conflict with the established land use of the area; and***
- ii) It does not detract from the character and amenity of the surrounding area; and***
- iii) The individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or 'town and village cramming'; and***
- iv) It respects the scale, form, design and materials and density of its surroundings; and***
- v) Adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity; and***
- vi) It does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.***

3.3 Taking on board the reason for refusal together with the wider context within the Planning Officer's Report and the applicant's Planning Statement we will now outline our clear grounds of appeal and to why the application merits approval.

## **4. Grounds of Appeal**

### **Reason for Refusal**

4.1 The reason for refusing the application is outlined in chapter 2. It centres on the belief that the proposal is an inappropriate form of infill development that is out of keeping with the character and amenity of the surrounding area. It also states that it has not been adequately demonstrated that a dwellinghouse can be accommodated on site without resulting in overdevelopment.

4.2 Our response to the reason for refusal together with the informative leading to the decision forms the 'Grounds of Appeal' and which are now listed below.

### **Grounds of Appeal (GOA)**

#### **GOA1**

4.3 It is refuted that this proposal is not consistent with the character and amenity of the surrounding area (criterion ii). The council's landscape architect has been consulted upon and notes that some of the issues regarding the slope and retaining wall can be alleviated. He mentions that the house could be moved to the west so it stands in the footprint of the existing stable block. As this is an outline application and not a detailed design, there would be a willingness to look at this further.

4.4 The indicative position was to allow for an element of space from the existing property and for the parking/turning area. However, we could pull the house further to the west and move the car parking/turning to the east of the dwelling to alleviate some of the issues the Landscape Architect raised.

4.5 In response to issues regarding the retaining wall and the "significant engineering works" we attached details lodged within the application on how the rear lower half of the house would act as a retaining wall and therefore there would be no retaining wall running up the embankment and no visual impact. In addition to this, there would not be any greater amount of excavation beyond any normal house development.

4.6 Also, the applicant respects the Landscape Architect's comments regarding the rest of the ground that has recently been cleared and in response it will be revegetated with grass, trees and shrubs. Drainage will also be easily diverted using existing infrastructure at Croft Park.

4.7 To be clear this site has no green space protection related to it.



## GOA 2

4.8 Regarding criterion (iii) of Policy G7, we consider the proposal a suitable infill development and does not represent overdevelopment of the site. The dwelling will only represent 10% of the site area. The Officer's Report mentions that this does not recognise the steepness of the slope and limited availability of development land. We are unsure that this point is wholly relevant. It will still function as a garden to the house in question with the building built on the brownfield part of the site. Moreover, it provides more than adequate space between it and neighbouring houses.

4.9 The limited development area for the dwelling within the wider plot is largely irrelevant if where it is planned to be developed is the most logical position within the plot.

4.10 The area is surrounded by residential dwellings so the development will not conflict with the established land use of the area and can easily form part of the overall character of the area. Furthermore, the development will not lead to over development or cramming in the area as there is sufficient space for the dwelling and the majority of the site will be untouched by development.

4.11 The dwelling will not result in any significant loss of daylight, sunlight or privacy to neighbouring properties such as overshadowing or overlooking. It will primarily replace the existing stable block and therefore is considered sustainable and an appropriate form of development for the area which is consistent with criterion (vi) of Policy G7 and the terms of Policy H2.

4.12 Also worth noting is that in the Case Officer's Report, he mentions that the proposed dwelling would be located **"a considerable distance from neighbouring dwellings and would not result in an unacceptable adverse impact on the residential amenity of nearby properties"**. This seems to be contradicting the reason for refusal in that the proposal represents over development or cramming of the site.

4.13 He also notes that **"it is accepted that the proposed erection of a dwellinghouse on this site would be consistent with the established residential land use of the surrounding area"**.

## GOA 3

4.14 The first page of the Officers Report denotes that there was no response from Roads Planning. We want to make clear that there was a response from the Roads Department as well as feedback before the application was submitted.

*"I can confirm that in principle I would have no objections to a new property being served by the existing access. I will require any formal application to show that remains at least two parking spaces for the existing property and two spaces for the proposed unit and turning facilities and turning facilities. I will also require the existing hedge which separates the access and footway to be removed or significantly lowered over its initial length."* (Keith Patterson, Roads Officer email 11<sup>th</sup> June 2015)

4.15 The report also raises the point that parking and turning would be shoehorned into the south west corner of the site. We totally disagree with the sentiment being made.

4.16 The Roads Planning response offered no objections provided 2 parking spaces and turning was made available within the site and the existing hedge between the drive and the footpath is removed or significantly lowered.

4.17 The associated site plan that was submitted with the planning statement showed details of two parking spaces and sufficient turning space and this meets the Roads Department requirement. As noted, if there was a preference to move the house closer to Park Lane and move the car parking/turning area to the east of the dwelling, that would be acceptable.

#### **GOA 4**

4.18 It is worth noting that Kelso Community Council have **no objections** to the proposed dwelling.

4.19 This house is for a genuine reason and so that the applicant and his wife can move into a property that meets the needs of a disabled person. It will also enable immediate family to then reside at Park Lane and be close by as part of Mrs Hewit's overall care.

#### **GOA 5**

4.20 We strongly challenge the assertion that the proposal is not reflective of established built form and building lines. It quite clearly forms the middle tier and rounds off the dwellings that sit at that level. It then has further row of existing dwellings which sit above it at High Croft and thus this proposal will not break any natural skyline.

#### **GOA 6**

4.21 The officer's report mentions that a reason for refusal is due to refusals in the past, the most recent in 2006 and that "circumstances have not changed significantly to warrant a different recommendation".

4.22 However, in 2006 (06/02303/FUL) reasons for refusal were that the Director of Technical Services advised that the access had to be upgraded to an adoptable standard which would include the widening of the road and the removal of the mature hedge. Therefore the application could not be supported for this reason.

4.23 The other reason was because of the height of the dwellinghouse and it was believed to be out of scale, design and appearance to surrounding properties.

4.24 Detailed design does not form part of this application given the application is for Planning Permission in Principle. That said the applicant would be willing to be conditioned and to comply with acceptable design standards regarding the building design, scale and height.

4.25 The Council's Roads Department no longer have an objection to a dwelling on this plot and, as noted previously, we believe a dwelling can sit well within its surrounds and be conditioned so that it is of a design and scale that meets any requirements thought necessary by the Council.

4.26 This application relates to whether the principle of a dwelling in this location is acceptable or not. We have outlined our clear reasoning within this appeal statement and supporting planning statement as to why a dwelling in this location should be supported.

## **5. Conclusion**

5.1 We believe that the subject site represents a sound location for a new dwelling. It relates and falls well within the confines of the existing building group.

5.2 Kelso Community Council offer no objections to the proposal and we believe that the proposal, for reasons outlined in the 'Grounds of Appeal' and Planning Supporting Statement provide more than sufficient evidence to show how we meet the key tests outlined within 'Policy G7 Infill Development' and 'Policy G1 Quality Standards' and why previous reasons for refusals no longer remain valid.

5.3 Taking the 'Grounds of Appeal' noted within Chapter 4 we therefore respectfully request that this appeal be allowed.

## **Appendix 1: Appeal Document List**

1. Appeal Form & Statement
2. Planning Supporting Statement
3. Agent Correspondence, Site Section & Site Plan
4. Site Plan
5. Location Plan
6. SBC Roads Representation
7. SBC Landscape Architect Representation
8. Officer Report
9. Decision Notice

FERGUSON  
PLANNING



## PLANNING STATEMENT

### ERECTION OF RESIDENTIAL DWELLING, DEMOLITION OF STABLES, ACCESS AND ASSOCIATED WORKS

LAND ADJACENT TO PARK LANE, CROFT PARK,  
KELSO, TD5 7ET

CLIENT: JAMES HEWIT

JUNE 2015

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Page 202



## **CONTENTS**

<b>1.</b>	<b>Introduction</b>	<b>1</b>
<b>2.</b>	<b>The Site</b>	<b>2</b>
<b>3.</b>	<b>The Proposal</b>	<b>3</b>
<b>4.</b>	<b>Planning Policy</b>	<b>6</b>
<b>5.</b>	<b>Proposal Compliance</b>	<b>9</b>
<b>6.</b>	<b>Summary and Conclusions</b>	<b>11</b>

**Ref:** HEW1  
**LPA Ref:** SBC  
**Author:** TF  
**Telephone:** 01896 668 744  
**Date of Issue:** 26.06.15

## **1. Introduction**

- 1.1 This statement has been prepared by Ferguson Planning on behalf of the applicant and owner of the site Mr James Hewit (the client). Our client would intend residing in the proposed house with his wife as they head toward retirement with the current property then being sold to his daughter.
- 1.2 Planning Permission in Principle (PPP) is being sought for the erection of a single dwelling house associated access and infrastructure works. All detailed design matters would come forward by way of discharging any associated planning conditions. The focus of this application is therefore on the principle of a residential dwelling being acceptable in this location.
- 1.3 The remainder of this statement is structured as follows:
- Chapter 2: The Site
  - Chapter 3: The Proposal
  - Chapter 4: Planning Policy
  - Chapter 5: Proposal Compliance
  - Chapter 6: Conclusion



## **2. The Site**

- 2.1 The site extends to c. 1,725 sq.m (0.4 acres) and is situated in the north west of Kelso. The site itself is accessible directly from Croft Road and beyond this via Edinburgh Road which is one of the main roads into the town centre and where the applicant can avail of the local public services. The site is relatively central with local parks, bus stop, schools and other public services all within close proximity.
- 2.2 The land in question is underutilised garden area which currently accommodates a stable block and some waste land to the east of the Park Lane dwelling. The Park Lane dwelling faces onto a substantial garden area to the south and which would be retained for the purposes of that property.
- 2.3 The site sits in a somewhat elevated position but largely screened by existing landscaping and built form when viewing it from key receptors (eg. Edinburgh Road). The plot represents the end of a row of dwellings all located at this higher gradient. Vehicular access would be taken from Croft Road via an existing internal road which currently serves the Park Lane dwelling.

### 3. The Proposal

#### Site History

- 3.1 We are fully aware that there have been previous refusals on the subject site. They all pre-date the current Scottish Borders Local Plan, SPP and related Supplementary Planning Guidance. While we will acknowledge and address the reasons given at that time the planning system must determine each application on its individual merits and on the evidence presented at the current time.
- 3.2 The last refusal on the site was back in 2007 where the Council believed that the scale, siting and design of the development would make it an inappropriate infill development and that it was out of character with the area. However, when one delves a little deeper into the reasoning much of it related to transport matters and which was upheld primarily due to information sought at the time not being forthcoming by the applicant.
- 3.3 The determination of the application we believe fell well short in giving due acknowledgement to other strong material factors including that the footprint sat well within the confines of the plot, the other dwellings to the west located at a similar level with further dwellings again higher than this to the north. Contrary to comments made the site is well screened by current landscape/hedgerow and built form from the key receptor of Edinburgh Road.
- 3.4 The reason for refusal, as outlined within the Decision Notice, was as follows:
- The proposal is contrary to Policy N20 of the Scottish Borders Structure Plan 2001-2011, Policies 2, 18 and 62 of the Roxburgh Local Plan 1995 and Policies G1 and G7 of the Scottish Borders Local Plan: Finalised December 2005 in that due to the scale, siting and design of the proposal, the development would be an inappropriate form of infill development that is out of keeping with the character of the area, highly prominent and visually intrusive to the detriment of the established residential character of the area.**
- 3.5 It is considered necessary to again delve a little deeper into what sat behind the reason for refusal. Upon reading the related officer report the following key observations can be made:
- The Roads Department in their initial consultation outlined that the proposal could not be supported due to concerns that the access road would not be to adoptable standards and taking regard of local geometry. However, on reconsultation they then stated that they require further documentation/drawings before they can support the application. In other words, if the requested documentation can be provided the previous objection would have been waived.
  - The documentation requested by the roads department related to technical roads drawings and that the existing hedge should be removed for visibility reasons.

- Kelso Community Council did not object nor did any other other statutory consultee. One public objection was received and related to the opinion that the development would require significant excavation and the house would be visually intrusive.
- In the assessment of the application the case officer notes that the proposal does not reflect building lines established in Croft Road and as a result would be visually intrusive and furthered by the steepness of the slope. It was thought therefore not to be a natural infill site and out of keeping with the character of the area. The commentary made here, which was a key focus in the determination, makes no reference to the existing row of properties to the west which are at the same level and more prominent than the subject site. Nor to matters such as the existing hedgerow that screens it from properties on Croft Road or again that further dwellings to the north which sit higher again and which provides a stepped formation into the hill side.
- It is noted that the proposal would not result in a loss of privacy or light to occupiers to neighbouring properties due to the significant distance between them and the proposed dwelling.

### **Current Proposal**

- 3.6 The application is for Planning Permission in Principle (PPP) and, as such, the detailed design and final position of the dwelling is to be reserved by way of planning condition.
- 3.7 There is an existing stable block on the sites western boundary which extends to approximately 70 sq.m. and, given it is now largely redundant, seen as the most logical location for the proposed dwelling. Establishing the dwelling in this location also means that it will be largely aligned with the row of dwellings to the west and provide a form of uniformity.
- 3.8 The local built form is made up of residential dwellings at three levels which step into the hill side. There are longstanding dwellings along Croft Road at ground level which then leads up to a row of properties including 'Park Lane', 'Parkdale' with the subject site rounding this row off and then up to properties that form part of 'High Croft'.
- 3.9 The site sits well with the context of this built form and in terms of the middle tier of dwellings is screened from the main road. The footprint of the dwelling is expected to extend to c. 120 sq.m. and be a storey and a half in height. The dwelling footprint represents only 10% of the plot and when one accounts for the considerable garden grounds which means neighbouring properties are some distance away then makes it a logical and appropriate form of infill development.
- 3.10 The building will not breach any nearby ridge heights and likely include three bedrooms, livingroom, bathroom, kitchen and utility room. Two car parking spaces would be provided

to the west of the dwelling together with appropriate internal turning area. These were key aspects of feedback provided by the roads department which is highlighted below.

*I can confirm that in principle I would have no objections to a new property being served by the existing access. I will require any formal application to show that remains at least two parking spaces for the existing property and two spaces for the proposed unit and turning facilities. I will also require the existing hedge which separates the access and footway to be removed or significantly lowered over its initial length.*

Keith Patterson, Roads Officer Email (11th June 2015)

- 3.11 The applicant again will be willing to significantly lower the current hedgerow which runs along the access road. An indicative layout plan has been lodged with the application to provide greater context. It would be intended that detailed design matters would be concluded following consultation with the relevant departments within the Council and as part of discharging any related planning conditions that maybe appended to a Decision Notice.
- 3.12 While the detailed design matters would follow on it is again worth highlighting at this stage that the applicant intends availing of the current access road, all public infrastructure connections and using renewable energy sources (eg. Solar PV) at every opportunity. When coupled with the fact that it is a brownfield site within the settlement boundary of Kelso then makes it a highly sustainable development.

## 4. Planning Policy

- 4.1 The Development Plan is made up of the SESPlan Strategic Development Plan (Approved) 2013 and the Scottish Borders Local Plan (Consolidated) 2011. Also relevant is the Proposed Scottish Borders Local Development Plan (2013).
- 4.2 The Scottish Borders Consolidated Local Plan and Proposed Local Development Plan provides greater detail on the overall acceptability of individual developments and the focus for this type of development.

### **Scottish Borders Consolidated Local Plan (2011)**

### **Scottish Borders Proposed Local Development Plan (2013)**

- 4.3 It is clear, following consultation with the planning department, that Policies G7 Infill Development and G1 Quality Standards for New Development will be the core focus in the determination of this application.
- 4.4 **Policy G7 Infill Development** states that development on infill sites will be supported if the following criteria can be satisfied.
- It does not conflict with the established land use of the area
  - It does not detract from the character and amenity of the surrounding area
  - the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or 'town and village cramming'
  - it respects the scale, form, design, materials and density in context of its surroundings
  - adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity
  - it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.
- 4.5 The policy complies with the Scottish Planning Policy (SPP) which acknowledges the contribution of infill development to the housing land supply. This policy is **Policy PMD5** in the proposed LDP (2013).
- 4.6 Policy **G1 Quality Standards for New Development** seeks to ensure that all new development will be of high quality and in accordance with sustainability principles. The policy aims to ensure that development does not impact negatively on the surrounding landscape and existing buildings. This policy is **Policy PMD2** in the Proposed LDP (2013).
- 4.7 Policy PMD2 seeks to ensure that:
- The developer has demonstrated that the appropriate measures have been taken (in terms of layout, orientation, construction and energy supply) to maximise the

efficient use of energy resources such as renewable energy use and in cooperating sustainable construction techniques.

- It provides digital connectivity and associated infrastructure
- It provides for sustainable urban drainage systems in the context of overall provision of Green Infrastructure where appropriate and their after care and maintenance.
- It encourages minimal water usage
- It provides appropriate provision for waste storage (internally and externally) and separate provision for waste and recycling
- It incorporates appropriate hard and soft landscape works including structural/screen planting where necessary to help it integrate with its surroundings and wider environment.
- It considers, where appropriate, the long term adaptability of building and spaces

4.8 Regarding place making and design **Policy PMD2** states that housing developments should:

- Create a sense of place, based on clear understanding of the context
- Have appropriate scale, massing, height and density to its surroundings
- Be finished externally in materials, colours and textures which complement the highest quality of architecture in the area
- Respect and be compatible of the surrounding area, neighbouring uses and neighbouring built form
- Be satisfactorily be accommodated within the site
- Have appropriate boundaries to ensure attractive edges to the development to help integrate it with its surroundings
- And incorporate, where necessary, adequate safety and security measures.

4.9 Finally accessibility in **Policy PMD2** is appropriate regarding housing developments. All developments should:

- Have street layouts designed to connect and integrate with existing street patterns
- Incorporate, where required, access for those with mobility difficulties
- Ensure that there is no adverse impact on road safety, including the site access

- Incorporate adequate access and turning space for vehicles.

4.10 There are numerous material considerations in determining an application of this nature including SPP and Supplementary Planning Guidance. The principle of these documents have been adhered to when making this application and will be referenced in more detail when it comes to detailed design matters via any future planning application.

## 5. Proposal Compliance

5.1 The purpose of this section is to focus on how the proposal meets the relevant local plan policies using the following two headings:

- Infill Development
- Quality Standards

### Infill Development

5.2 **Policy G7** is a key policy in the overall determination of this application. We feel that the proposal represents a natural infill development in that it falls within the settlement of Kelso, is brownfield in nature and which will align itself with neighbouring dwellings to the west which are located at the same level of the subject site.

5.3 Beyond this the floorplate of the dwelling only represents some 10% of the plot area and which will avail of all local infrastructure. It is centrally located within the town with many services within walking distance and would ultimately form part of an existing and substantial residential neighbourhood.

5.4 The distance between the proposed dwelling and neighbouring dwellings is significant and ensures that there are no negative residential amenity impacts of note. The site while elevated will relate to the properties at a similar level and which sit lower than the built form at High Croft. In addition to this the plot is located in such a way that it will be less visible than the properties that neighbour it and which will be well screened by existing built form and high hedge row that runs along the southern boundary thus minimising any visual impact from the key visual receptor of Edinburgh Road. It is considered part of the existing building groups sense of place.

5.5 The area is surrounded by residential dwellings so the development will not conflict with the established land use of the area and can easily form part of the overall character of the area.

5.6 Also worth noting is that this development will not lead to over development or cramming in the area. There is sufficient space for the dwelling and much of the site area will be untouched by the development. The existing footpath and access road will remain largely as is and there are no significant transport impacts.

5.7 The dwelling will not result in any significant loss of daylight, sunlight or privacy to adjoining properties such as overshadowing or overlooking. It will primarily replace the existing stable block and thus it is concluded as being a sustainable and appropriate form of development.



## Quality Standards

5.8 While much of the detailed design is reserved for a later stage in the planning process we believe that this proposal meets policy G1 and the forthcoming Policy PMD 2 for the following reasons.

- The layout and orientation of the dwelling is such that it will align itself with the row of dwellings to the west to provide a form of uniformity.
- The development will maximise the efficient use of energy resources such as the use of Solar PV, will avail of current public infrastructure and use sustainable construction techniques.
- Consultation with the Roads Department has taken place and where accessibility can be taken without any significant impacts. It has been agreed that an area to accommodate two cars would be provided together with internal turning area and that the existing hedgerow along the access road would be significantly reduced.
- The proposal is already softened/screened by significant landscaping/hedgerow and should further boundary treatment be required the applicant is willing to agree an appropriate landscaping solution.
- The proposal has acknowledged the surrounding built form and will relate to the middle tier of houses within its hillside context
- The dwelling will be smaller in terms of scale, massing, height and density to its surroundings
- The dwelling will be a unique design and finished externally in materials, colours and textures which complement the highest quality of architecture in the area
- The dwelling can easily be absorbed by the overall plot given it only represents 10% of the site area

## **6. Summary and Conclusions**

**6.1** We believe that the subject site represents a sound location for the proposed residential dwelling and for the following reasons.

- The site falls within the settlement boundary of Kelso and represents a brownfield development opportunity.
- Falls within a compatible residential area and which will align itself with the row of dwellings that sit at the same level/gradient. It therefore respects the residential character of the area in which it is set.
- The dwelling represents only 10% of the site area and therefore cannot be considered over development. Beyond this there is significant separating distance between it and neighbouring dwellings thus ensuring no negative impact on local residential amenity.
- The proposal is in line with the Roads Planning Officers pre-application comments. Two parking spaces will be created as will sufficient internal turning area. Beyond this it is agreed that the hedgerow along the access would be significantly reduced to aid visibility.
- The proposal is well screened by existing built form and landscaping and will be unobtrusive within the surrounding urban context
- The development will provide a building that is unique and of a high architectural merit and that respects and takes influence from those buildings around it
- The proposal will promote sustainable building and renewable energy principles at every opportunity
- The residents have the opportunity to avail of public transport and services all within close proximity of the site
- Taking the above and points raised within this statement we strongly consider that this site is an appropriate infill development.

**6.2** It is therefore kindly requested that this PPP application be approved.

Agent Correspondance regarding Retaining Wall 4th Sep 2015  
From: Tim Ferguson <tim@fergusonplanning.co.uk>  
Sent: 04 September 2015 13:59  
To: Fotheringham, Barry  
Subject: FW: 15/00745/PPP, Park Lane, Kelso  
Attachments: Basement Classification.pdf; Wall Types.pdf; Basement  
Section.pdf; Site  
Plan.pdf; Site Sections.pdf

Got hit by size limit so 1 of 2 emails

See below/attached

Thanks  
Tim

Tim Ferguson  
Director

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M. 07960003358  
E. tim@fergusonplanning.co.uk  
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This message may contain confidential information. If you think this message has been addressed to you in error please delete it. You are not entitled to copy or forward it to any third party other than the sender. We would ask any such occurrences to be notified to tim@fergusonplanning.co.uk Unless stated nothing in this message shall be taken to be an offer or acceptance of any contract. We are not responsible for any effect that this message or its attachments may have on your IT system. Any views or opinions presented are solely those of the author and do not necessarily represent those of ferguson planning.

From: Tim Ferguson  
Sent: 04 September 2015 13:46  
To: 'Fotheringham, Barry' <bfotheringham@scotborders.gov.uk>  
Cc: 'David Burgher' <dburgher@aitken-turnbull.co.uk>; 'James Hewit'  
<[REDACTED]>;  
'Bill Bannister' <[REDACTED]>; Gary Farrelly  
<gary@fergusonplanning.co.uk>  
Subject: 15/00745/PPP, Park Lane, Kelso

Barry

Following on from our recent discussions I now attach detail on how the house could sit and how the rear lower half of the house would act as the retaining wall and thus there would be no retaining wall running up the embankment and no visual impact. It would also not require a great deal of excavation beyond any normal house development.

Our engineer has also provided further technical documentation which explains the construction process which we hope you find useful. The Basement retaining wall shall be designed and constructed in accordance with Grade 3 to BS8102 and Type B to BS8007 to achieve a dry environment. Perimeter drainage, with suitable rodding facility, to be provided to the rear of the retaining wall.

We believe the house will sit well within the middle row of houses and further screened by the existing hedgerow. It fits well within the local built form and the plot is ample to

Page 1

Agent Correspondance regarding Retaining wall 4th Sep 2015  
accommodate it. It therefore, in  
our opinion, meets the policy requirements asked of it. The retaining wall  
information is generally  
something that would have been conditioned on a PPP but we were keen to get you  
the information to  
explain that there is no major embankment works necessary.

I trust this addresses the remaining issue raised but more than happy to discuss  
in greater detail.

If you could provide an update once had time to consider and any future  
determination date.

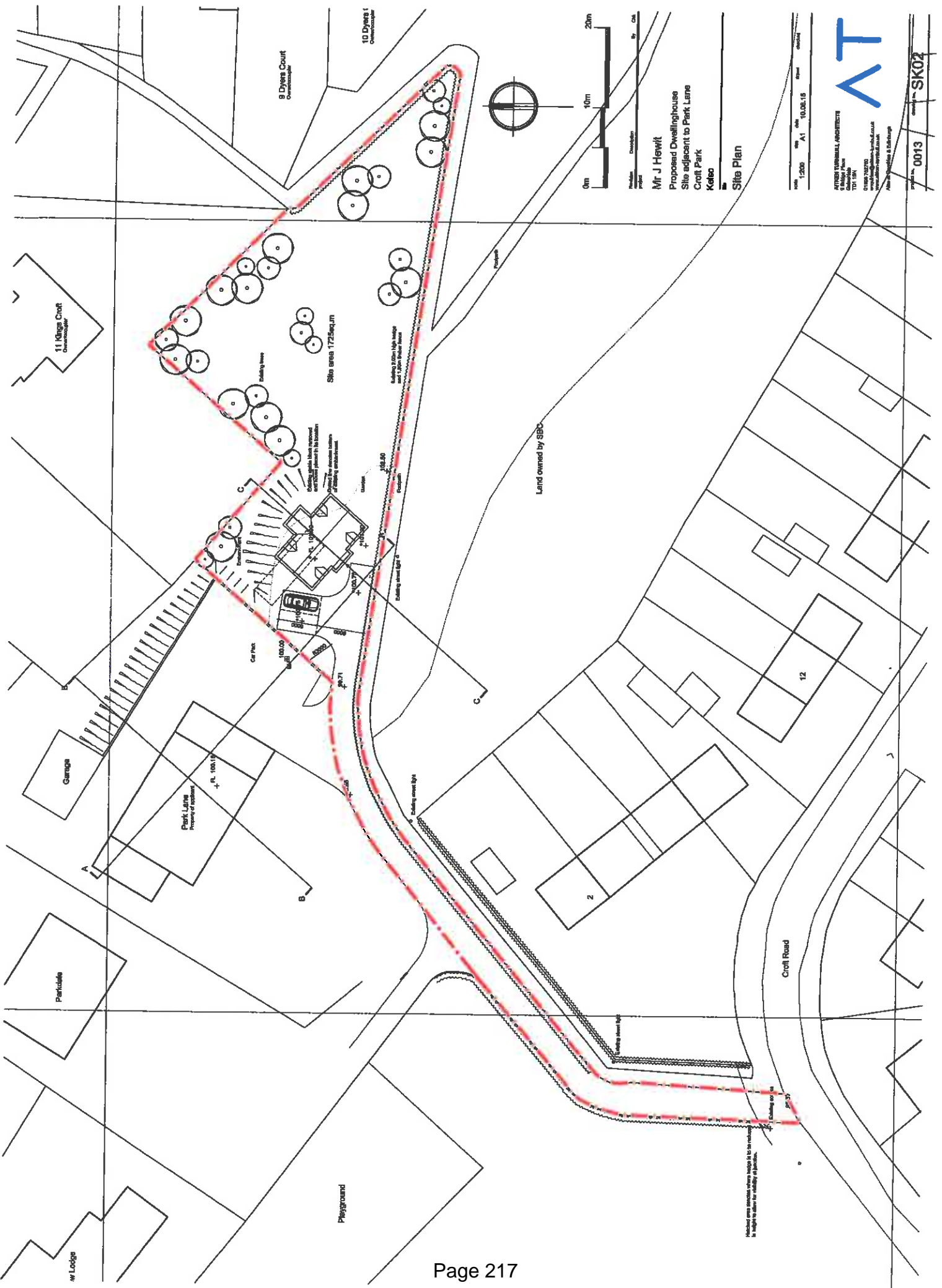
Kind regards

Tim

Tim Ferguson  
Director

T. 01896 668 744  
M. 07960003358  
E. [tim@fergusonplanning.co.uk](mailto:tim@fergusonplanning.co.uk)  
W. [www.fergusonplanning.co.uk](http://www.fergusonplanning.co.uk)  
t. @fergplan

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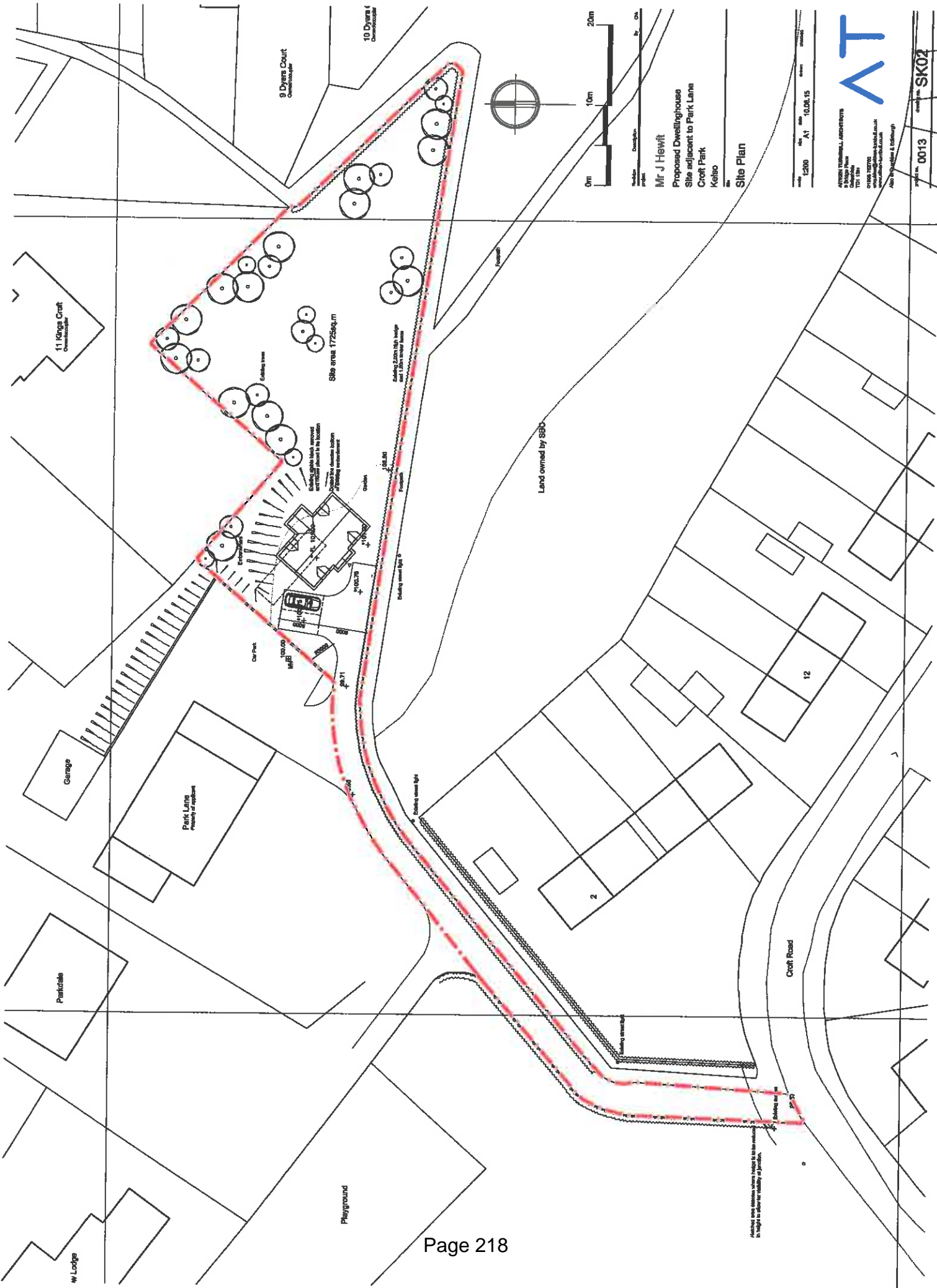


Project	Mr J Hewitt
Client	Proposed Dwellinghouse
Site	Site adjacent to Park Lane
Drawn by	Croft Park
Checked by	Refco
Title	Site Plan

Scale 1:200  
 Date 10.06.15  
 Drawn Refco  
 Checked Refco

AT  
 ARCHITECTURAL ARCHITECTS  
 8 Rivington Place  
 York YO1 1PE  
 01904 474262  
 www.architecturalarchitects.co.uk  
 architecturalarchitects@bt.com

0013 SK02



0m 10m 20m

Number Description Plot Area

Mr J Hewitt  
 Proposed Dwellinghouse  
 Site adjacent to Park Lane  
 Croft Park  
 Kelso

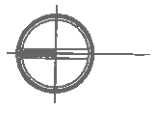
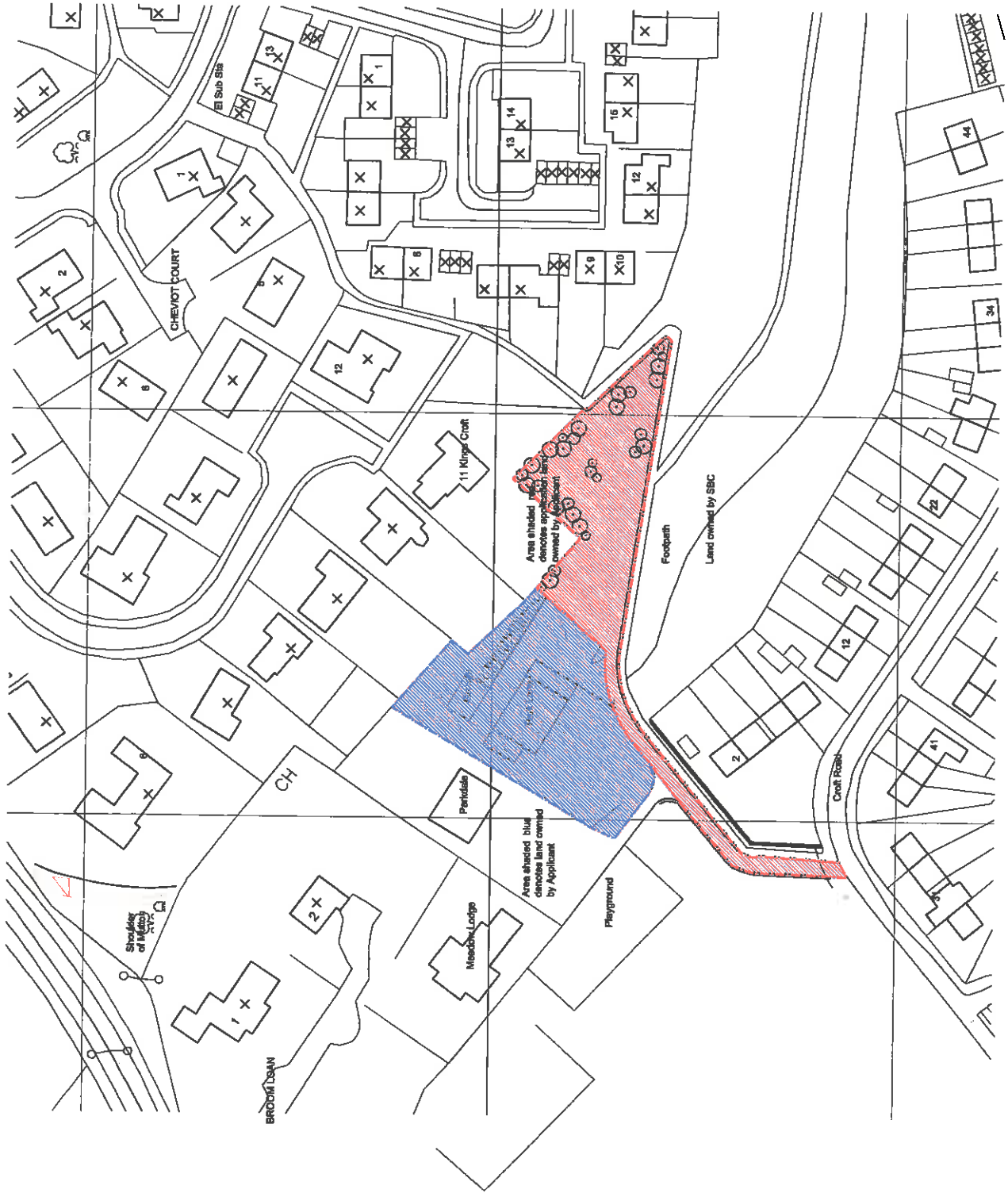
Site Plan

1200 AT 10.06.15

**AT**

ATYON THOMAS ARCHITECTS  
 8 Kings Park  
 York YO1 1BN  
 01904 337700  
 www.atyonthomas.co.uk

0013 SK02



Revised Date: By: CA

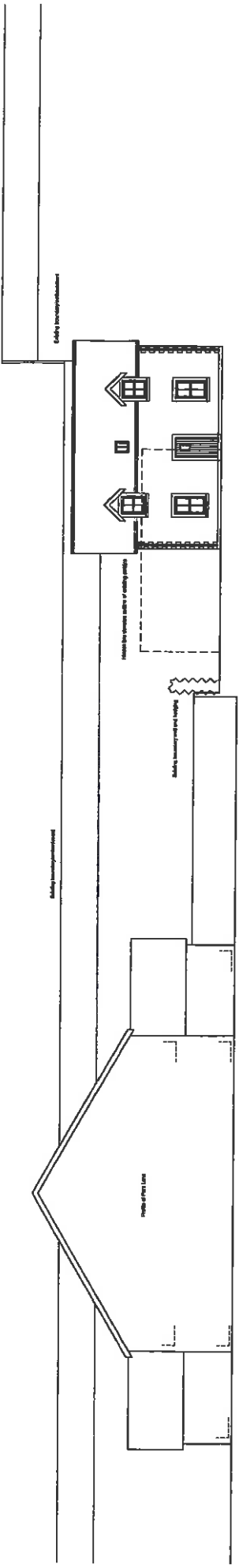
Mr. J Hewitt  
 Proposed Dwellinghouse  
 Site adjacent to Park Lane  
 Croft Park  
 Kelso

Block Plan

Scale 1:500  
 Date A1 10.06.15  
 Drawn  
 Checked



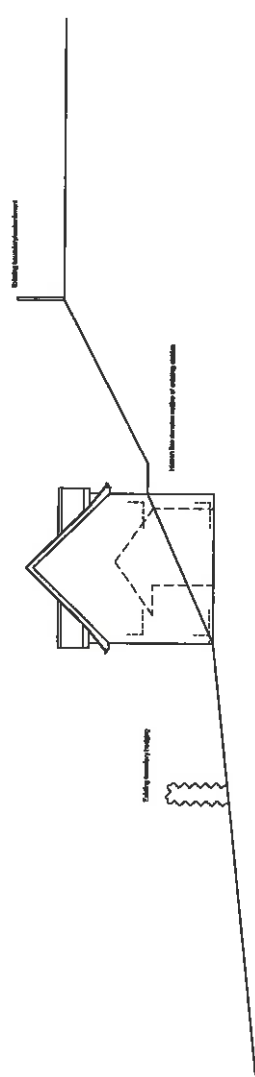
Ref: 0013  
 SK01



Section A-A



Section B-B



Section C-C



Revision	Description	By	CHK
1	Proposed Dwellinghouse Site adjacent to Park Lane Croft Park Kelso		
<b>Site Sections</b>			
Scale	1:100	Date	10.06.15
Author	A1	Client	SK03

Mr J Hewit  
 Proposed Dwellinghouse  
 Site adjacent to Park Lane  
 Croft Park  
 Kelso

**AT**  
 ARCHITECTS  
 2 Bridge Place  
 Edinburgh  
 TEL: 0131 220 1111  
 FAX: 0131 220 1112  
 www.atarchitects.co.uk  
 Alex at Dunblair & Edinburgh

Project No. 0013  
 Drawing No. SK03



# REGULATORY SERVICES



To: **Development Management Service  
FAO Barry Fotheringham**

Date: **30 Sept 2015**

From: **Roads Planning Service**  
Contact: **Keith Patterson**

Ext: **6637**

Ref: **15/00745/PPP**

---

**Subject: Erection of Dwellinghouse, Land East of Park Lane, Croft  
Park, Kelso.**

---

I had concerns about development on this site at the time of previous submissions, mainly due to the Council's policy on the number of dwellings served by a private road. This policy has now changed increasing from 2 new dwellings to 4 new dwellings. This policy change has removed the concerns I had with this site previously and I am now able to support the proposal subject to the following conditions:

- Two parking spaces and turning to be provided within the curtilage of the plot and retained in perpetuity.
- The hedge that separates the private access from the public footway to be reduced in height to no greater than 1000mm over the first 2000mm.

JAF

## PLANNING CONSULTATION

To: Landscape Architect

From: Development Management

Date: 2nd July 2015

Contact: Barry Fotheringham ☎ 01835 826745

Ref: 15/00745/PPP

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 23rd July 2015, 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 23rd July 2015, it will be assumed that you have no observations and a decision may be taken on the application.

**Name of Applicant:** Mr James Hewit

**Agent:** Ferguson Planning

**Nature of Proposal:** Erection of dwellinghouse

**Site:** Land East Of Park Lane Croft Park Croft Road Kelso Scottish Borders

---

**OBSERVATIONS OF: Landscape Architect, J. Knight following site visit on 24.07.15**

## CONSULTATION REPLY dated 27 July 2015

*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 a roughly triangular shaped area of sloping, south west facing ground to the east of Park Lane and directly south of the house at 11 Kingscroft. The 1<sup>st</sup> edition OS map indicates that the whole of the sloping bank of which this site is a part was once part of the 'West Broomlands Plantation' which ran along the slopes that separate 'The Croft' area from the 'High Croft' area south of Angraflat Road. Effectively it is part of a river terrace. To the east, most of this sloping ground area is covered by policy GSKELSO007 and GSKELSO008 in the 2013 Development Plan which defines them as key greenspaces. The site itself however, is not included.

A public footpath rises up the slope just outside the southern and eastern boundaries behind a screen hedge of cypress around 2m high which appears to be maintained by the applicant. The whole site and adjoining sloping ground above Park Lane has recently been cleared of all woody vegetation and there are numerous tree and shrub stumps and wood chippings visible on site. There is also evidence of soil movement on some of the steeper areas e.g. behind the existing stable building. There is a manhole on the slope which the owner says relates to a surface water drain running underneath.

### Nature of the Proposal

The applicant's site plan (0013 SK02 dated 10.06.15) indicates, in outline, a single house partly on the site of the existing stable building but also extending to the east into what is currently steeply sloping ground which is also close to the manhole mentioned above. (The plan also shows existing trees which have been removed.) A floor level of 101.4 is indicated but levels for the adjoining ground to the east are not provided.

#### Implications of the Proposal for the Landscape including any mitigation

This is quite a difficult assessment. The site is visible over the wider area but the proposed development is on the lowest and least visible part which also benefits from screening by trees on the Council owned land to the south. As explained in the description, it appears to be part of a wider slope which, elsewhere, is protected green space. In addition, I am rather concerned by the recent vegetation removal both for the loss of vegetation structure and because de-vegetated slopes are more vulnerable to erosion which is already apparent.

In addition, the applicant has only provided basic detail necessary for an outline application but this does not show how a difficult sloping site can be practically developed. A house built exactly as shown would probably require construction of expensive retaining structures and may even affect the drain mentioned above which the owner states is SBC responsibility and is in need of maintenance. Some of these issues could probably be alleviated by moving the house to the west so that it effectively stands in the footprint of the existing stable building with the parking / tuning head relocated accordingly.

A further issue is what is to happen to the rest of the ground which has recently been cleared? It would be re-assuring to know that this was going to be re-vegetated and that some trees and shrubs would be included.

In order to achieve an acceptable application, the applicant should provide more fully worked layout plan with existing ground levels to how the site can be developed and what size of retaining structures would be required and to confirm if any existing services may be affected. An acceptable application should also include a landscape planting plan that addresses slope stability and amenity issues.

#### Recommendation

**The applicant should provide further information, as outlined above, to demonstrate that this site can be acceptably developed.**

#### Consultation Summary

This is a difficult site and further information is required to demonstrate the practicality of an new development.

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 15/00745/PPP  
**APPLICANT :** Mr James Hewit  
**AGENT :** Ferguson Planning  
**DEVELOPMENT :** Erection of dwellinghouse  
**LOCATION:** Land East Of Park Lane  
Croft Park  
Croft Road  
Kelso  
Scottish Borders

**TYPE :** PPP Application

**REASON FOR DELAY:**

---

**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
SK02	Site Plan	Refused
SK01	Block Plans	Refused
PLANNING STATEMENT		Report Refused

**NUMBER OF REPRESENTATIONS: 1**

**SUMMARY OF REPRESENTATIONS:**

Roads Planning: No response

CC: No objections

E\_LL: No response

Landscape: This is quite a difficult assessment. The site is visible over the wider area but the proposed development is on the lowest and least visible part which also benefits from screening by trees on the Council owned land to the south. As explained in the description, it appears to be part of a wider slope which, elsewhere, is protected green space. In addition, I am rather concerned by the recent vegetation removal both for the loss of vegetation structure and because de-vegetated slopes are more vulnerable to erosion which is already apparent.

In addition, the applicant has only provided basic detail necessary for an outline application but this does not show how a difficult sloping site can be practically developed. A house built exactly as shown would probably require construction of expensive retaining structures and may even affect the drain mentioned above which the owner states is SBC responsibility and is in need of maintenance. Some of these issues could probably be alleviated by moving the house to the west so that it effectively stands in the footprint of the existing stable building with the parking / tuning head relocated accordingly.

A further issue is what is to happen to the rest of the ground which has recently been cleared? It would be re-assuring to know that this was going to be re-vegetated and that some trees and shrubs would be included.

In order to achieve an acceptable application, the applicant should provide more fully worked layout plan with existing ground levels to how the site can be developed and what size of retaining structures would be required and to confirm if any existing services may be affected. An acceptable application should also include a landscape planting plan that addresses slope stability and amenity issues.

#### Recommendation

The applicant should provide further information, as outlined above, to demonstrate that this site can be acceptably developed.

#### REPRESENTATIONS

One letter of objection has been received and the principle planning issues raised are:

- Contrary to Local Plan
- Detrimental to environment
- Detrimental to Residential Amenity
- Inadequate access
- Road safety
- Subsidence
- Trees/landscape affected

1.The design and siting of any proposed dwelling house on this site would be detrimental to the visual amenity of this part of Kelso contrary to the local plan and any excavation required would/could endanger the stability of the site and adjoining property.

2.The concerns of the reporter in appeal P/PPA/B359 for the upper level over croft park have not been addressed the proposal would adversely affect visual amenity.

3.Reasons as outlined in The Scottish Office,Inquiry reporters report ref.P/PPA/B/418 author David.R. Penman.

4. Added risk to footpath/play area users from vehicular traffic

#### PLANNING CONSIDERATIONS AND POLICIES:

Consolidated Local Plan 2011

Policy G1  
Policy G5  
Policy G7  
Policy H2

Other Considerations

Proposed Local Development Plan 2013

Policy PMD2  
Policy PMD5  
Policy HD3  
Policy IS2

SBC SPG - Placemaking and Design  
SBC SPG - Landscape and Development

**Recommendation by** - Barry Fotheringham (Lead Planning Officer) on 28th September 2015

APPLICATION AND SITE DESCRIPTION:

This application seeks planning permission in principle for the erection of a dwellinghouse on land to the east of the property known as Park Lane, Croft Park, Kelso. The site is situated to the east of Croft Park in Kelso. Park Lane, a large two storey dwellinghouse with later additions is located to the west of the site and the residential development known as Kings Croft is to the north. There is a mature hedge between the site and the public footpath that runs along the southern and part of the eastern boundary of the site. The ground slopes up steeply to the north from Croft Road. Timber stables are located in the south west corner of the site and are separated from Park Lane by a wall and hedge. The site is accessed via the existing private (shared) drive from Croft Road which serves Park Lane and Parkdale. The site has been recently cleared of vegetation.

As the application has been submitted for planning permission in principle, no details of the proposed dwelling have been submitted. The site plan and supporting sectional drawings indicate a modest 1.5 storey dwelling located on the site of the existing (redundant) timber stables.

#### PLANNING HISTORY:

R309/94:

Erection of dwellinghouse. Land Adjacent To Park Lane Croft Park Kelso. Refused 11th April 1995.

97/0167/C:

Erection of dwellinghouse. Land Adjacent to Park Lane Croft Park Kelso. Refused 7th July 1997 as the proposal would be contrary to Policies 2, 18 and 62 of the Roxburgh Local Plan in that the siting pays no heed to the building lines established by existing properties and the incongruity of the site relative to those lines would be greatly emphasised by the prominence of the location and by the steepness of the slope. The proposal would thus disrupt the harmony of the area and would be detrimental to its established character. A subsequent appeal was dismissed.

06/02303/FUL:

Erection of Dwellinghouse - Land East of Park Lane Croft Park Kelso. Refused 19 September 2007 on the grounds that The proposal is contrary to Policy N20 of the Scottish Borders Structure Plan 2001-2011, Policies 2, 18 and 62 of the Roxburgh Local Plan 1995 and Policies G1 and G7 of the Scottish Borders Local Plan: Finalised December 2005 in that due to the scale, siting and design of the proposal, the development would be an inappropriate form of infill development that is out of keeping with the character of the area, highly prominent and visually intrusive to the detriment of the established residential character of the area.

#### ASSESSMENT:

As the application seeks planning permission in principle for the erection of a dwelling on garden ground associated with a dwelling within the settlement boundary, Policy G7 is the principal policy constraint by which the application must be assessed. Policy G7 is generally supportive to suitable infill development provided it meets certain criteria. The proposals should not conflict with the established land use of the area and should not detract from the character and amenity of the surrounding area. They should not lead to over development and must respect the scale, form, design, materials and density of the surrounding area. In the case of garden ground or back land developments - as is the case with this application - the proposals must also be justified under Policy H2 to safeguard the amenity of residential areas. In addition, Policy G1 is also relevant as this is aimed at ensuring all new developments, not just residential, is of a high quality and respects the environment in which it is contained.

The application site is located within a residential area characterised by various house types and styles. There are semi-detached and terraced properties in Croft Road and the ground slopes slightly up to a number of modern, large detached properties, including Park Lane, to the west of the application site. The land then rises up steeply to the north and to the housing estates of Kings Croft and Dyers Court beyond the ridge at the top of the bank.

It is accepted that the proposed erection of a dwellinghouse on this site would be consistent with the established residential land use of the surrounding area. With the exception of the public park and open space to the south west of the application site, the surrounding area is characterised exclusively by dwellinghouses. In this case criterion (i) of Policy G7 can be met. It is important to note that the acceptability, or otherwise, of proposals for infill development must meet ALL relevant criteria contained

within this policy. The use of the word 'AND' following each criterion is critical in the assessment of such proposals.

Criterion (ii) requires proposals to be consistent with the character and amenity of the surrounding area. Whilst no detailed proposals have been submitted in support of this application, the indicative drawings indicate a modest 1.5 storey detached dwelling located on the site of the redundant stable block. It is contended that the proposals would not reflect the established building lines created by the properties in Croft Road and Kings Croft and would result in an intrusive form of development that would be exacerbated by the steepness of the slope. This would be out of keeping with the character and form of development in this part of Kelso to the detriment of the established residential area. This is consistent with the planning authority's view of the earlier proposals which were refused and subsequently dismissed at appeal.

Criterion (iii) deals with over development of sites leading to town or village cramming. In this case, the application site slopes steeply from Kings Croft in the north east to Croft Park in south west restricting the amount of developable land to a small area of land on the site of the redundant stable block. The application site extends to some 1700sq.m and whilst it would appear from the site plan that the plot is comparable in size to the neighbouring plots, it does in fact have limited opportunities for development. The information provided does not show how the difficult sloping site can be practically developed. This is evident by the fact that a modestly sized dwelling, parking and turning are shoehorned into the south west corner of the site, with the remainder of the steeply sloping site left over for garden ground. This would suggest that the site is not a suitable infill development opportunity and the resultant dwelling would therefore constitute over development of the site, contrary to criterion (iii). It should be noted that the site plan is misleading in that it indicates a number of existing trees on site. These trees have been removed and the slope is now more visible in the wider area and vulnerable to erosion.

It is worth noting that the conclusions within the applicant's supporting statement suggest that the site will not be over developed as the dwelling would only represent 10% of the site area. It does not however, recognise the difficulties involved in developing the site due to the steep slopes and limited availability of developable land. As explained above, the site is not suitable for development and the proposed dwelling would therefore constitute over development of the site.

As the application seeks PPP criterion (iv) cannot be assessed as this deals specifically with the scale, form, design and materials of the proposed dwelling.

Criterion (v) requires adequate access and servicing to be provided, particularly taking account of water and drainage and schools capacity. The RPS has confirmed no objections provided 2 parking spaces and turning is made available within the site and the existing hedge between the drive and the footpath is removed or significantly lowered over its initial length. These matters can be covered by condition. Water will be taken from the existing public supply and drainage will be dealt with by public sewer for foul drainage and soakaway for surface drainage. Development contributions can be secured through legal agreement to deal with school capacity issues in line with Policy G5. In this case, it would appear that criterion (v) can be met.

Based on the information provided, it would appear that the proposed dwelling would be located a considerable distance from neighbouring dwellings and would not result in an unacceptable adverse impact on the residential amenity of nearby properties. It would not result in any significant loss of daylight, sunlight or privacy as a result of overshadowing or overlooking. This would be consistent with criterion (vi) of Policy G7 and the terms of Policy H2.

Additional supporting information was submitted by the agent following discussions with the case officer. This included cross sections of the site and details of proposed retaining walls. Whilst this was helpful, it reinforces the fact that the site has limited availability for residential development consistent with the established pattern of development in the area and that the proposals will require significant engineering works to allow a dwelling to be accommodated on this site. As discussed above, it is contended that this development would result in over development of the site.

Whilst the proposals may meet some of the criteria contained with Policy G7 of the Local Plan, the fundamental issues in respect of the established character and amenity of the surrounding area as well as the ability to develop the site without resulting in over development remain consistent with earlier decisions. Given the planning history associated with the site and the fact that infill development policy has not

changed significantly in the intervening period, it is considered that the information provided in support of the current application is not sufficient enough to warrant a different recommendation in this case.

**REASON FOR DECISION :**

Planning applications have been refused for the erection of a dwellinghouse on this site in 1994, 1997 and 2006 and these decisions have been upheld at appeal. It is considered that the circumstances have not changed significantly to warrant a different recommendation in this case and the proposed development would be contrary to Policy G7 of the local plan in that it would not be consistent with the character and amenity of the surrounding area and would constitute over development of the site.

**Recommendation: Refused**

- 1 The proposal is contrary to Policies G1 and G7 of the Consolidated Scottish Borders Local Plan 2011 in that the proposed dwellinghouse would result in an inappropriate form of infill development that is out of keeping with the character and amenity of the surrounding area to the detriment of the established residential character of the area. In addition, it has not been adequately demonstrated that a dwellinghouse can be accommodated on site without resulting in over development. The erection of a dwelling on this site would set an undesirable precedent which would not be compatible with, or respect, the neighbouring built form

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



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

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

**Application for Planning Permission**

**Reference : 15/00745/PPP**

**To : Mr James Hewlt per Ferguson Planning Shiel House 54 Island Street Galashiels TD1 1NU**

With reference to your application validated on **1st July 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Erection of dwellinghouse**

**at : Land East Of Park Lane Croft Park Croft Road Kelso Scottish Borders**

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

**Dated 1st October 2015  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**



**Signed**

.....  
**Chief Planning Officer**

**APPLICATION REFERENCE : 15/00745/PPP**

**Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
SK02	Site Plan	Refused
SK01	Block Plans	Refused
Planning Statement	Report	Refused

**REASON FOR REFUSAL**

- 1 The proposal is contrary to Policies G1 and G7 of the Consolidated Scottish Borders Local Plan 2011 in that the proposed dwellinghouse would result in an inappropriate form of infill development that is out of keeping with the character and amenity of the surrounding area to the detriment of the established residential character of the area. In addition, it has not been adequately demonstrated that a dwellinghouse can be accommodated on site without resulting in over development. The erection of a dwelling on this site would set an undesirable precedent which would not be compatible with, or respect, the neighbouring built form.

**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.

# Wall construction types - BS8102

Total reliance  
on  
waterproofing



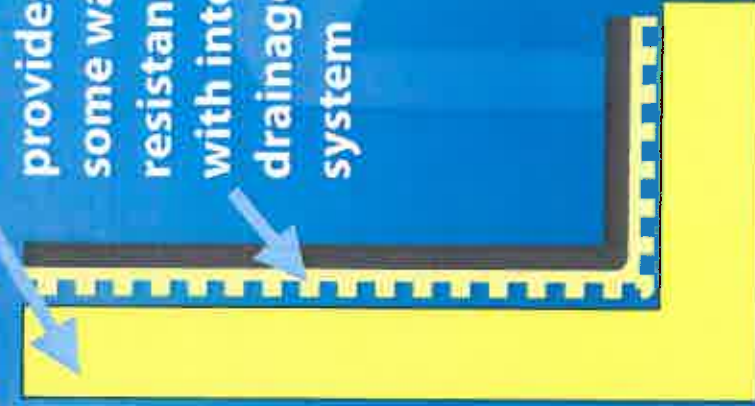
**WALL TYPE A**  
(Masonry)

Structure  
provides  
main water  
resistance



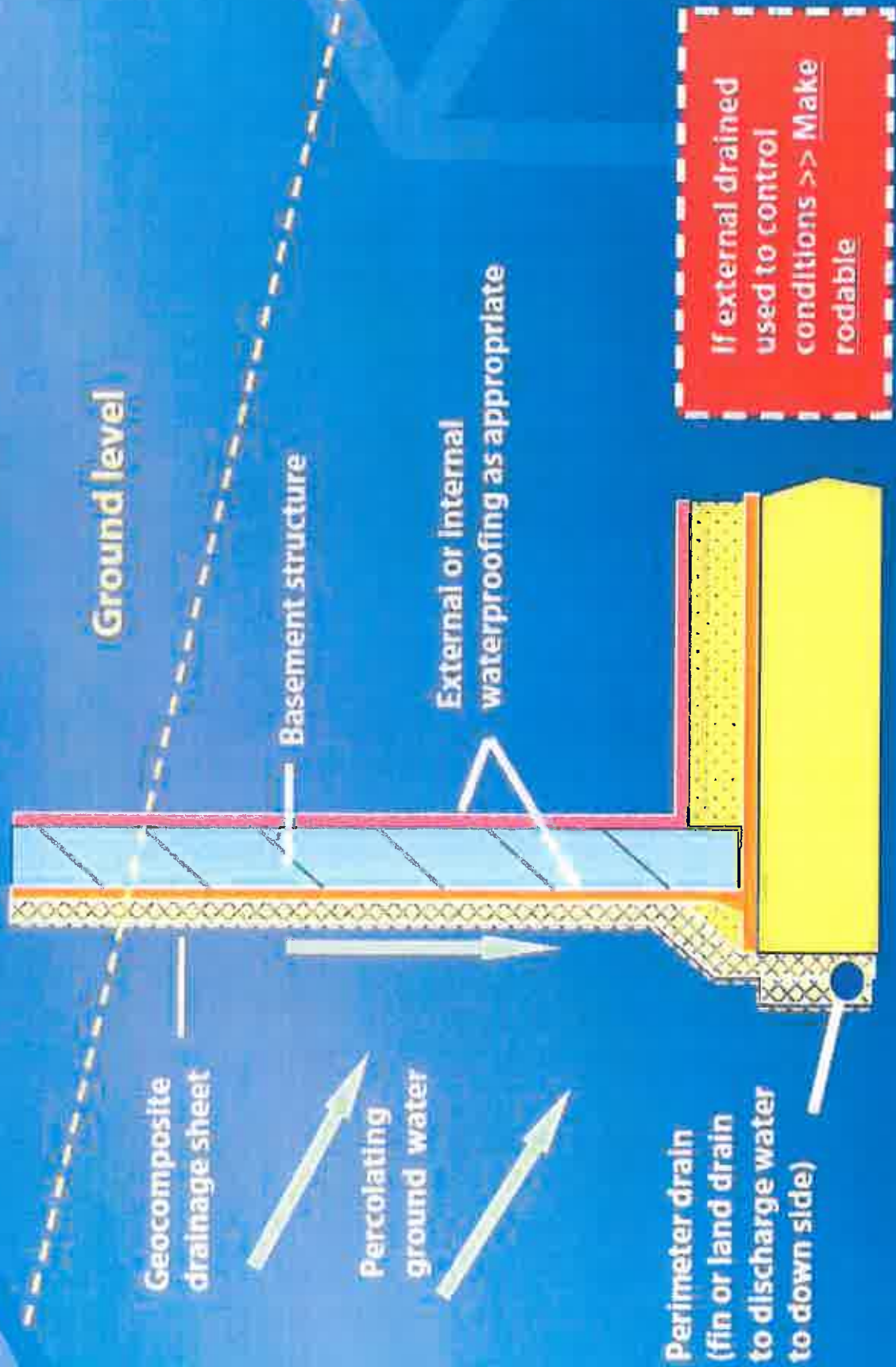
**WALL TYPE B**  
(In situ concrete)

Structure  
provides  
some water  
resistance  
with internal  
drainage  
system



**WALL TYPE C**  
(concrete – new build)  
(masonry – existing)

# External drainage



**Table 1 (BS 8102) Guide to level of protection to suit basement use**

Grade	Basement usage	Performance level	Form of construction
<b>1</b>	Car parking; plant rooms (excluding electrical equipment); workshops	Some seepage and damp patches tolerable	Type B - BS 8110
<b>2</b>	Workshops and plant rooms requiring drier environment; retail storage areas	No water penetration but moisture vapour tolerable	Type A Type B - BS 8007
<b>3</b>	Ventilated residential and working areas including offices, restaurants etc., leisure centres	Dry environment	Type A Type B - BS 8007 Type C
<b>4</b>	Archives and stores requiring controlled environment	Totally dry environment	Type A Type B - BS 800 Type C ventilated (+ vapour control)



## Application Comments for 15/00745/PPP

### Application Summary

Application Number: 15/00745/PPP

Address: Land East Of Park Lane Croft Park Croft Road Kelso Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Barry Fotheringham

### Customer Details

Name: Mrs Shirley Redgrave

Address: Pinnaclehill Lodge Sprouston Road, Kelso, Kelso, Scottish Borders TD5 8ES

### Comment Details

Commenter Type: Community Council

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: The Kelso Community Council had no objection to this application.

# REGULATORY SERVICES



To: **Development Management Service**  
**FAO Barry Fotheringham**

Date: **30 Sept 2015**

From: **Roads Planning Service**  
Contact: **Keith Patterson**

Ext: **6637**

Ref: **15/00745/PPP**

---

**Subject: Erection of Dwellinghouse, Land East of Park Lane, Croft Park, Kelso.**

---

I had concerns about development on this site at the time of previous submissions, mainly due to the Council's policy on the number of dwellings served by a private road. This policy has now changed increasing from 2 new dwellings to 4 new dwellings. This policy change has removed the concerns I had with this site previously and I am now able to support the proposal subject to the following conditions:

- Two parking spaces and turning to be provided within the curtilage of the plot and retained in perpetuity.
- The hedge that separates the private access from the public footway to be reduced in height to no greater than 1000mm over the first 2000mm.

JAF



## PLANNING CONSULTATION

To: Landscape Architect

From: Development Management

Date: 2nd July 2015

Contact: Barry Fotheringham ☎ 01835 826745

Ref: 15/00745/PPP

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 23rd July 2015, 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 23rd July 2015, it will be assumed that you have no observations and a decision may be taken on the application.

**Name of Applicant:** Mr James Hewit

**Agent:** Ferguson Planning

**Nature of Proposal:** Erection of dwellinghouse

**Site:** Land East Of Park Lane Croft Park Croft Road Kelso Scottish Borders

---

**OBSERVATIONS OF: Landscape Architect, J. Knight following site visit on 24.07.15**

### CONSULTATION REPLY dated 27 July 2015

*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 a roughly triangular shaped area of sloping, south west facing ground to the east of Park Lane and directly south of the house at 11 Kingscroft. The 1<sup>st</sup> edition OS map indicates that the whole of the sloping bank of which this site is a part was once part of the 'West Broomlands Plantation' which ran along the slopes that separate 'The Croft' area from the 'High Croft' area south of Angraflat Road. Effectively it is part of a river terrace. To the east, most of this sloping ground area is covered by policy GSKELSO007 and GSKELSO008 in the 2013 Development Plan which defines them as key greenspaces. The site itself however, is not included.

A public footpath rises up the slope just outside the southern and eastern boundaries behind a screen hedge of cypress around 2m high which appears to be maintained by the applicant. The whole site and adjoining sloping ground above Park Lane has recently been cleared of all woody vegetation and there are numerous tree and shrub stumps and wood chippings visible on site. There is also evidence of soil movement on some of the steeper areas e.g. behind the existing stable building. There is a manhole on the slope which the owner says relates to a surface water drain running underneath.

#### Nature of the Proposal

The applicant's site plan (0013 SK02 dated 10.06.15) indicates, in outline, a single house partly on the site of the existing stable building but also extending to the east into what is currently steeply sloping ground which is also close to the manhole mentioned above. (The plan also shows existing trees which have been removed.) A floor level of 101.4 is indicated but levels for the adjoining ground to the east are not provided.

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Customer Services: 0300 100 1800 [www.scotborders.gov.uk](http://www.scotborders.gov.uk)

#### Implications of the Proposal for the Landscape including any mitigation

This is quite a difficult assessment. The site is visible over the wider area but the proposed development is on the lowest and least visible part which also benefits from screening by trees on the Council owned land to the south. As explained in the description, it appears to be part of a wider slope which, elsewhere, is protected green space. In addition, I am rather concerned by the recent vegetation removal both for the loss of vegetation structure and because de-vegetated slopes are more vulnerable to erosion which is already apparent.

In addition, the applicant has only provided basic detail necessary for an outline application but this does not show how a difficult sloping site can be practically developed. A house built exactly as shown would probably require construction of expensive retaining structures and may even affect the drain mentioned above which the owner states is SBC responsibility and is in need of maintenance. Some of these issues could probably be alleviated by moving the house to the west so that it effectively stands in the footprint of the existing stable building with the parking / tuning head relocated accordingly.

A further issue is what is to happen to the rest of the ground which has recently been cleared? It would be re-assuring to know that this was going to be re-vegetated and that some trees and shrubs would be included.

In order to achieve an acceptable application, the applicant should provide more fully worked layout plan with existing ground levels to how the site can be developed and what size of retaining structures would be required and to confirm if any existing services may be affected. An acceptable application should also include a landscape planting plan that addresses slope stability and amenity issues.

#### Recommendation

**The applicant should provide further information, as outlined above, to demonstrate that this site can be acceptably developed.**

#### Consultation Summary

This is a difficult site and further information is required to demonstrate the practicality of a new development.

## Application Comments for 15/00745/PPP

### Application Summary

Application Number: 15/00745/PPP

Address: Land East Of Park Lane Croft Park Croft Road Kelso Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Barry Fotheringham

### Customer Details

Name: Mr William Ferguson

Address: The Old Smiddy, Toward, Dunoon PA23 7UG

### 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
- Road safety
- Subsidence
- Trees/landscape affected

Comment: To whom it may concern I object to this planning application the third of its kind for this site on the following grounds;

1. The design and siting of any proposed dwelling house on this site would be detrimental to the visual amenity of this part of Kelso contrary to the local plan and any excavation required would/could endanger the stability of the site and adjoining property.
2. The concerns of the reporter in appeal P/PPA/B359 for the upper level over croft park have not been addressed the proposal would adversely affect visual amenity.
3. Reasons as outlined in The Scottish Office, Inquiry reporters report ref.P/PPA/B/418 author David.R. Penman.
4. Added risk to footpath/play area users from vehicular traffic

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Att: Clerk to the Local Review Body, SBC

Dear Sir/Madam -

**Appeal No. 15/00028/rref**

We would like to support the appeal of Mr and Mrs Hewit for a dwelling house on the stable site overlooking Croft Park.

When we first responded we simply said no objections as we thought this was a straight forward application.

After the application was refused we have looked again and all the Committee feel this is a suitable site for a house.

Looking at the reasons for refusal we don't agree that it would be inappropriate and set a precedent.

This is a large area of ground and has had a stable on the site for many years, we feel this would be a good example of infill development and would only use a small area of the land available.

We understand previous concerns over access have been resolved with a change in Government Policy and the roads department are happy to support the proposal with a few conditions.

The area along the park has a variety of different houses, with housing above the site and Croft Road housing to the right it would be difficult to say what type of house would be out of character in the area, as there are so many different types.

We appreciate the reason for the house is not a planning matter, however we all felt it was a very genuine reason and should be a consideration when looking at the application, along with the planning guidance.

At our original Community Council meeting when the Committee first looked at the application SBC Cllr Mountford declared an interest and left the room but everyone else including Cllrs Nicol and Weatherston who attended unanimously supported the application and the reasons behind it.

We look forward to hearing from you in due course.

Shirley Redgrave  
Secretary  
Kelso Community Council



Clerk to the Local Review Body at Council Headquarters, Newtown St Boswells, Melrose.

Please be advised that I wish to continue with my opposition to planning permission being granted re planning application 15/00745/PPP, erection of dwelling house on land east of Park Lane Croft Park Road Kelso.

My concerns remain re potential of subsidence which may affect property at 11 Kings Croft and uncertainty regarding the development proposal re type of property to be erected. It is also noted that whilst making the the application the applicant failed to comply with Development Contribution Policy despite requested from Jon Bowie MA(Hons) MRICS, Development Co-Ordinator. (Correspondence Jon Bowie - James Hewitt dated 3 August and 14th August 2015 refers).

It is also noted that this application refers to planning permission to be granted in principle on the proposed sight and further objections are likely re the nature of property to be erected given decisions already taken in the past by the Borders Council and the Scottish Office regarding the proposed sight.

Mr Hewitt's representative has also stated a reason for the proposed development which I feel is irrelevant to the decision being requested of the Council at this stage of the proceedings as other options remain available to the applicant regarding personal issues.

Regards

Bill Ferguson





**Wemyss, Laura**

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**From:** Tim Ferguson <tim@fergusonplanning.co.uk>  
**Sent:** 12 November 2015 15:23  
**To:** localreview  
**Subject:** RE: Erection of dwelling. Park Lane, Croft Park, Kelso. 15/00745/PPP

Fiona

Thank you for your email regarding the above appeal. We are encouraged to read the Community Council's full support for this proposal. In relation to the objection we would simply state that any requirement for a Section 75 Agreement related to this site can be discussed/agreed between the Council and the Applicant should the Local Review Body seek to approve the proposal and would be done so within a very short time period post decision.

There are no known subsidence issues with regard to this site and any related ground/structure works would be carried out as per any related building regulations.

Regards

**Tim Ferguson**  
Director



T. 01896 668 744

M. 07960003358

E. [tim@fergusonplanning.co.uk](mailto:tim@fergusonplanning.co.uk)

W. [www.fergusonplanning.co.uk](http://www.fergusonplanning.co.uk)

t. @fergplan

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**From:** localreview [<mailto:localreview@scotborders.gov.uk>]  
**Sent:** 11 November 2015 13:32  
**To:** Tim Ferguson <[tim@fergusonplanning.co.uk](mailto:tim@fergusonplanning.co.uk)>  
**Subject:** Erection of dwelling. Park Lane, Croft Park, Kelso. 15/00745/PPP

Dear Mr Ferguson

I am writing to advise that the attached responses were received from interested parties regarding the Local Review being carried out by Scottish Borders Council in respect of the above planning application.

If you wish to make any representations on their content, you should write directly to the Clerk to the Local Review Body Head, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA or email your representation to [localreview@scotborders.gov.uk](mailto:localreview@scotborders.gov.uk) within 14 days from the receipt of this email.

A copy of any subsequent representations you make will be included in the papers, which will be available to the Local Review Body when they undertake the review.

Kind regards  
Fiona Walling

*Fiona Walling*  
*Democratic Services Officer*  
*Scottish Borders Council*  
*Council Headquarters*  
*NEWTOWN ST BOSWELLS TD6 0SA*  
*Tel: 01835 826504 (Direct Line)*  
*Fax: 01835 825001 or e-mail [fwalling@scotborders.gov.uk](mailto:fwalling@scotborders.gov.uk)*

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. \*\*\*\*\*"

**Walling, Fiona**

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**From:** Fotheringham, Barry  
**Sent:** 09 November 2015 16:47  
**To:** localreview  
**Subject:** RE: 15/00745/PPP

Fiona

Thank you for your e-mail of 3 November 2015 and the opportunity to make comment on the Reporters recommendations in connection with this Review.

The planning application (15/00745/PPP) was refused on the following grounds:

*The proposal is contrary to Policies G1 and G7 of the Consolidated Scottish Borders Local Plan 2011 in that the proposed dwellinghouse would result in an inappropriate form of infill development that is out of keeping with the character and amenity of the surrounding area to the detriment of the established residential character of the area. In addition, it has not been adequately demonstrated that a dwellinghouse can be accommodated on site without resulting in over development. The erection of a dwelling on this site would set an undesirable precedent which would not be compatible with, or respect, the neighbouring built form.*

As an overview and for clarification, Policy G1- Quality Standards for New Development and Policy G7 – Infill Development of the Consolidated Plan 2011 will be replaced by Policy PMD2 – Quality Standards and Policy PMD5 – Infill Development of the Proposed Local Development Plan 2013.

It is noted under Issue 017 of the Examination that the Reporter recommends no modifications to the wording of Policy PMD2 but under Issue 003 recommends adjustments to its supporting text. The recommendations seek to take account of matters aimed at tackling the causes and impacts of climate change, to reduce resource use and moderate the impact of development on the environment. The modifications also seek to add additional paragraphs to the supporting text to make reference to Building Standards targets for developers to reduce carbon dioxide and achieve higher performance sustainability standards. I am satisfied that the recommended changes have no substantive bearing on the assessment of this case and accordingly I do not have any further comments to make in relation to Policy PMD2.

It is noted that there are no issues in the Reporters Recommendations in relation to Policy PMD5. Therefore I have no comment to make.

I am satisfied that the reasons for refusal of planning application 15/00745/PPP are adequately covered in replacement policies PMD2 and PMD5 of the Proposed Local Development Plan

Regards

Barry

**Barry Fotheringham MRTPI**  
Lead Planning Officer  
Development Management  
Regulatory Services  
Scottish Borders Council

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**From:** localreview  
**Sent:** 03 November 2015 16:52  
**To:** Fotheringham, Barry  
**Subject:** 15/00745/PPP

Barry

Please find attached copy of a self-explanatory letter posted today to the applicant in respect of the review of the above application. Similar letters have been sent to all interested parties.

Should you wish to make any comments on the Reporters' recommendations in connection with this Review then please would you let me have them by 25 November 2015 at the latest.

Thanks  
Fiona

*Fiona Walling  
Democratic Services Officer  
Scottish Borders Council  
Council Headquarters  
NEWTOWN ST BOSWELLS TD6 0SA  
Tel: 01835 826504 (Direct Line)  
Fax: 01835 825001 or e-mail [fwalling@scotborders.gov.uk](mailto:fwalling@scotborders.gov.uk)*

**List of Policies**

**Local Review Reference:** 15/00028/RREF

**Planning Application Reference:** 15/00745/PPP

**Development Proposal:** Erection of house

**Location:** Land East of Park Lane, Croft Park, Croft Road, Kelso

**Applicant:** Mr J Hewit

**SESplan Strategic Development Plan 2013**

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

- 10. be encouraged to support more sustainable travel patterns, 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'.

## 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 timeous 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 G7 – INFILL DEVELOPMENT

Within Development Boundaries, as shown on Proposals Maps, development on non-allocated, infill or windfall, sites, including the re-use of buildings, will be approved if:

1. in the case of a gap site, it can be justified under Policies BE6 (Protection of Open Space), Policy NE3 (Local Biodiversity) and Policy Inf11 (Developments that Generate Travel Demand);
2. in the case of employment land the proposed new use can be justified under Policy ED1 to prevent the loss of employment land with prospects of future use;
3. in the case of garden ground or backland sites, it can be justified under Policy H2 to safeguard the amenity of residential areas;

In all cases, the following criteria will apply to proposed infill development:-

- i) where relevant, it does not conflict with the established land use of the area; and
- ii) it does not detract from the character and amenity of the surrounding area; and
- iii) the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or 'town and village cramming'; and
- iv) it respects the scale, form, design, materials and density of its surroundings; and
- v) adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity; and
- vi) it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

All applications will be considered against the Council's Supplementary Planning Guidance on Placemaking and Design.

#### 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.

**Proposed Local Development Plan 2013 (incorporating changes recommended by Reporter where applicable)**

Policy PMD2: Quality Standards

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:

**Sustainability**

- a) 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 such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology,
- b) it provides digital connectivity and associated infrastructure,
- c) it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance,
- d) it encourages minimal water usage for new developments,
- e) it provides for appropriate internal and external provision for waste storage and presentation with, in all instances, separate provision for waste and recycling and, depending on the location, separate provision for composting facilities,
- f) 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,
- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

**Placemaking & Design**

- h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
- i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
- j) 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,
- k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
- l) it can be satisfactorily accommodated within the site,
- m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,



n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

#### Accessibility

- o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,
- p) it incorporates, where required, access for those with mobility difficulties,
- q) it ensures there is no adverse impact on road safety, including but not limited to the site access,
- r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,
- s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

#### Greenspace, Open Space & Biodiversity

- t) It provides meaningful 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,
- u) 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.

Developers are required to provide design and access statements, design briefs and landscape plans as appropriate.

#### Policy IS2: Developer Contributions

Where a site is otherwise acceptable in terms of planning policy, 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 partial contribution towards the cost of addressing such deficiencies.

Contributions may be required for one or more of the following:

- a) treatment of surface or foul waste water in accordance with the Plan's policies on preferred methods (including SUDS maintenance);
- b) provision of schools, school extensions or associated facilities, all in accordance with current educational capacity estimates and schedule of contributions;
- c) off-site transport infrastructure including new roads or road improvements, Safer Routes to School, road safety measures, public car parking, cycle-ways, bridges and associated studies and other access routes, subsidy to public transport operators; all in accordance with the relevant standards and the provisions of any Travel Plan;
- d) leisure, sport, recreation, play areas and community facilities, either on-site or off-site;
- e) landscape, open space, allotment provision, trees and woodlands, including costs of future management and maintenance;
- f) 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;

g) 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; provision of street furniture and digital connectivity with associated infrastructure.

Wherever possible, any requirement to provide developer contributions will be secured by planning condition. Where a legal agreement is necessary, the preference for using an agreement under other legislation, for example the 1973 Local Government (Scotland) Act and the 1984 Roads (Scotland) Act will be considered. A planning obligation will only be necessary where successors in title need to be bound by its terms. Where appropriate, the council will consider the economic viability of a proposed development, including possible payment options, such as staged or phased payments.

#### Policy PMD5: Infill Development

Development on non-allocated, infill or windfall, sites, including the re-use of buildings within Development Boundaries as shown on proposal maps will be approved where the following criteria are satisfied:

- a) where relevant, it does not conflict with the established land use of the area; and
- b) it does not detract from the character and amenity of the surrounding area; and
- c) the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or 'town and village cramming'; and
- d) it respects the scale, form, design, materials and density in context of its surroundings; and
- e) adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity; and
- f) it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

All applications will be considered against the Council's Supplementary Planning Guidance on Placemaking and Design. Developers are required to provide design statements as appropriate.

#### Policy HD3 – 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:

- a) the principle of the development, including where relevant, any open space that would be lost; and
- b) 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, loss of privacy and sunlighting provisions. 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.

**Other Material Considerations**

SBC Supplementary Planning Guidance – Placemaking and Design 2010

SBC Supplementary Planning Guidance – Landscape and Development 2008

SBC Supplementary Planning Guidance – Development Contributions (updated and revised 2015)

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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: 15/00601/FUL**

**To: Donna Cornish 7 The Weatherhouse Bowhill Selkirk Scottish Borders**

With reference to your application validated on **9th June 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal: Replacement windows (retrospective)**

**At: The Tushielaw Inn Ettrick Selkirk Scottish Borders TD7 5HT**

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

**Dated 6th August 2015  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**

A solid black rectangular box redacting the signature of the Chief Planning Officer.

.....

**Chief Planning Officer**

**APPLICATION REFERENCE: 15/00601/FUL**

**Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
	Location Plan	Refused
	Floor Plans	Refused
	Photos	Refused
SUPPORTING STATEMENT	Other	Refused

**REASON FOR REFUSAL**

- 1 The replacement windows do not comply with Local Plan Policy G1 in that they are not of an appropriate design or style and do not complement the quality of the architecture of the historically important building.
- 2 The proposals do not comply with the Supplementary Planning Guidance on Replacement windows as they have not been replaced on a 'like for like' basis and the essential features which formed part of the historical character of the building have not been retained.

**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.

Received 1/10/15



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)

Agent (if any)

Name Donna CORNISH

Name

Address 7, THE Weather House  
Boushill  
Selkirk

Address

Postcode TD7 5HE

Postcode

Contact Telephone 1 01750 725798

Contact Telephone 1

Contact Telephone 2

Contact Telephone 2

Fax No

Fax No

E-mail\* d.m.cornish@btinternet.net

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 SCOTTISH BORDERS COUNCIL

Planning authority's application reference number 15/00601/FUL

Site address TUSHIELAW INN ETRICK VALLEY SELKIRK - TD7 5HT

Description of proposed development RETROSPECTIVE PLANNING CONSENT  
DOUBLE GLAZED WINDOWS

Date of application 09.06.15 Date of decision (if any) 06.08.15

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 see attached 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 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.

**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.

letter from resident of the valley. supporting windows  
 I have also had calls and other residents  
 that have supported us.  
 all landowners who bring employment and community  
 through work.  
 Archie Stewart  
 Neil McFadden

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:

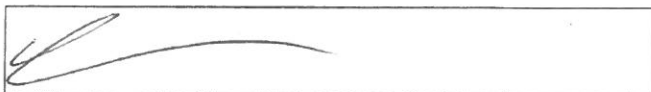
- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

29.9.15

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

Donna Cornish

Dear Sir/Madam,

I am applying to appeal the decision on the planning application 15/00601/FUL that was refused on the 6<sup>th</sup> August 2015 for the following reasons.

1. no ventilation has been removed as all the new windows have built in ventilation openings at the top of them which actually means there is more constant air flow than before.
2. The windows open fully or they can lock tilted open to allow air flow, they also with the methods of today are of a stronger glass than previous which also makes them safer.
3. The windows that were there were beyond repair and needed to be replaced.
4. The windows were picked because they allowed so much more light into the building and many people have commented on how nice they look, I am attaching one of the letters that we were sent to me and my partner when the decision was made public, Mr Scott was born in the valley and his family have been here for many generations and as you will see he was most disappointed with the decision.
5. The other windows at this property which I did not replace but that have been changed by previous owners are of differing designs and quality, none of them are of the quality of what I have had installed, they are UPVC windows and no one raised any objections to those.

The windows that I have had installed are of a sympathetic design to compliment the overall look of the building and combine a pleasing and attractive outlook ( as commented on by many local neighbours and members of the farming community), nothing has been done to demean the property on the outside or inside and I feel the windows complement the building and give it a fresh and bright look when people drive past.

## Cornish, Donna

---

**From:** D CORNISH <d.m.cornish@btinternet.com>  
**Sent:** 17 September 2015 10:16  
**To:** Cornish, Donna  
**Subject:** Fwd: Retrospective Planning Application - Tushsielaw Inn

-----Original message-----

**From:** [REDACTED] <[REDACTED]@yahoo.co.uk>  
**Date:** 17/09/2015 - 09:01 (GMTDT)  
**To:** [REDACTED] <[REDACTED]@btinternet.com>  
**Subject:** Fwd: Retrospective Planning Application - Tushsielaw Inn

Sent from my iPhone

Begin forwarded message:

**From:** "Martin Scott" <[REDACTED]@scott.gb broadband.co.uk>  
**Date:** 15 August 2015 18:48:35 BST  
**To:** "Gareth Whitehead - Tushielaw Inn" <[REDACTED]@yahoo.co.uk>  
**Cc:** "Gordon Harrison" <[REDACTED]@btinternet.com>  
**Subject:** Retrospective Planning Application - Tushsielaw Inn

Hi Gareth and Donna,

To say that I'm dismayed at the outcome of the above is putting it very mildly.

We were, and still are, of the opinion that the new window units had in fact enhanced the appearance of your property.

I am probably even more dismayed that members of the community saw fit to oppose the application on such minor details and thereby place more obstacles in the way of a possible reopening of a vital service to the area.

It is to my sincere regret that I didn't officially support the application during the consultation period.

I do hope that this hurdle can be overcome and wish you both good wishes for whatever your intentions are for the building.

Regards,

Martin and Frances

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 15/00601/FUL

**APPLICANT :** Donna Cornish

**AGENT :**

**DEVELOPMENT :** Replacement windows (retrospective)

**LOCATION:** The Tushielaw Inn  
Ettrick  
Selkirk  
Scottish Borders  
TD7 5HT

**TYPE :** FUL Application

**REASON FOR DELAY:**

---

**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused
	Floor Plans	Refused
	Photos	Refused
SUPPORTING STATEMENT	Other	Refused

**NUMBER OF REPRESENTATIONS: 2**

**SUMMARY OF REPRESENTATIONS:**

**Representations**

Two letters of representation have been received objecting to the proposals on the following grounds:

- historic character of Tushielaw in significantly altered by removal of original windows and installation of upvc windows of alternative design repair and upgrading preferable to replacement
- the windows should have been replaced on like for like basis
- not all of the windows have been replaced so the appearance and character of the building has been demeaned.
- other properties in the locality have required 'like for like' replacement windows
- ventilation has been removed from 2 rooms

**Consultation Responses**

**Community Council**

Ettrick & Yarrow Community Council welcomes the work that has been undertaken to renovate and improve the Tushielaw Inn and look forward to the building being re-opened as an Inn as soon as possible.

We were, however, disappointed that the necessary planning permission was not applied for ahead of the recent renovations. We feel that replacement windows for a building of such historical significance should have been on a like for like basis and very disappointed that the new windows are of a different style with no astragals.

We recognise the significant costs that would be incurred in taking out these replacement windows so that the new windows could be installed that are on a like for like basis. We would therefore suggest that there is a requirement to add cosmetic astragals to the replacement windows already in place, so that the look and style is at least like for like.

## **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Consolidated Local Plan 2011  
G1 - Quality Standards For New Development

SPG - Replacement Windows  
Draft SPG - Replacement Windows and Doors

Managing Change in the Historic Environment Guidance Note: Windows

**Recommendation by** - Dorothy Amyes (Planning Officer) on 5th August 2015

The Tushielaw Inn is located on the B7009 which runs from Selkirk southwards through the hills to Langholm, it is approximately 8 miles from Ettrickbridge and 3 miles from Ettrick. There has been an inn on this site for over 200 years although it is believed that the current building dates back to the 1830s.

In May 2013 an application (ref 13/00267/FUL) to change the use from an Inn to form additional residential accommodation was refused for the following reasons:

1 the proposal is contrary to Structure Plan policy E22 as it is considered that the loss of the Tushielaw Inn will have a significant and sustained adverse impact on the tourism of the Ettrick and Yarrow valleys as it provides accommodation and services which in turn support other tourism related facilities in the area.

2 it is contrary to Local Plan policy INf 12 as it is considered that that there is a need for such a facility at this location for the development of the tourism industry and for the local community, many of whom rely on the tourism industry for an income, it has not been clearly demonstrated that the business cannot be viable, there are no significant amenity benefits to the surrounding area and there is significant public and community interest in the Inn remaining as a viable concern.

The current application is for retrospective planning consent for replacement windows.

Although it is understood that the Inn has been closed for some time, it is not a residential property and therefore it does not benefit from permitted development rights for replacement windows. In early 2015 the majority of the windows on the ground and first floor were replaced without consent. Following an Enforcement investigation, the current application has been submitted for retrospective planning consent for replacement windows.

The new windows are white upvc double glazed units with a centre bar but no step. From photographs submitted with the application they appear to have side openings. No detailed specifications have been submitted with the application but the applicant has submitted a supporting statement.

Photographic evidence shows that the windows that were replaced were traditional timber sash and case, mostly 4 over 4 panes. The smaller, slimmer windows were 2 over 2.

Although Tushielaw Inn is not listed it is still a building of historic importance which has played an important role in the history of the Ettrick Valley over a long period. It is located on the B road that runs through the valley and close to the junctions with the minor roads linking the Ettrick valley to the Yarrow valley to the north and Hawick to the east.

It is recognised that windows are one of the key elements in a building as they make a major contribution to the appearance of a building. In historic buildings it is always preferable that where possible the traditional windows are repaired or if this is not possible, replaced on a 'like for like' basis as this will maintain the historic character and fabric of the window. This view is emphasised in both the council's supplementary planning guidance on replacement windows and in Historic Scotland's Managing Change in the Historic Environment Guidance Note: Windows.

In policy G1 it is expected that any development should be finished externally in materials, colours and textures which complement the highest quality of architecture in the locality and the existing building.

In terms of materials whilst timber would be preferable, the use of upvc frames is considered to be acceptable. It would have been possible to install new upvc windows similar to the original design but it appears that little thought was given to preserving the character of the building, particularly on the front elevation. The new windows do not reflect the original style of the windows, the frames are thicker and the openings different from the original. It is considered that they considerably detract from the historic character of this locally important building and as such cannot be supported.

The important elevations are the sides and front elevations where the windows can be clearly seen. The windows on the rear elevation have less of an impact on the historic character of the building. If the application had been for the windows on the rear elevation only it is possible that this could have been supported but this is not the case. The community council have suggested that stick-on astragals might improve the situation and while this might be true it would not change the thicker frames or the changes to the opening mechanisms.

It is recommended that the application is refused.

#### **REASON FOR DECISION :**

The proposals do not comply with Local Plan Policy G1 - Quality Standards for New Development and the SPG on Replacement Windows as the new windows do not reflect or complement the architecture and character of the historic building.

#### **Recommendation: Refused**

- 1 The replacement windows do not comply with Local Plan Policy G1 in that they are not of an appropriate design or style and do not complement the quality of the architecture of the historically important building.
- 2 The proposals do not comply with the Supplementary Planning Guidance on Replacement windows as they have not been replaced on a 'like for like' basis and the essential features which formed part of the historical character of the building have not been retained.

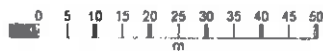
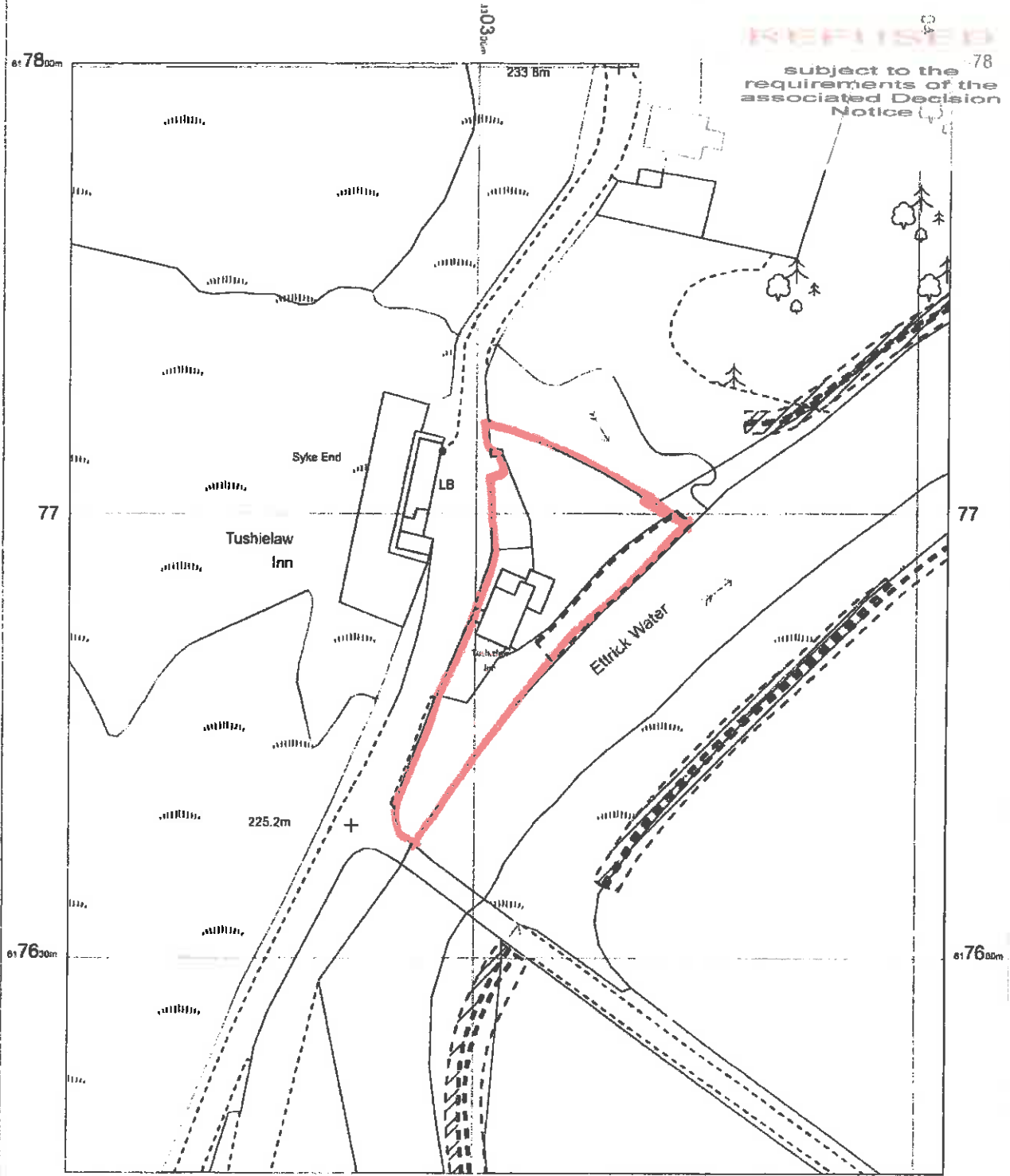
**“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.**





# 15/00601/FUL Tushielaw Inn

Scottish Borders Council  
Town And Country  
Planning (Scotland) Act  
1997



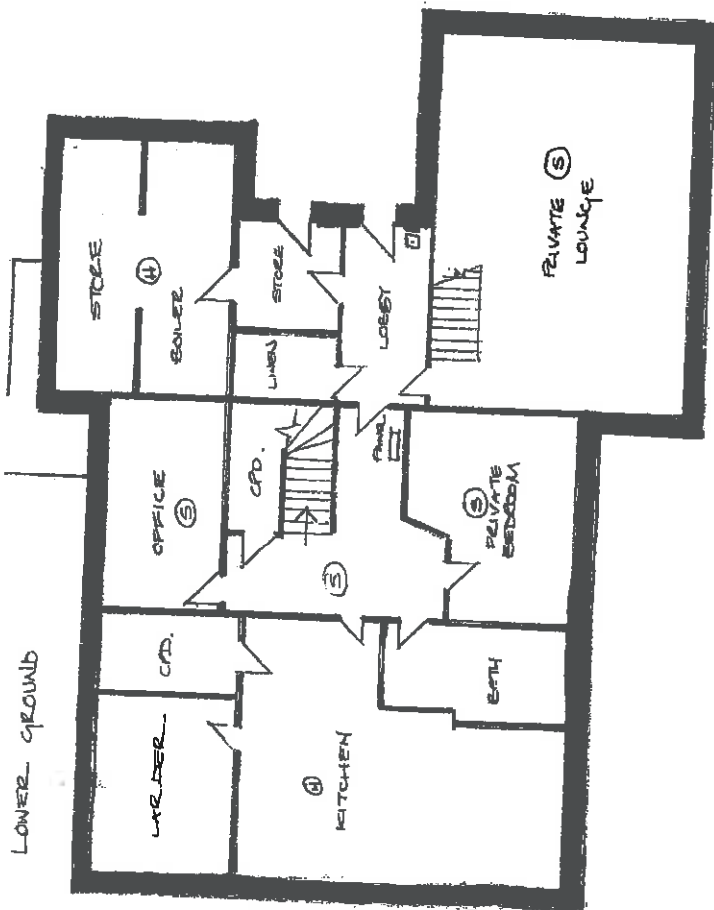
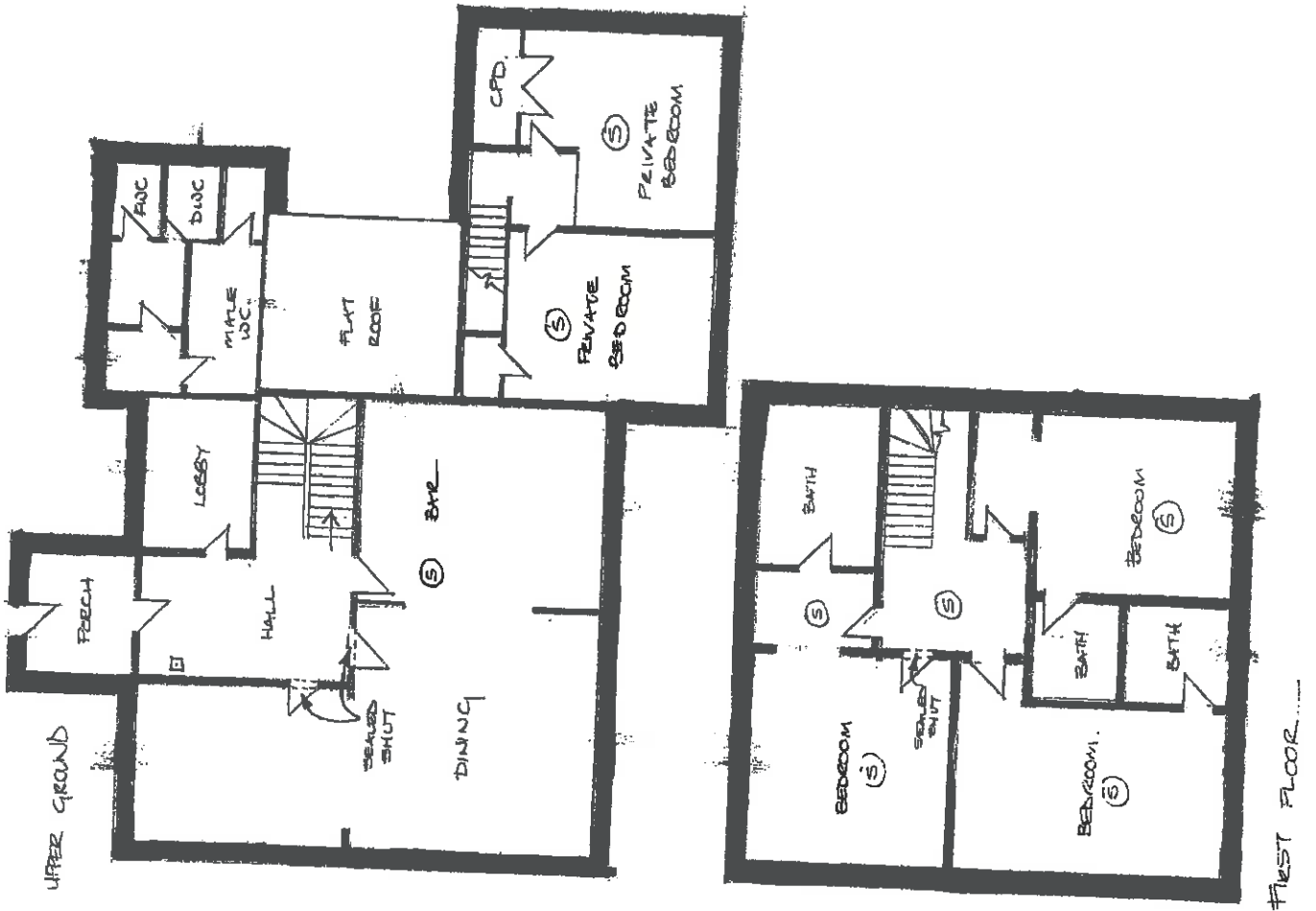
TD7 5HT

OS MasterMap 1250/2500/10000 scale  
04 June 2015, ID: M4P-00434999  
Ordnance Survey, Kelso

1:1250 scale print at A4, Centre 330307 E, 617676 N

©Crown Copyright Ordnance Survey Licence no 100025026





windows replaced in 2015  
 windows replaced before this but date unknown  
 windows that have not been replaced with double glazing  
 TUSHIELAW IAN  
 SCALE 1:100  
 FEB 2015

(S) SMOKE DETECTOR  
 (H) HEAT DETECTOR  
 (I) MANUAL CALL POINT  
 (H) AFD CONTROL PANEL  
 (I)

Scottish Borders Council  
 Town And Country  
 Planning (Scotland) Act  
 1997  
**REFUSED**  
 subject to the  
 requirements of the  
 associated Decision  
 Notice

15/00601/FUL

15/00601/FUL



15/00601/FUL



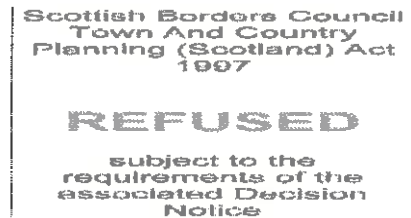






# 15/00601/FUL

27th May 2015



Donna Cornish

Tushielaw Inn

Ettrick Valley.

Selkirk. TD7 5HE



01750725798/07930940608

Dear sir/Madam,

I purchased the above property in December 2014, it was in a poor state of dis repair and since the purchase I have embarked on a detailed plan of works to bring the property up to date.

I started with the main suppliers and then decided that because the windows were rotten and falling out I would replace them, I had checked that the building was not listed or there were no preservation orders on the building and as these were not the original windows and there were already replacement windows in the some parts of the property I then thought I had carried out sufficient checks and proceeded with installation.

I then had a meeting with Alan Gueldner form SBC who came out to check on the Property and ensure I was working within the guidelines set out by SBC, He advised that I should have of obtained planning permission for the new windows that I had had installed. And that I would need to apply for Retrospective planning permission as this is a business premises and not a domestic home.

I have installed the latest in Replacement windows they have already made a huge difference to the warmth within the property and its now draft free and the slight bit of damp that had appeared has been treated and has not returned, I feel that they have made the property brighter and allow more natural light in in all the rooms, they have safety in mind and lock slightly open and turn for ease of cleaning.

I have since my purchase of the property been in contact with the community council and they are aware of my plan of works and they are looking forward to working together to incorporate the Inn into the community again.

I would like to take this opportunity to apologise and to say that it has only ever been my intention to repair and upgrade the Tushielaw Inn and had I have known I would have sought planning permission before hand .

If you require any further information please don't hesitate to contact me.



Donna Cornish



**From:** BARBARA HARRISON [REDACTED]  
**Sent:** 10 July 2015 21:10  
**To:** Miller, Craig  
**Cc:** Amyes, Dorothy  
**Subject:** Fw: Planning Application 15/000601/FUL

Dear Craig

I am forwarding this on to you as Dorothy is away until after the deadline for this planning application. Please can you confirm receipt of our response?

Kind regards

*Barbara Harrison*

Barbara Harrison  
Secretary  
EYCC

----- Forwarded Message -----  
**From:** BARBARA HARRISON [REDACTED]  
**To:** "[damyas@scotborders.gov.uk](mailto:damyas@scotborders.gov.uk)" <[damyas@scotborders.gov.uk](mailto:damyas@scotborders.gov.uk)>  
**Sent:** Friday, 10 July 2015, 21:01  
**Subject:** Planning Application 15/000601/FUL

Dear Dorothy

Here is the view of EYCC in relation to this application:

Ettrick & Yarrow Community Council welcomes the work that has been undertaken to renovate and improve the Tushielaw Inn and look forward to the building being re-opened as an Inn as soon as possible.

We were, however, disappointed that the necessary planning permission was not applied for ahead of the recent renovations. We feel that replacement windows for a building of such historical significance should have been on a like for like basis and very disappointed that the new windows are of a different style with no astragals.

We recognise the significant costs that would be incurred in taking out these replacement windows so that the new windows could be installed that are on a like for like basis. We would therefore suggest that there is a requirement to add cosmetic astragals to the replacement windows already in place, so that the look and style is at least like for like.

i would be grateful if you can confirm receipt of our view.

Kind regards

*Barbara Harrison*

Barbara Harrison  
Secretary  
EYCC

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Syke End, Ettrick Valley, Selkirk, TD7 5HT



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

Attention Mrs Dorothy Ames

Dear Mrs Ames,

**Application Number:** 15/00601/FUL  
**Proposed Development:** Replacement windows (retrospective)  
**Location:** The Tushielaw Inn, Ettrick Valley, Selkirk, TD7 5HT

Firstly, can I say that I welcome the move to improve the condition of the Tushielaw Inn, which was much needed, and look forward to its re-opening under new ownership.

It is a great shame that planning permission was not sought prior to the installation of the new windows as I feel I have to oppose this retrospective planning application for the replacement windows for several reasons.

In writing this letter, the references to paragraphs are the paragraphs in the Scottish Borders Supplementary Planning Guidance on Replacement Windows dated April 2012.

- 1) My first concern lies in item 1, which details the policy for replacement windows. Paragraph 1.1 states *"In almost all cases, repair of components on a "like for like" basis is preferable to replacement of a whole unit, as this will best maintain the character and historic fabric of the window"*.

Whilst I can understand the need to repair the rotten sills in the bar and dining area windows of the Inn, on the first floor on the East front, I find it difficult to understand why both these original windows were replaced.

The windows on the North and West side of the building were in very good condition and appeared not to be in need of repair or replacement. Indeed, the fitters had some difficulty in removing some of the original sills and frames of these windows.

The only previously replaced windows were on the lower floor, in the kitchen, and in guest bedroom 2 on the top floor. The latter is made of hardwood with astragals exactly like the window it replaced; it is the single remaining window with astragals on the East side.

As the guide points out, there are firms in the area who could have provided for the refurbishment of any window that needed repairs, including the installation of double glazed units. These have been used for other properties locally just lately, and I feel these should have been contacted in the first instance.

- 2) Item 2 covers Design Considerations: Paragraph 2.8 intimates that “like for like” replacement windows are preferable to retain the character and historic fabric of the window.

If replacement windows are needed, it goes on to add “*The replacement window should match the existing windows exactly*”, and lists some issues of importance when replacing traditional sash and case windows, which were in situ in the Tushielaw Inn.

The planning guidance also states that “differing pane sizes and astragal profiles are important evidence of the building’s history and contribute to the character and interest”. Astragals can be fitted to double glazed windows.

The Tushielaw Inn was originally established around 1750, although it is believed the present building dates from the 1830’s. It is typical of the buildings in the area and is a perfect example of local character.

When planning permission was granted for the ground floor accommodation extension of the Inn around 1985, and the new toilet block about 2 years later, the planners insisted on retaining the same type of windows and astragals as the rest of the building, so as to retain its character. These were made entirely of wood.

If the windows needed to be replaced they should be with wood and with astragals, so they look exactly like the windows they replaced, in line with planning policy.

The new windows are completely out of place and demean the character of the building and the area.

- 3) Not all of the windows have been replaced recently, so the character of the building has been compromised:
  - The Eastern frontage, overlooking the river, sees a replacement hardwood window retained at the top left; this looks identical to the original window it replaced.
  - The North windows above the back door have not been replaced
  - The windows on the lower living accommodation have retained some of the astragals that were originally insisted on by the planners when this extension was built, although these have been removed on the East side.

- 4) My house, which is the converted stable for the Tushielaw Inn, lying directly opposite, was compelled by planners to have wooden windows, fitted with suitable astragals, when its planning application was approved, to help retain its character and ensure consistency with the Inn.

The Regulatory Service also insisted that other local properties of a similar age to the Inn have new or repaired windows installed on a like for like basis to maintain a major element of the appearance of the building in line with the character of the area.

- 5) The new window in the guest accommodation bathroom overlooking the road, on the West side (top left in the photograph) does not contain an extractor fan. This was a condition of the completion of the building warrant 95/00751/BW01 issued 17<sup>th</sup> January 1995 and completed 8<sup>th</sup> February 1999, so as to enable adequate ventilation.

A vent was previously installed in the window at the bottom right of the West elevation.

### **Summary of objections**

- 1) The windows could have been repaired and upgraded with double glazing, rather than replaced with plastic units, to best maintain the character and historic fabric of the window.
- 2) If replacement windows were needed they should have been of wood with astragals fitted, in line with policy, as these are important evidence of the building's history and contribute to the character and interest.
- 3) Not all of the windows have been replaced so the appearance and character of the building has been demeaned.
- 4) My house and other properties in the area have been compelled by planners to have "like for like" windows fitted. I believe this same approach should also apply to the Tushielaw Inn.
- 5) Previously required ventilation has been removed from the front guest bathroom and dining room. I cannot imagine that Building Regulations have been relaxed since 1999.

I would like to point out that the Inn remained empty for over a year and in that period there was no central heating. As the applicant has pointed out, the Inn was in a poor state of repair. The roof had to be repaired at the commencement of works. The combination of no heat and a leaking roof may well have contributed towards the damp problem.

Since the commencement of works the building is now heated so it would be difficult to establish that the new windows have made a significant contribution to the warmth of the property, although the double glazing would no doubt be an improvement on the window shutters that were used whilst the Inn was unoccupied.

The owner has not been in contact with the Ettrick and Yarrow Community Council. She has talked to a Director of the Ettrick and Yarrow Community Development Company, but the detail of the replacement windows was not discussed. The new windows were installed in February 2015 and the meeting took place in May 2015.

There is no doubt that the community needs the Tushielaw Inn, which should be a valuable asset to the growing tourism industry on which much of our community depends, and I am sure that we all will support its re-opening under new owners.

As I said in my opening, it is regretful that a planning application was not made prior to the new windows being installed. Nonetheless, I trust that Scottish Borders Council will continue to apply the same planning standards to this building as (a) it has done in the past and (b) has continued to do with nearby buildings.

I am including in this letter several photographs showing the windows as they were and as they are now to help you understand the situation. I can provide others if required.

Yours sincerely



Gordon Harrison

#### **List of enclosed photographs**

- 1, 2, 3, 4. Show the Inn as it was, and is now.
- 5 Fitting replacement windows in progress
- 6 View from the river before the replacement windows
- 7 The Inn from the river now, showing the mix of window styles.
- 8 A current picture of the owners accommodation taken from the road, showing the retention of the astragals, as per planning permission. It also shows the mix of window styles.
- 9 Taken from the North, this photograph shows the retention of the stairwell window, which is of coloured glass. It also shows the marks on the owners accommodation window where the astragals once were.
- 10 My house, opposite the Inn, showing the wooden windows with astragals that were insisted on by the planners to retain the character of the building to reflect that of the Inn.



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Dundas Cottage  
Ettrick  
Td7 5HU  
Scottish Borders

DA  
15/00601/FUL

The Planning Officer  
Scottish Borders Council  
Planning and Regulatory Services  
Council Head Quarters  
Newton St Boswells, TD6 0SA

24 June 2015

Dear Sir/Madam

**TUSHIELAW INN, TUSHIELAW, ETRICK VALLEY TD7 5HT**

We refer to the recent retrospective planning application for replacement windows for the above property.

As residents of the Ettrick Valley and next door neighbours to Tushielaw at Hopehouse, we have noticed that our historic Tushielaw Inn has been drastically altered by the removal of the original period wooden sash and case windows and the installation of plastic UPVC windows.

Windows are naturally a key feature when maintaining the authenticity of historic old buildings, such as the Tushielaw Inn, and surely are not to be tampered with. Repair and prevention of decay is always preferable to replacement but in extreme cases where they have been allowed to fall into such a state where the last resort is to replace them, then, it should surely be 'like-for-like' with as little effect to the alteration of the building's character as possible. We have a lot of experience with sash and case windows and they are designed in such a way that all the component parts can be replaced. In addition, they can also be modified to incorporate double or secondary

glazing. In the case of the Tushielaw Inn, it is believed that the windows which were removed were repairable as many of them were in reasonable condition but in any case, the new plastic windows could never be described as 'like for like' (please see previous letter sent to you). Most obvious is the removal of the window stanchions, which instantly spoil the character and esteric value of this, nearly 200 year old building. The new windows are so out of keeping that the eye is instantly drawn to the building – for all the wrong reasons.

We understand, as set out in your guidelines, that the Scottish Borders Council's Planning Department takes unauthorised alterations to historic buildings and landmarks very seriously and that there are strict rules in place preventing this.

Consequently, we are flabberghasted that ,what appears to be a blatant disregard to the guidelines and indeed disregard to the surrounding properties and the ethos of the community by the alterations.

The long history of the building and the fact that it has remained largely in it's original condition, until recently, will surely attract prospective business purchasers who want to reinstate it as it was first intended – the local pub and heart of the community. Its very difficult to stand passively by and see such an historic and essential part of our community and heritage decline through neglect, disrepair and active disfigurement as well as unauthorised redevelopment.

As such, we implore you to uphold and inforce the strictest planning rules in this case and insist that 'like for like' wooden sash and case windows with stanchions are reinstated as soon as possible.

Its important for the community that this historic inn is bought back into use as a gathering place for residents and the wider public, for the benefit of the immediate area and also in an effort to preserve what's good about Scottish herritage in the Borders.

Faithfully yours,



Mairi Briggs and Graeme Briggs  
copy by email and surface mail



**List of Policies**

**Local Review Reference:** 15/00025/RREF  
**Planning Application Reference:** 15/00601/FUL  
**Development Proposal:** Replacement Windows  
**Location:** Tushielaw Inn  
**Applicant:** Donna Cornish

**SESplan Strategic Development Plan 2013**

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.

**Proposed Local Development Plan 2013** (incorporating changes recommended by Reporter where applicable)

Policy PMD2: Quality Standards

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:

Sustainability

- a) 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 such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology,
- b) it provides digital connectivity and associated infrastructure,
- c) it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance,
- d) it encourages minimal water usage for new developments,
- e) it provides for appropriate internal and external provision for waste storage and presentation with, in all instances, separate provision for waste and recycling and, depending on the location, separate provision for composting facilities,
- f) 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,
- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

Placemaking & Design

- h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
- i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
- j) 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,



- k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
- l) it can be satisfactorily accommodated within the site,
- m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
- n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

#### Accessibility

- o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,
- p) it incorporates, where required, access for those with mobility difficulties,
- q) it ensures there is no adverse impact on road safety, including but not limited to the site access,
- r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,
- s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

#### Greenspace, Open Space & Biodiversity

- t) It provides meaningful 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,
- u) 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.

Developers are required to provide design and access statements, design briefs and landscape plans as appropriate.

#### **Other Material Considerations**

SBC Supplementary Planning Guidance – Replacement Windows and Doors 2015  
SBC Supplementary Planning Guidance – Replacement Windows 2012  
Managing Change in the Historic Environment Guidance Note : Windows (Historic Scotland)

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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 : 15/00662/FUL**

**To : Mr Mark Hepworth per Mr David Hepworth The Boskage Station Road West Linton EH46 7BH**

With reference to your application validated on **11th June 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Installation of 2 No rooflights**

**at : Caroline Villa Main Street West Linton Scottish Borders EH46 7EE**

The Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997, subject to the following direction:

- That the development to which this permission relates must be commenced within three years of the date of this permission.

And subject to the conditions on the attached schedule imposed by the Council for the reasons stated

**Dated 28th August 2015**  
**Planning and Regulatory Services**  
**Environment and Infrastructure**  
**Council Headquarters**  
**Newtown St Boswells**  
**MELROSE**  
**TD6 0SA**



Signed

.....  
**Chief Planning Officer**

**APPLICATION REFERENCE : 15/00662/FUL**

**Schedule of Plans and Drawings Approved:**

Plan Ref	Plan Type	Plan Status
	Location Plan	Approved
	Photos	Approved

**REASON FOR DECISION**

The proposals are acceptable in that they will not have a significant adverse impact on the character and appearance of the Conservation Area. Subject to condition requiring fixed windows with obscure glazing the proposals will not result in any significance loss of residential amenity for neighbouring properties and will comply with Local Plan Policy H2 and the Supplementary Planning Guidance on Privacy and Sunlight.

**SCHEDULE OF CONDITIONS**

- 1 Notwithstanding the details of the proposed rooflights submitted with the application, the approved rooflights to be permanently fixed closed and to have obscure glazing, to be retained in perpetuity. Before any development commences on site details of the rooflights, the method of fixing and the type of obscure glazing to be submitted to and approved by the Planning Authority. The development then to be completed in accordance with the approved details.  
Reason: To protect the residential amenity of nearby properties from overlooking.

**FOR THE INFORMATION OF THE APPLICANT**

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

**Notice of Initiation of Development**

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is enclosed with this decision notice for this purpose.

**Notice of Completion of Development**

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD  
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA  
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU  
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND  
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA  
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL  
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH  
THUS, Susiephone Department, 4<sup>th</sup> Floor, 75 Waterloo Street, Glasgow, G2 7BD  
Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

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.



Chief Executive

26 OCT 2015

Notice of Review



Democratic Services

**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)	Agent (if any)
Name <input type="text" value="MARK HEPWORTH"/>	Name <input type="text"/>
Address <input type="text" value="CAROLINE VILLA, WEST LINDY"/>	Address <input type="text"/>
Postcode <input type="text" value="EH46 7EF"/>	Postcode <input type="text"/>
Contact Telephone 1 <input type="text" value="01968 660504"/>	Contact Telephone 1 <input type="text"/>
Contact Telephone 2 <input type="text"/>	Contact Telephone 2 <input type="text"/>
Fax No <input type="text"/>	Fax No <input type="text"/>
E-mail* <input type="text"/>	E-mail* <input type="text"/>

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

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

\* 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:

NONE



**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.

1) There was one objection to this request from the owner of the adjacent Braemar Cottage. The reason given: "One of the roof lights is directly opposite the first floor bedroom window in the gable wall of the adjacent Braemar Cottage, which is only approx 5m away. Could the position of this roof light be re-considered?"

It would therefore be a simple matter to have smaller <sup>unfixed and unglazed</sup> roof lights fitted which are not directly opposite the bedroom window of Braemar Cottage. This would address the issue of overlooking.

2) The above mentioned window of Braemar Cottage overlooks the sitting room and kitchen of Caroline Villa. I would like to ask why this is permissible in view of the conditions placed on my request for roof lights to be fitted.

Please refer to my attached letter dated 19/10/15.

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.

In view of the condition that roof lights must be <sup>and obscure glazing</sup> fixed, I have consulted the West Linton Fire Station and they have confirmed that fixed windows in this case would prevent adequate ventilation and also <sup>obstruct</sup> a clear escape route in case of fire.

This is a clear concern as two small children live in the property. Roof lights which may be opened <sup>and are unglazed</sup> would resolve this problem.

Please refer to my attached letter dated 19/10/15.

**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.

I have enclosed my original letter requesting a review dated 19/10/15.

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

M. Hewson

Date

23/10/15

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

Chief Executive

26 OCT 2015

Chief Executive  
21 OCT 2015  
Democratic Services

Corporate Administration  
Council Headquarters  
Newtown St Boswells  
Melrose  
TD6 0SA

Francis Walling  
(Dem. Services)

Democratic Services  
Caroline Villa  
11 Mill Street  
West Linton  
Peeblesshire  
EH46 7EE

19<sup>th</sup> October 2015

Reference: **15/00662/FUL**

Dear Sirs,

I am writing in reference to the above granting of planning permission dated 28th August 2015 for two roof lights to be installed at my property in West Linton.

Permission was granted for this development subject to the condition that the roof lights are to be permanently fixed closed and to have obscure glazing. The reason stated is that this will protect the residential amenities of nearby properties from overlooking.

I request that this decision is reviewed by the planning authority under Section 43A of the Town and Country Planning (Scotland) Act 1997.

There was one objection given to this request from the owner of the adjacent Braemar Cottage. The reason given: "One of the rooflights is directly opposite the first floor bedroom window in the gable wall of the adjacent Braemar Cottage, which is only approx 5m away. Could the position of this rooflight be reconsidered?"

It would therefore be a simple matter to have smaller rooflights fitted which are not directly opposite the bedroom window of Braemar Cottage. Could you confirm that this would successfully address the issue of overlooking?

The above mentioned window of Braemar Cottage overlooks the sitting room and kitchen windows of Caroline Villa. I would like to ask why this is permissible in view of the conditions placed on my request for rooflights to be fitted? Although I understand that the residential amenities of nearby properties should be protected from overlooking, this is clearly not the case in respect of my own property and the window at Braemar Cottage which overlooks it.

I have consulted the local fire station and they have confirmed that fixed windows in this case would prevent both adequate ventilation and a clear escape route in case of fire. This is a grave concern as two small children live in the property. Rooflights which can be opened would resolve this problem.

Thank you in advance for taking the time to review the decision and I look forward to your response.

Yours faithfully,



Mark Hepworth



**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 15/00662/FUL

**APPLICANT :** Mr Mark Hepworth

**AGENT :** Mr David Hepworth

**DEVELOPMENT :** Installation of 2 No rooflights

**LOCATION:** Caroline Villa  
Main Street  
West Linton  
Scottish Borders  
EH46 7EE

**TYPE :** FUL Application

**REASON FOR DELAY:** Agent Delay in Responding

---

**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
	Location Plan	Approved
	Photos	Approved

**NUMBER OF REPRESENTATIONS: 1**  
**SUMMARY OF REPRESENTATIONS:**

Representations:

One letter of representation has been received objecting to the proposals on the grounds of loss of privacy as the proposed rooflights would be 5m away from a bedroom window in a neighbouring property.

Consultation Responses:

Community Council: Support the application.

**PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Consolidated Local Plan 2011  
G1 - Quality Standards For New Developments  
BE4 - Conservation Areas  
H2 - Protection of Residential Amenity

SPG - Privacy and Sunlight

**Recommendation by** - Dorothy Amyes (Planning Officer) on 27th August 2015

Caroline Villa is a small single storey attached dwellinghouse located at the southern end of Main Street. within the Conservation Area.

It is proposed to insert two rooflights into the northern part of the slate roof. It is proposed that the rooflights will be top hung and conservation grade.

The proposed roof lights will not have a significant adverse impact on the character and appearance of the Conservation Area.

There is a bedroom window in the gable end of the property to the north, Braemar Cottage, and the separation distance between this existing window and the proposed rooflights is approximately 5m. This does not comply with the SPG on Privacy and Sunlight where it is considered that facing windows should normally be at least 18m apart.

In locations such as the old part of West Linton it is often difficult to achieve this level of window separation. It is understood that the roof space below the proposed rooflights will be used for storage rather than bedroom accommodation. Following discussions with the applicants and the agent, it has been agreed that fixed rooflights with obscure glazing can be installed. This will resolve the privacy issue. A condition can be placed on the consent requiring the submission of details of the proposed roof lights.

Subject to the above the proposals are acceptable.

#### **REASON FOR DECISION :**

The proposals are acceptable in that they will not have a significant adverse impact on the character and appearance of the Conservation Area. Subject to condition requiring fixed windows with obscure glazing the proposals will not result in any significance loss of residential amenity for neighbouring properties and will comply with Local Plan Policy H2 and the Supplementary Planning Guidance on Privacy and Sunlight.

#### **Recommendation:** Approved subject to conditions

- 1 Notwithstanding the details of the proposed rooflights submitted with the application, the approved rooflights to be permanently fixed closed and to have obscure glazing, to be retained in perpetuity. Before any development commences on site details of the rooflights, the method of fixing and the type of obscure glazing to be submitted to and approved by the Planning Authority. The development then to be completed in accordance with the approved details.  
Reason: To protect the residential amenity of nearby properties from overlooking.

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

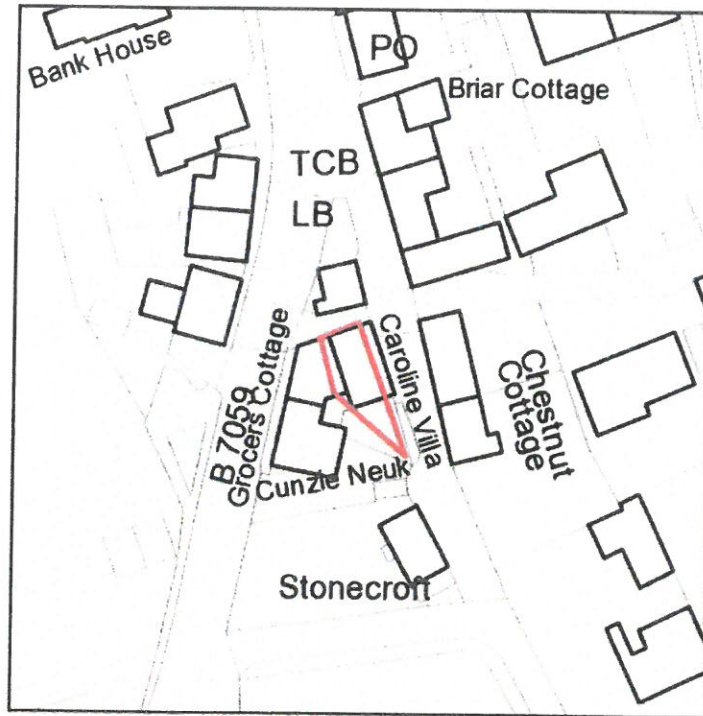
15/00662/FUL

CAROLINE VILLA, MAIN STREET, WEST LINTON, EH46 7EE

Scottish Borders Council  
Town And Country  
Planning (Scotland) Act  
1997

APPROVED

subject to the  
requirements of the  
associated Decision  
Notice



Information

- Application Boundary
- Land in Ownership

Online Ref:  
000122818  
Date: 10/6/2015

Scale 1:1000 (1Ha)



Due to OS licensing conditions, you/your agent may only use this map for official Planning purposes. If you wish to use the map for other uses, you must first obtain a separate licence from OS.

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# GGL/GPL Conservation Roof Window



The VELUX Conservation roof window provides all the technically superior features of a VELUX Roof Window in a traditional black conservation style including glazing bar/s. The GGL centre-pivot and GPL top-hung windows are manufactured in high quality natural pine with a clear lacquered pine internal finish.

The Centre-pivot (GGL) is manually operated and is recommended by VELUX for higher reach windows. To watch an illustration of how the window operates [click here](#).



The Top-hung (GPL) is manually operated and is recommended by VELUX for lower level installation and is ideal for shallower roof pitches. It is also suitable for escape purposes. To watch an illustration of how the window operates [click here](#).

## Features/Benefits

- Ventilation bar with dust and insect filter – *Allows fresh air to enter the room while the window is securely closed*
- Friction springs – *Allows easy operation of window*
- Sash rotates 180° from inside – *Allows easy and convenient cleaning*
- Barrel bolt – *Allows the window to be locked in two positions – At 180° for secure cleaning of the exterior pane internally – At 5° to allow extra ventilation*

## Operation

GGL – The window is operated manually using the full width control bar on the ventilation flap along the top of the sash.  
 GPL – The sash which is top-hung is opened and closed using the bottom handle and can remain open in any position up to 45°.

To watch an illustration of how the window operates [click here](#).

## Glazing options

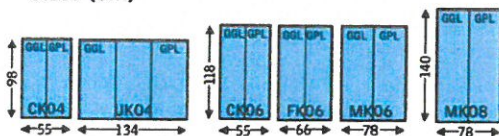
- (--50) glazing Double glazed, toughened outer pane. Also available in;
- (--60) glazing Double glazed, laminated inner pane, toughened outer pane with Easy-to-clean coating, enhanced noise reduction.
- (--70) glazing Double glazed, laminated inner pane, toughened outer pane.

For further information regarding VELUX glazing options [click here](#).

## Cladding

- NCS standard colour (Black), Nearest RAL standard colour: 9005.

## Sizes (cm)



Centre-pivot

Tiles 15-90°  
 Tiles (recessed) 20-90°  
 Plain tiles 25-90°  
 Slate (recessed) 20-90°



Top-hung

Tiles 15-55°  
 Tiles (recessed) 20-55°  
 Plain tiles 25-55°  
 Slate (recessed) 20-55°

TOP HUNG - For roof pitches from 55°-75°, please specify special springs when ordering.

## Maintenance

The pane should be cleaned with a soft, clean, lint-free cloth or non-abrasive sponge. The rest of the window can be cleaned with ordinary household cleaners. The filter can be removed and either washed or replaced.

For further advice on maintenance please [click here](#).

## Guarantee

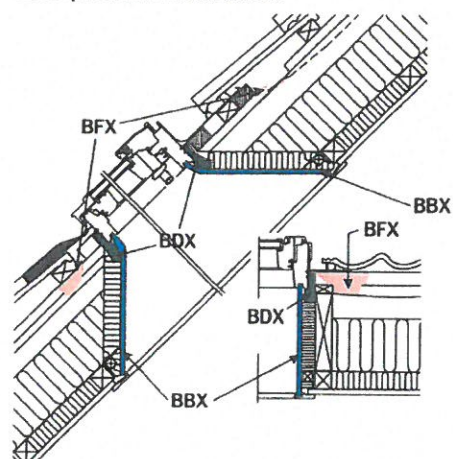
- 10 year VELUX guarantee on windows and flashing kits.
- 3 year guarantee on blinds, shutters, awnings and electrics.

[Click here](#) for further information regarding the VELUX guarantee.

## Interior finish option

- GGL**
  - White paint finish.
- GPL**
  - White paint finish.

## Best practice installation



# Technical data – GGL/GPL Conservation

Size	Window Options	Exterior Frame WxH	Visible Glass exf	Lining Rebate kxl	Size	Window Options	Exterior Frame WxH	Visible Glass exf	Lining Rebate kxl
CK04	GGL	550 x 978	371 x 783	495 x 919	MK06	GGL	780 x 1178	601 x 983	725 x 1119
CK06	GGL	550 x 1178	371 x 983	495 x 1119	MK08	GGL, GPL	780 x 1398	601 x 1203	725 x 1339
FK06	GGL	660 x 1178	481 x 983	605 x 1119	UK04	GGL	1340 x 978	1161 x 783	1285 x 919

Please refer to GGL and GPL Technical data Sheets for further information.



# *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

---

02 July 2015

Ms D Amyes  
Planning Officer  
Environment and Infrastructure  
Scottish Borders Council  
Council Headquarters  
Newtown St Boswells  
Melrose  
TD6 0SA

Dear Ms Amyes

15/00662/FUL Mr Mark Hepworth, Installation of 2 No rooflights. Caroline Villa, Main Street, West Linton.

West Linton Community Council **Supports** the above application which came before it on 15th June 2015.

Yours Sincerely

Graham J Tulloch

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## Application Comments for 15/00662/FUL

### Application Summary

Application Number: 15/00662/FUL

Address: Caroline Villa Main Street West Linton Scottish Borders EH46 7EE

Proposal: Installation of 2 No rooflights

Case Officer: Dorothy Amyes

### Customer Details

Name: Mr Rick Palmer

Address: Muirhead Cottage Main Street, West Linton, West Linton, Scottish Borders EH46 7EE

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Privacy of neighbouring properties affec

Comment: One of the rooflights is directly opposite the first floor bedroom window in the gable wall of the adjacent Braemar Cottage, which is only approx 5m away. Could the position of this rooflight be reconsidered?

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**List of Policies**

**Local Review Reference:** 15/00029/RCOND

**Planning Application Reference:** 15/00662/FUL

**Development Proposal:** Installation of rooflights

**Location:** Caroline Villa, Main Street, West Linton

**Applicant:** M Hepworth

**SESplan Strategic Development Plan 2013**

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'.

#### POLICY BE4 – CONSERVATION AREAS

1. Development within or adjacent to a Conservation Area that would have an unacceptable adverse impact on its character and appearance will be refused.
2. All new development must be located and designed to preserve or enhance the special architectural or historic character of the Conservation Area. This should accord with the scale, proportions, alignment, density, materials, and boundary treatment of nearby buildings, open spaces, vistas, gardens and landscapes.
3. Conservation Area consent, which is required for the demolition of an unlisted building within a Conservation Area, will only be considered in the context of appropriate proposals for redevelopment and will only be permitted where:
  - i) the building is incapable of reasonably beneficial use by virtue of its location, physical form or state of disrepair, and
  - ii) the structural condition of the building is such that it cannot be adapted to accommodate alterations or extensions without material loss to its character, and
  - iii) the proposal will preserve or enhance the Conservation area, either individually or as part of the townscape.
 In cases i) to iii) above, demolition will not be permitted to proceed until acceptable alternative treatment of the site has been approved and a contract for the replacement building or for an alternative means of treating the cleared site has been agreed.
4. Full consideration will be given to the guidance given in the Scottish Historic Environment Policy (SHEP) in the assessment of any application relating to development within a Conservation Area.
5. The Council may require applications for full, as opposed to outline, consent. In instances where outline applications are submitted, the Council will require a 'Design Statement' to be submitted at the same time, which should explain and illustrate the design principles and design concepts of the proposals. Design Statements will also be required for any applications for major alterations or extensions, or for demolition and replacement.

#### 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.

**Proposed Local Development Plan 2013 (incorporating changes recommended by Reporter where applicable)**

Policy PMD2: Quality Standards

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:

Sustainability

- a) 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 such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology,
- b) it provides digital connectivity and associated infrastructure,
- c) it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance,
- d) it encourages minimal water usage for new developments,
- e) it provides for appropriate internal and external provision for waste storage and presentation with, in all instances, separate provision for waste and recycling and, depending on the location, separate provision for composting facilities,
- f) 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,
- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

### Placemaking & Design

- h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
- i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
- j) 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,
- k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
- l) it can be satisfactorily accommodated within the site,
- m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
- n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

### Accessibility

- o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,
- p) it incorporates, where required, access for those with mobility difficulties,
- q) it ensures there is no adverse impact on road safety, including but not limited to the site access,
- r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,
- s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

### Greenspace, Open Space & Biodiversity

- t) It provides meaningful 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,
- u) 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.

Developers are required to provide design and access statements, design briefs and landscape plans as appropriate.

### Policy EP9: Conservation Areas

The Council will support development proposals within or adjacent to a Conservation Area which are located and designed to preserve or enhance the special architectural or historic character and appearance of the Conservation Area. This should accord with the scale, proportions, alignment, density, materials, and boundary treatment of nearby buildings, open spaces, vistas, gardens and landscapes.

The Council may require applications for full, as opposed to Planning Permission in Principle Consent.

Conservation Area Consent, which is required for the demolition of an unlisted building within a Conservation Area, will only be considered in the context of appropriate proposals for redevelopment and will only be permitted where:

- a) the building is incapable of reasonably beneficial use by virtue of its location, physical form or state of disrepair, and
- b) the structural condition of the building is such that it can not be adapted to accommodate alterations or extensions without material loss to its character, and
- c) the proposal will preserve or enhance the Conservation Area, either individually or as part of the townscape.

In cases a) to c) above, demolition will not be permitted to proceed until acceptable alternative treatment of the site has been approved and a contract for the replacement building or for an alternative means of treating the cleared site has been agreed.

Design Statements will be required for all applications for alterations, extensions, or for demolition and replacement which should explain and illustrate the design principles and design concepts of the proposals.

#### Policy HD3 – 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:

- a) the principle of the development, including where relevant, any open space that would be lost; and
- b) 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, loss of privacy and sunlighting provisions. 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.

#### **Other Material Considerations**

SBC Supplementary Planning Guidance on Privacy and Sunlight (Householder Developments) 2006

SBC Supplementary Planning Guidance – Replacement Windows and Doors 2015

SBC Supplementary Planning Guidance – Replacement Windows 2012

Managing Change in the Historic Environment Guidance Note : Windows (Historic Scotland)

Scottish Historic Environment Policy 2011

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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                      000133839-001

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:	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:

You must enter a Building Name or Number, or both.\*

Other Title:

Building Name:

Spruce House

First Name:

Building Number:

Last Name:

Address 1 (Street): \*

Romanno Bridge

Company/Organisation: \*

RMR Ltd

Address 2:

Telephone Number:

Town/City: \*

Romanno Bridge

Extension Number:

Country: \*

Scotland

Mobile Number:

Postcode: \*

EH46 7BY

Fax Number:

Email Address:

## Site Address Details

Planning Authority:

Scottish Borders Council

Full postal address of the site (including postcode where available):

Address 1:

SPRUCE HOUSE

Address 5:

Address 2:

HALMYRE LOAN

Town/City/Settlement:

WEST LINTON

Address 3:

ROMANNO BRIDGE

Post Code:

EH46 7BY

Address 4:

Please identify/describe the location of the site or sites.

Northing

648634

Easting

317076

## 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)

Siting of portakabin for use as flour mill. Land north west of Spruce House, Romanno Bridge, West Linton.

## 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 Supporting Statement to Notice of Review together with Original Supporting 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

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 Supporting Statement  
Original application form  
Portakabin Location Plan  
15/00682/FUL Case Decision Notice  
15/00682/FUL Officer's Report  
14/00433/FUL Officer's Report to Committee

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

15/00682/FUL

What date was the application submitted to the planning authority? \*

16/06/15

What date was the decision issued by the planning authority? \*

28/09/15

## 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 benefit Members' understanding to visit the site in question

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)

Given that the site is within an existing operational area within the grounds surrounding Spruce House, it is requested that limited notice be given of a visit.



## 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: 09/10/2015

Submission Date: 09/10/2015

**Supporting Statement to Notice of Review**

in relation to Scottish Borders Council's refusal of planning permission for  
the siting of a Portakabin to house a micro-scale flour mill  
on land to the north west of Spruce House, Romanno Bridge, West Linton  
EH46 7BY  
on behalf of Romanno Mains Renewables Ltd (RMR Ltd)

9<sup>th</sup> October, 2015

**CONTENTS**

	<u>Page</u>
<b>EXECUTIVE SUMMARY</b>	<b>3</b>
1.0 <b>BACKGROUND</b>	<b>4</b>
2.0 <b>REFUSAL OF APPLICATION BY SCOTTISH BORDERS COUNCIL</b>	<b>4</b>
3.0 <b> GROUNDS FOR LOCAL REVIEW</b>	<b>4</b>
4.0 <b>CASE FOR THE APPELLANT</b>	<b>5</b>
5.0 <b>CONCLUSIONS</b>	<b>10</b>

## EXECUTIVE SUMMARY

This Notice of Local Review is submitted on behalf of RMR Ltd against the decision of Scottish Borders Council to refuse temporary planning permission, on 28<sup>th</sup> September 2015, for the siting of a Portakabin to house a 'proof-of-concept' micro-scale flour mill on land to the north west of Spruce House, Romanno Bridge, adjacent to a c.50sqm agricultural shed. The proposal is a **business diversification proposal**.

The application reference was 15/00682/FUL.

**Planning permission is sought for a temporary period (3 – 5 years) only as the proposal is a 'proof-of-concept' micro flour mill. The original Planning Supporting Statement provides detailed background about the proposal and must be considered as a key part of this Local Review, in addition to this Statement.**

It is noted that the Council's Economic Development section, the Roads section and the Environmental Health Section had no concerns about the proposal whatsoever.

The reasons for refusal include the Planning Officer's view that:

*The proposal does not comply in principle with adopted Local Plan policy D1 in that the proposal would more reasonably be accommodated within the development boundary of a settlement rather than in this particular location.*

*The Applicant has not demonstrated any overriding economic and /or operational need for this particular location.*

This statement will provide the background to the application, set out the grounds for Local Review, prior to demonstrating the acceptability of the proposal under those grounds.

The Local Review Body, having considered the detail contained within the original Supporting Statement together with the information set out herein, will be respectfully requested to allow the Review to enable temporary planning permission to be granted to support the small Borders-based business Romanno Mains Renewables Ltd.

## 1.0 BACKGROUND

- 1.1 For the avoidance of repetition of information herein, the Local Review Body is requested to note the carefully set out contents of the Planning Application Supporting Statement in order to understand the context and background to the Application and this Appeal.

## 2.0 REFUSAL OF APPLICATION BY SCOTTISH BORDERS COUNCIL

- 2.1 The application was refused by Scottish Borders Council on 28<sup>th</sup> September, 2015 on the basis set out below.

*The proposal does not comply in principle with adopted Local Plan policy D1 in that the proposal would more reasonably be accommodated within the development boundary of a settlement rather than in this particular location. Further, the Applicant has not demonstrated any overriding economic and /or operational need for this particular location.*

## 3.0 GROUNDS FOR LOCAL REVIEW

- 3.1 The Appellant sets out the following three Grounds for Review, which are each fully justified in the next section 4.0 'Case for the Appellant'.
1. The most reasonable location for the Proposal is at the site proposed. The Proposal does comply with policy D1 of the adopted Local Plan. The Appellant has demonstrated an operational need for the siting of the micro mill in the particular location proposed.
  2. The Proposal will have no unreasonable impact on residential amenity – the proposed site is suitable.
  3. It is unreasonable for the Planning Authority not to consider use of a Planning Condition to ensure that the proposed use of the site is for a specified temporary period only.

#### 4.0 CASE FOR THE APPELLANT

**GROUND 1: THE MOST REASONABLE LOCATION FOR THE PROPOSAL IS AT THE SITE PROPOSED. THE PROPOSAL DOES COMPLY WITH POLICY D1 OF THE ADOPTED LOCAL PLAN - THE APPELLANT HAS DEMONSTRATED AN OPERATIONAL NEED FOR THE MICRO MILL AT THE PARTICULAR LOCATION PROPOSED.**

- 4.1 The Application Supporting Statement, which is submitted with and which forms a key part of this appeal assesses and justifies the proposal against policy D1 of the adopted Local Plan. The Local Review Body is directed to that document for key supporting information and particularly to **section 4.0**.
- 4.2 In summary, the following key points should be noted:
- The proposal comprises further business diversification of Scottish Borders based RMR Ltd, in addition to meeting an identified need in the Breadshare (Community Interest Company) business plan.
  - RMR Ltd's business interests are based at Spruce House, Romanno Bridge and the proposal would provide an additional source of income for this established business, which is already operating from the site.
  - The human resources which will operate the micro mill are based at, and largely 'tied to' Spruce House, operating RMR Ltd and other key business interests from that location. There is a clear operational requirement for the facility to be located in close proximity to Spruce House.
  - The location, adjacent to the 50 sqm agricultural shed, is required for operational reasons – its proximity RMR Ltd's operational base will allow RMR Ltd to operate the micro mill. The availability of the human resources to operate the mill is crucial.
  - The location will promote site security. Attention is drawn to recent security issues in rural Peeblesshire.
- 4.3 This is a rural business diversification proposal which involves diversification of an existing business which is already based at Spruce House. It is reasonable to state that there is an operational requirement for the proposed location due to the location of the existing human resources and existing business which is being diversified at the proposed location.

- 4.4 Within the Officer's Report it is acknowledged that the Applicant is a company based at the agricultural farm holding 'Romanno Mains' and that the proposal seeks to diversify RMR Ltd's existing business interests. The Appellant strongly asserts that the proposed diversification is not unreasonable in the context of the rural location within a farm holding.
- 4.5 The Local Plan Settlement Statement for Romanno Bridge specifically notes that there are "no allocated land use proposals in Romanno Bridge". There is thus no land available locally which is 'zoned' for employment/ light industrial use. It is unreasonable to prohibit this reasonable small (and temporary) rural business diversification proposal at the Appellant's property in Romanno Bridge, when the Officer agrees in his Report that the proposed site will have no impact on neighbouring uses/ residential amenity and there is no land allocated locally for 'employment use'. Locating the proposal in a 'light industrial' area in one of the larger Borders towns would not be an option on account of the operational human resources requirement for the location in Romanno Bridge, as set out above and within the original Supporting Statement.

**Industrial Usage of Newlands Hall (650m from Appeal site)**

- 4.6 It is noted that application 14/00533/FUL was consented by the Council to enable Newlands Hall to be operated as a furniture making business. This joinery workshop at Newlands Hall lies only 650 metres to the east of the Appeal site. The workshop itself is located immediately adjacent to housing. The concern over a 'light industrial use' at that location did not appear to be of over-riding concern to the Planning Authority, despite its proximity to housing. The Officer's Report to Committee is included with this Review.
- 4.7 Within the Case Officer's report to Committee for Newlands Hall it was stated that the Planning Authority must consider "*whether or not the proposed furniture-making use (which is both an industrial use and a business use) would be appropriate in principle to this rural site and countryside location*". This is an identical deliberation to that of the Appeal site.
- 4.8 In terms of the joinery workshop application, whilst it is acknowledged that the Hall was lying vacant and deteriorating, the Case Officer made it clear that "*there are unlikely to be any compelling or overriding planning reasons as to why the furniture-making business would have to be operated from this*

*particular location, or even necessarily operated from the countryside more generally. Nevertheless, it is necessary to identify demonstrable harm in order to render any proposal unacceptable”.*

- 4.9 Put simply, there was no demonstrated operational or locational requirement for the furniture business to be located at Newlands Hall, but, in the Planning Officer’s own words **“it would be necessary to identify demonstrable harm in order to render any proposal unacceptable”** in the circumstances. No such harm was demonstrated and the joinery workshop light industrial use was consented after consideration of all matters at hand.
- 4.10 The Newlands Hall consent has been highlighted to point out that whilst the Planning Authority has, to date, not supported the Appellant’s clear and robust operational requirement which has been given for the Proposal, neither has it suggested or demonstrated any such “harm” whatsoever which would mean the site could not be supported.
- 4.11 Indeed, within the report pertaining to Newlands Hall, the Officer positively states **“It is not the purpose of Adopted Local Plan Policy D1 to prevent or inhibit business development in the countryside, but rather, to allow for appropriate generating employment generating development in the countryside while protecting the environment in the countryside and ensuring that business, tourism and leisure related developments are appropriate to their location”.**

**GROUND 2: THE PROPOSAL WILL HAVE NO UNACCEPTABLE IMPACT ON RESIDENTIAL AMENITY –THE PROPOSED SITE IS SUITABLE.**

- 4.12 The Officer’s Report agrees that the proposed operation at the site would not have any unacceptable impacts upon the amenity of neighbouring residential properties. It is also noted that the Council’s Environmental Health section has no objection to the proposal and agree with the Applicant’s Agent that an appropriate planning condition can be used to regulate the operation, if necessary.
- 4.13 The Officer’s Report confirms that no concerns are raised by the proposed days of operation (2 days per week) and the amount of product being produced per week.



- 4.14 The Officer's report acknowledges that the proposed site is a 'yard area' already, housing a (50sqm) agricultural storage building and formerly housing a portakabin (1999 – 2003).
- 4.15 The Officer's Report acknowledges that there is good containment of the site on account of the existing large shed and the existing woodland. This point is discussed in more detail in the original Supporting Statement.

**GROUND 3: IT IS UNREASONABLE FOR THE PLANNING AUTHORITY NOT TO CONSIDER USE OF A PLANNING CONDITION TO REQUIRE THAT USE OF THE SITE FOR THE PROPOSAL IS FOR A SPECIFIED TEMPORARY PERIOD ONLY.**

- 4.16 The Officer appears to have a concern that, notwithstanding that the proposal is a temporary and small scale proposal, acceptance of the principle would be liable to promote a permanent and larger scale proposal in the same location in the long term. This long term 'precedent' concern appears to be the key concern of the Planning Authority, as opposed to the nature of the actual temporary proposal itself. This is considered to be an unreasonable stance, as a planning condition could secure the temporary nature of the site, a practice which sees widespread use throughout the country.
- 4.17 The Officer's Report makes it clear that one of the reasons why the application cannot be supported is that *"no information on how the mill will be accommodated in the long term has been given"*. This is considered to be an unreasonable position to take as the application in hand is for a trial mill for a 3-5 year period and not for 'the long term'. The Planning Authority must assess the application in hand. It has been stressed numerous times that the proposal is for a 'proof-of concept' micro mill and that alternative premises would be sought if the trial-scale mill were successful. The alternative proposal on an alternative site in the future is an entirely separate matter for a future application and separate consideration by the Planning Authority.
- 4.18 The Planning Authority is clearly concerned about the establishment of the principle for long term 'light industrial use' of the site. The policy justification for the use of the site on a temporary 3-5 year basis for a micro scale mill has

been set out within the original supporting statement. The Local Review Body is directed to this information.

- 4.19 Planning applications must be assessed on their specific merits; in this case the Applicant seeks *temporary consent* (3-5 years - with exact length for the selection of the Planning Authority) for a micro 'proof-of-concept' flour mill. Consent is not being sought for a "*permanent and larger scale proposal*" as the Officer refers to. The application must therefore be assessed on the basis of a temporary and micro-scale proposal and not on the basis that a future application could follow for a permanent and larger facility, a situation which is not proposed or suggested.
- 4.20 Planning Conditions are frequently employed to ensure that consent is temporary in nature, where necessary, and such a condition could and should reasonably and properly be used in this instance to provide that consent be given on the basis of such being for a specified limited period only.
- 4.21 A Planning Condition which would limit planning consent to a temporary basis could be used to regulate the proposal. Planning Conditions must be employed in accordance with the provisions set out in Circular 4/1998 '*The Use of Conditions in Planning Permissions*'. The Circular makes it clear that Planning Authorities may grant planning consent for a *specified period only* (Annexe A Parag. 3).
- 4.22 Consideration must then be given to the key tests which are set out within the Circular relating to: *Necessity, Relevance to Planning, Relevance to the Development, Precision, Enforceability and Reasonableness*.
- 4.23 'Necessity' is a key test in this instance. The Circular states "*In considering whether a particular condition is necessary, Authorities should ask themselves whether planning permission would have to be refused if that condition were not to be imposed*". The Planning Authority appears to have concerns about long term use of this site for a mill in policy terms, and appear to have decided to refuse the application largely on this basis (in accordance with the narrative contained within the Officers Case Report). It is therefore appropriate that use of a 'necessary' Planning Condition be used to restrict the consent for the micro mill to a temporary basis, as was sought by the Applicant. Such a condition would serve a specific 'planning purpose' and the remaining tests can be met.

## 5.0 CONCLUSIONS

- 5.1 In summary, the Officer does not appear to have provided adequate justification as to why the proposed site is not an appropriate site for the proposal- other than a theoretical concern that use of the site for the micro-mill could 'open the door' to an application for a larger and more permanent facility on the site, a situation which is not being suggested by the Applicant.
- 5.2 Light industrial use (joinery workshop) was consented in 2014 at Newlands Hall, 650m from the Appeal site, despite no economic/ operational requirement being demonstrated. The Case Officer stated that *"it would be necessary to identify demonstrable harm in order to render any proposal unacceptable"*. No such potential harm has been suggested or demonstrated at the Appeal site by the Planning Authority.
- 5.3 The Officer agrees that the proposed operation at the site would not have any unacceptable impacts upon the amenity of neighbouring residential properties. No other Council Departments have raised any issues or objection.
- 5.4 Operational requirement has been justified in terms of the location of the existing business to be diversified and the location of the human resources to operate the micro mill.
- 5.5 There is no land allocated for 'employment/ light industrial use' in Romanno Bridge. The proposed site lies within an agricultural holding at Romanno Mains.
- 5.6 A planning condition could reasonably be used to secure consent for a limited and specified time of 3-5 years, at the option of the Planning Authority.

Ends

# PLANNING APPLICATION

1. Name and Address of applicant	Name and Address of Agent
ROMANNO MAINS RENEWABLES LTD DRIVE JACKIE WALKER SPRUCE HOUSE ROMANNO BRIDGE Post Code EH46 7BJ Tel. No. [REDACTED] E-mail address [REDACTED]	..... ..... ..... Post Code ..... Tel. No. .... E-mail address .....

2. Full Postal Address of Application Site (edged in red on the site plan)

SPRUCE HOUSE, ROMANNO BRIDGE, WEST LINTON, PEEBLES SHIRE  
 EH46 7BJ (LAND NORTH WEST OF)

Is this address a flat?  
 Yes  No

3. Brief Description of Proposed Development

SITING OF NEW SELF CONTAINED PORTAKABIN (IN SITUATION OF PREVIOUS PORTAKABIN CIRCA 1998) PROVIDING FOOD-SAFE PREMISES FOR A SMALL-SCALE HOME/FARM BUSINESS TO MILL LOCAL ORGANIC GRAIN INTO FLOUR.

4. Type of Application (tick one box only)

(a) Full application for new building works and/or a change of use and/or engineering works

(b) Full application for a change of use not involving any building works

(c) Planning permission in Principle

(d) Approval of matters specified in conditions (pursuant to a Planning Permission in Principle)

(e) Application for removal or variation of a condition on a planning permission previously granted (Please indicate reference number of previous application)

(f) Application for renewal of a limited period permission (Please indicate reference number of previous application)

(g) Application for renewal of an unimplemented permission (You need only answer Questions 17 and 18) (Please indicate reference number of previous application)

5. Applications for Matters Specified in Conditions (if you ticked (d) in Q.4, please complete)

(a) State the reference number and date of the planning permission in principle .....

(b) State which of the conditions are submitted for approval as part of this application:

All Conditions (please tick)  or Condition Numbers

**6. Pre-Application Discussion and Consultation**

(a) Has assistance or prior advice been sought from Scottish Borders Council about this application?

Yes  No

If yes, please complete the following information about the advice you were given:

Officer Name: DOROTHY AYMES Date: 28/5/15

Council Reference: CORRESPONDED BY EMAIL

(b) Has Pre-Application Consultation taken place (for MAJOR developments: See Notes for Guidance)?

Yes  No

If Yes, a Pre-application Consultation Report should accompany this application

**7. Site Area**

**8. State whether applicant owns or controls any adjoining land (edged in blue on submitted plans)**

..... hectares

Yes  No

**9. Existing/Proposed Uses**

Please indicate all existing and proposed uses that are the subject of this application:

Existing	Proposed
HARD STANDING ADJALENT TO SHED	SITING OF PORTAKABIN

**10. Commerce and Business**

**(A) Floorspace**

Please indicate the total amount of floorspace (in square metres) to which this application relates

Existing - N/A Proposed - 31m<sup>2</sup>

**(A) Employment**

Please indicate the number of staff employed (including part-time):

Existing - 1 Proposed - 2

**(B) Traffic Flow**

What is the anticipated traffic flow to the site during a normal working day? (No. of vehicles moving in and out of the site) (Include all vehicles except those used by individual employees driving to work)

Existing - 1 REGULAR DAILY Proposed - 1 REGULAR DAILY

**(C) Industrial Processes**

In the case of industrial development, please give a description of the processes to be carried on and of the end products, as well as the type of machinery to be installed:

MILLING OF WHEAT TO FLOUR. OSTTIRÖLER GETREIDEMÜHLEN  
STONE COMBINATION MILL 500 MSM (2003)

**(D) Storage of Hazardous Substances**

Will the proposal involve the use or storage of any materials of a type and quantity defined as hazardous substances? If YES, please state materials and quantities below:

N/A

**11. Car Parking**

Please indicate car parking facilities/spaces:

Existing:  Proposed:

**12. Accesses and Rights of Way (Please tick those that apply)**

- (A) There will be no new access to a highway (either vehicle or pedestrian), no alteration to an existing access to a public road and no alteration to any public right of way or other public path
- (B) There will be a new or altered access to a public road      Vehicular       Pedestrian
- (C) A public right of way or other public path will be affected by the proposed development

**13. Trees**

Will the proposed development involve the felling of any trees?      Yes       No   
 (If YES, please indicate positions on plan)

**14. Drainage and Water Supply**

(A) Please state how surface water will be disposed of: NORMAL GROUND ABSORPTION

(B) How will foul sewage be dealt with?

Mains sewer       Septic Tank and Soakaway       Other (Please specify) N/A

(C) From where will the proposed development receive its water supply? - NO WATER SUPPLY

Public mains supply       Private source

Where the water supply is from a private source, has any testing or analysis been undertaken? N/A

Yes       No

Please indicate position of source on location/site plan, and where possible provide details of the source (e.g. borehole, spring etc.), and of any related pipework or apparatus

**15. Materials**

Please state type and colour of materials to be used (if known)

	EXISTING	PROPOSED
Exterior Walls	NONE	GREY PORTAKABIN
Roof	NONE	GREY PORTAKABIN
Windows	NONE	CLEAR GLASS

**16. Additional Information**

Is there any additional information you wish to give in support of this application?

HAND WASHING FACILITIES WILL BE PORTABLE.

**17. Declaration**

I hereby apply for planning permission and declare that, to the best of my knowledge, the information contained in this application and on the submitted plans is correct.

I attach FOUR copies of the application forms and enclose the application fee of £...202....., together with:

- Four sets of the necessary plans and drawings
- In the case of MAJOR developments, a Pre-Application Consultation Report
- A Design and Access Statement or Design Statement, where the application site is situated within a conservation area, historic garden or designed landscape, a National Scenic Area, the site of a scheduled monument or the curtilage of an A Listed Building (See Notes for Guidance for further information)

Signature: [Redacted] on behalf of..... Date: 11/6/15

**18. Please complete Certificate A and Certificate B (please tick ONE box in each)**

**CERTIFICATE A** under Section 35 of the Town and Country Planning (Scotland) Act 1997, as amended

I certify that:

- At the beginning of a period of 21 days ending with the date of this application, nobody other than the applicant was the owner<sup>1</sup> of all of the land to which the application relates
- OR
- The applicant has given the required notice to everyone who, at the beginning of the period of 21 days ending with the date of the accompanying application, was the owner<sup>1</sup> of any part of the land to which the application relates, as listed below:

Owner's Name	Address at which notice was served	Date on which notice was served
[Redacted]	[Redacted]	[Redacted]

Signature: [Redacted] on behalf of..... Date: 11/6/15

**CERTIFICATE B** under Section 35 of the Town and Country Planning (Scotland) Act 1997, as amended

I certify that:

- At the beginning of a period of 21 days ending with the date of this planning application, none of the land to which the application relates is, or is part of, an agricultural holding;
- OR
- The applicant has given the required notice to every person other than the applicant who, at the beginning of 21 days ending with the date of the application, was a tenant of an agricultural holding on all or part of the land to which the application relates, as follows:

Tenant's Name	Address at which notice was served	Date on which notice was served
[Redacted]	[Redacted]	[Redacted]

Signature: [Redacted] on behalf of..... Date: 11/6/15

<sup>1</sup>An owner includes anyone with a lease on the land that has at least seven years left to run

**Planning Supporting Statement**

**Siting of Portakabin, Land north west of Spruce House,  
Romanno Bridge, West Linton  
EH46 7BY**

**On behalf of Romanno Mains Renewables Ltd**

**September, 2015**



**CONTENTS**

	Page
1.0 <b>PURPOSE OF REPORT</b>	3
2.0 <b>THE PROPOSAL</b>	3
3.0 <b>ROMANNO MAINS RENEWABLES LTD &amp; BACKGROUND</b>	4
4.0 <b>ANALYSIS AGAINST PLANNING POLICY</b>	7
5.0 <b>CONCLUSIONS</b>	14

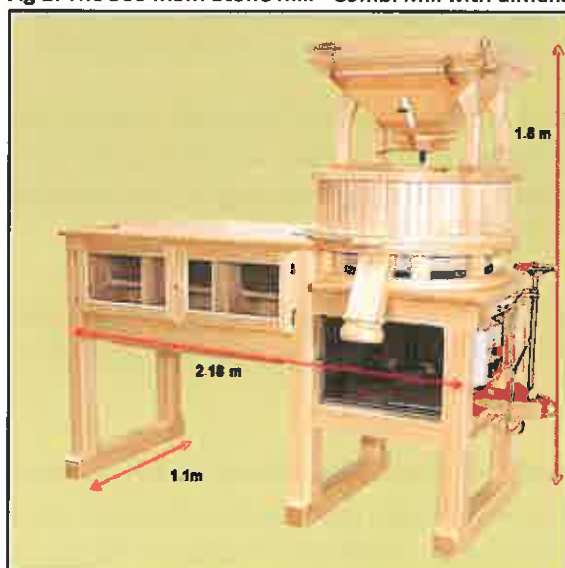
**1.0 PURPOSE OF REPORT**

- 1.1 This Supporting Statement has been prepared, following instructions from Mr & Mrs Walker of Romanno Mains Renewables Ltd, to support the planning application for the siting of a portakabin on land to the north west of Spruce House for the purposes of housing a micro-scale flour mill.
- 1.2 The application was validated on 16<sup>th</sup> June, 2015 and since this date the Applicant and the Case Officer have been in communication. The Case Officer has permitted, at the request of the applicant, additional time (until 16<sup>th</sup> September) to submit further supporting information.
- 1.3 This Supporting Statement will set out the background to Romanno Mains Renewables Ltd, the requirement for the proposal and will demonstrate that the proposal can be considered to be compliant with adopted planning policy contained within the Scottish Borders Consolidated Local Plan, 2011.
- 1.4 This Statement seeks to address concerns expressed by the Planning Authority through the provision of additional information. The Case Officer indicated, within an email of 17<sup>th</sup> August addressed to the Applicant, that based on the information provided, the Department would be unable to support the application.
- 1.5 Specifically, the Case Officer expressed the view that the proposal should more reasonably be accommodated within a settlement rather than in a rural area. It was stated that the proposal did not comply with policy on Business Development in the Countryside and particularly criterion 3 which requires the Council to be satisfied that there is an economic need/ operational requirement for the particular countryside location and that the proposal cannot reasonably be located within the development boundary of a settlement.

2.0 THE PROPOSAL

- 2.1 This proposal is directly linked to the Breadshare Community Bakery, a Community Interest Company previously operated from Lamancha, and now based in Portobello, Edinburgh. The proposal fulfils a requirement identified within Breadshare’s Business Plan which is included alongside this Statement. This relationship of RMR Ltd and Breadshare CIC is explained within section 3.0
- 2.2 The proposed site and operation of the micro-mill is a trial site which will process small quantities of grain to produce flour on a small scale. In the event that the trial is successful, similar sites will be implemented as part of ‘satellite bakeries’ throughout Scotland. This is the reason that the site is required only on a temporary basis of 3-5 years. Alternative, more permanent premises would be sought, on a larger scale, if the operation is successful.
- 2.3 The portakabin will measure 3.06m x 10.27m and the Applicant is willing to agree the external finish with the Planning Authority, but suggests it be a similar green to the existing shed.
- 2.4 The portakabin will house a small scale flour mill with dimensions of 2.18m (l) x 1.1m (w) x 1.8m (h). The mill is a German Osttiroler Getreidemuhlen Stone Combi-mill 500 MSM (2003). The mixer is a Crypto Peerless EC20 Mixer. There will be no other automated equipment either within or outwith the portakabin.

Fig 1: The 500 MSM Stone mill –Combi Mill with dimensions



### 3.0 ROMANNO MAINS RENEWABLES LTD (RMR Ltd) - BACKGROUND

3.1 In order to understand the context within which there is a requirement for the proposed portakabin and micro-scale mill in the particular location proposed, background information is provided below.

3.2 RMR Ltd is the applicant, a company jointly owned by Mr and Mrs Walker who reside at Spruce House. The entity RMR Ltd does not own any land. The only land within the ownership and full control of Mr & Mrs Walker is that immediately surrounding Spruce House, as indicated below.

**Fig 2: Ownership of land at Spruce House showing existing storage shed and house location**



3.3 RMR Ltd as a legal entity is entirely separate from the Halmyre Deans Farm Partnership (which owns Halmyre Deans Farm and Romanno Mains Farm), notwithstanding that Mr Walker has a legal interest in the Partnership along with four other family members (siblings and parents).

3.4 The two farms (land and buildings) are let annually on Seasonal Grazing Licences to a local farmer. The land and buildings are not available to RMR or Mr and Mrs Walker.

3.5 RMR Ltd was founded in March, 2011 in response to a requirement diversify the Farm Partnership and better-manage the 50 acres of forestry thereon. Each year around 70 tonnes of wood are felled and processed through a firewood

processor, dry-stored under cover, and then sold on as woodfuel in the local area. RMR Ltd also operates a firewood delivery business.

- 3.6 RMR Ltd is a small business, legally separate but closely-coupled to the Farm Partnership. Dave Walker is a managing partner in the farm, and a director for RMR. Farm diversification is becoming more important to the viability of small farms. Mr & Mrs Walker have progressed this diversification in the setting up and running of RMR Ltd, providing an additional source of income for the Partnership.
- 3.7 In August, 2012 RMR Ltd won the tender for the Edinburgh area bread-deliveries for Breadshare Community Bakery which, at that time, was run from Whitmuir farm in Lamancha. RMR Ltd has been carrying out these deliveries since this time.
- 3.8 Breadshare's Business Plan is included with this Statement. It clearly identifies the role of RMR Ltd in the delivery-side of the business (p.8/9), identifies a requirement to "*prove a small scale milling business model*" (Executive Summary p.4) and the Business Plan's 'Milestone E', set out on p.21, sets out the requirement for Milling Operations. This proposal for a trial micro-mill thus ties in directly with Breadshare's Business Plan, of which RMR Ltd is a key player.
- 3.9 The Applicant has received strong support from Scottish Enterprise for the project with £110,000 matched funding authorised at the end of August. This project is clearly viewed as worthy of support. The proposal is thus of significant benefit to two businesses, Scottish Borders based RMR Ltd and the Community Interest Company, Breadshare CIC.
- 3.10 Breadshare has a requirement for organic Scottish grown grain, milled in Scotland, so that it can then be baked into organic bread in Edinburgh. They are currently importing grain from outside of Scotland. There are currently no known stone-ground flour-mills in Scotland that mill organic Scottish-grown grain.
- 3.11 In a joint venture with Breadshare, RMR Ltd will fill that gap to reduce transport costs and the environmental implications of long-haul movement of organic baking materials from England. Instead organic grain will be sourced in East Lothian, milled on the proposed site on a trial basis and baked in Edinburgh, all

within a 30 mile radius. Traceability of raw materials is becoming increasingly important to the consumer. All products from the micro-mill will be labelled with farm of origin. Product will be sold to Breadshare, domestic customers and other producers requiring organic certification for milled products.

- 3.12 The proposed site and operation is a trial site which will process small quantities of grain on a micro-level. The mill will operate for approximately 2 days a week based on present demand and produce c. 250kg of product per week. In the event that the trial is successful, alternative, more permanent premises will be required on a larger scale.

#### 4.0 ANALYSIS AGAINST PLANNING POLICY

4.1 Relevant local planning policy is contained within the Scottish Borders Consolidated Local Plan 2011. This Plan is shortly to be superseded by the new Local Development Plan, but the detail of the main policies against which the application would be assessed remains substantially the same.

##### **Policy D1 Business Development in the Countryside**

4.2 Policy relating to business development/ diversification in the countryside includes the following requirements in respect of the proposal:

- The development must be used for a use which is appropriate by its nature to the rural character of the area; or
- The development is to be used for a business or employment generating use provided that the Council is satisfied that there is an economic and/ or operational need for the particular countryside location, and that it cannot be reasonably accommodated in the Development Boundary of a settlement.
- The development must respect the amenity and character of the surrounding area;
- The development must have no significant impact on surrounding uses, particularly housing;
- The developer will be required to provide evidence that no appropriate existing building or brownfield site is available;
- The development must take account of accessibility considerations.

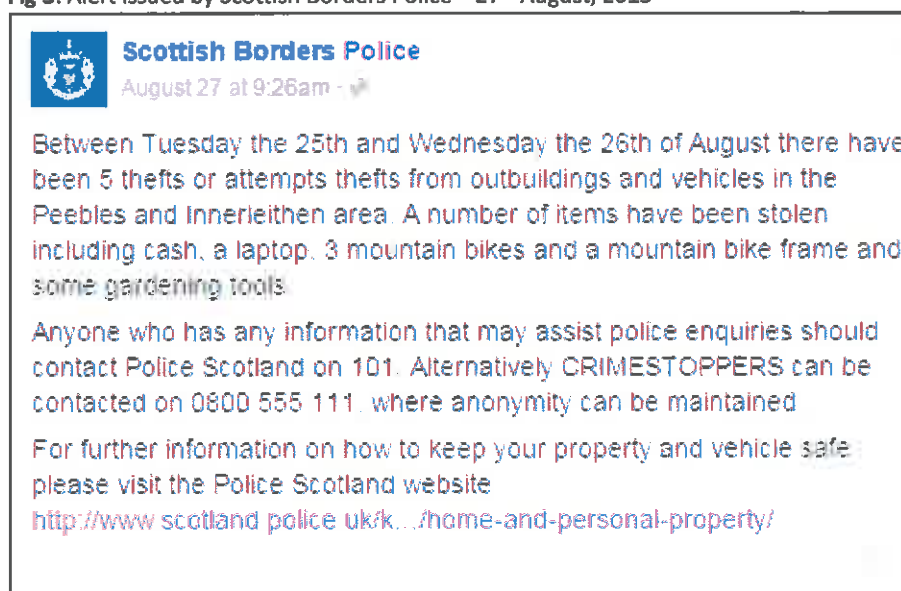
##### **Assessment**

4.3 The Portakabin is required in order to provide a satisfactory environment within which a trial can be conducted whereby flour can be made on a micro-scale within a 'food-safe' environment which meets with food safety standards. The Portakabin will have 2 rooms, one which will be used for production, and the other for rodent-proof storage of grain and milled product.

4.4 Whilst RMR Ltd, the Applicant, is owned and controlled by Mr and Mrs Walker, they, alone, do not have full control of the Farm Partnership, there being 4 other sibling/ parent family members involved. Further, the farm buildings and steading are not at the disposal of the Applicant as all the agricultural land and agricultural buildings are let, annually, on an agricultural licence to a local farmer.

- 4.5 Notwithstanding this point, the production of food products, albeit on a micro-scale is not compatible with the housing and handling of livestock for which the farm buildings are used by the tenant. An approved food-safe environment is an essential requirement of this proposal. Separation of these incompatible activities is essential. It should also be noted that the steep hill (unsurfaced farm track) which forms the 600m distance from Spruce House to Romanno Mains Farm is frequently impassable in winter, other than by agricultural vehicle.
- 4.6 Crucially, the siting of the trial micro-mill at Spruce House will enable Mr and Mrs Walker to operate this facility from the same location as their other significant business interests including Walker Technology Solutions Ltd (IT Operational Support & Project Services for a significant number of major international companies) and Estate Management involvement in the Farm Partnership. Both these businesses are operated from Spruce House.
- 4.7 The Portakabin will be visible from Spruce House. This is an important security consideration, given continuing rural crime levels in the area. A small selection of articles below provide examples of crime incidents- rural crime is an ongoing reality in the area.

Fig 3: Alert issued by Scottish Borders Police – 27<sup>th</sup> August, 2015





**Fig 4: Alert issued by Scottish Borders Council/ Police Scotland -18<sup>th</sup> August, 2015**

This is a message sent via Scottish Borders Alert (SB Alert). This information has been sent on behalf of Scottish Borders Council

**Message sent by**

Kirsty Nelsh (Police Scotland, Oldstable, Scottish Borders)

Yesterday (17<sup>th</sup> of August 2015) sheds in the Peebles and Jedburgh area have been broken into. The thieves have stolen power tools, golf clubs and a bicycle.

Anyone with information regarding these thefts, please contact 101.

When considering the security of sheds and outbuildings there are 2 main considerations, the area where the shed/outbuilding is located and the shed/outbuilding itself.

Always consider whether a shed or outbuilding provides suitable security for valuable items. If in doubt items should be secured within the home.

For further advice please visit the Police Scotland website.

<http://www.scotland.police.uk/.../secure-your-garden-and-outb...>

**Fig 5: BBC news article, June 2014**

## Call for vigilance after spate of thefts in Borders

8 June 2014 South Scotland

**Police have asked residents in the Scottish Borders to be extra vigilant after a spate of vehicle and diesel thefts over the weekend.**

In the early hours of Saturday, a Landrover worth about £20,000 was stolen from a farm in Innerleithen.

A Mitsubishi was taken from Muirleuch Farm, Lauder, at midnight on Saturday

And several properties in Innerleithen, Stow and Heriot also reported that various quantities of diesel had been stolen in the past 48 hours.

Local community inspector Tony Hodges said: "Both of these vehicle thefts have happened in fairly remote locations and we have also taken a number of reports this weekend in relation to the theft of diesel from similar rural locations.

"I would ask that those living in rural areas of Tweeddale, Lauderdale and the A7 corridor north of Galashiels take extra steps to secure vehicles, outbuildings and outside diesel tanks."

- 4.7 The land associated with Spruce House and owned by Mr and Mrs Walker is shown overleaf. The proposed site was occupied between 1999 and 2007, formerly housing a Portakabin (1999 – 2003) and a static caravan until 2007. Further, the site is adjacent to an existing large (c. 50 sqm) storage shed and is not visible from any neighbouring properties, nor from the public road. It is, however, close to, and visible from, Spruce House which is a key point in terms of security and operational requirement.

Fig 6: Location of proposed portakabin adjacent to existing storage shed



#### Policy H2 Protection of Residential Amenity

- 4.8 Policy relating to Protection of Residential Amenity requires that development must not have an adverse impact on the amenity of existing or proposed residential areas. Development will be assessed against the principle of development and details including:
- The scale, form and type of development in terms of its fit within a residential area;
  - The impact of the development on existing and surrounding properties particularly in terms of overlooking and loss of privacy;
  - The generation of traffic or noise;
  - The level of visual impact.

- 4.9 The Portakabin will be located a distance of 65 metres and 75 metres from the nearest two houses on Halmyre Loan (nos. 8 and 9 respectively). There will be no overlooking or loss of privacy. The northern boundary of the land associated with Spruce House has a 30 metre wide coniferous woodland providing a robust boundary between the site and houses on Halmyre Loan.
- 4.10 In terms of potential noise impact, it is noted that the Council's Environmental Health Officer had no objections, subject to the imposition of a planning condition, stating: *"Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernable tonal component. Tonality shall be determined with reference to BS 7445-2. The Unit shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits"*
- 4.11 The above noted condition is acceptable to the Applicant who will be willing to have an acoustic survey carried out, if required. In this regard, it is noted that the Council has used the following condition in respect of a recent single wind turbine consent. A similar, appropriately worded condition could be equally applicable to the current development proposal if deemed to be necessary.

Fig 7: Example Planning Condition used in respect of single wind turbine (ref:14/00169/FUL)

In the event that a written request to do so is made by the Planning Authority to the Operator (following a complaint made to Scottish Borders Council with respect to noise emissions from the wind turbine hereby consented), the Operator shall arrange for, and commission at its own expense, an appropriately qualified independent consultant to carry out an assessment of the level of noise imissions from the wind turbine (inclusive of existing background noise), and prepare a report of the results of the same assessment. Unless otherwise agreed in writing and in advance by the Planning Authority, a scheme of details outlining the scope of this assessment (including the individual or organisation to be commissioned to carry it out, and the period of time during which the monitoring work would be undertaken) shall first have been submitted to, and approved in writing by, the Planning Authority within no more than 14 days (2 weeks) of the date of the Planning Authority's initial request for such an assessment to be carried out.

Again, and unless otherwise agreed in writing and in advance by the Planning Authority, the results (report) of the said monitoring shall then be submitted to the Planning Authority for its appraisal within no more than one calendar month (4 weeks) of the conclusion of the monitoring period and within no more than 6 weeks of the date of the Planning Authority's initial request that such an assessment be carried out. In the event that these results indicate that the noise output from the turbines is in excess of any of the limits defined in Planning Condition No 6 above, the installation shall be shut down or, if agreeable to the Planning Authority, shall be limited in its operation in accordance with a written scheme of details that shall first have been agreed in writing by the Planning Authority and within no more than one calendar month (4 weeks) of the conclusion of the monitoring period of the noise monitoring work. Please see Informative Note 2 for additional information and advice with respect to how the requirements of this planning condition would be appropriately met. Reason: To help protect the private amenity of householders living in the vicinity of the development.

- 4.12 It is noted that the Case Officer appears to consider the proposed use to be within Class 5 in terms of the Use Classes Order (Scotland). It is, however, asserted that the proposed use more appropriately falls into Class 4 Business – Light Industry, as the proposed use can reasonably be carried out within a residential area without causing detriment to the amenity of the area.
- 4.13 It is noted that the Council's Economic Development Section has no objections to the application, stating in their consultation reply, *"The Economic Development section have reviewed the above application along with the supplementary supporting information in respect of the business project this application is concerned with. The Economic Development Section has no issue with this application."*
- 4.14 The Applicant has received strong support from Scottish Enterprise for the project with £110,000 matched funding authorised at the end of August. This project is clearly viewed as worthy of support. A letter of support from Breadshare is included with this Statement, as is Breadshare's Business Plan. RMR Ltd is responsible for the implementation of the micro-mill, as set out in the Business Plan.
- 4.15 This proposal is for a micro mill on a trial basis. Grain will be delivered to it by the Applicant once a week using the business' existing small van which is used to deliver bread. There will thus be no disturbance from delivery vehicles.

**CONCLUSIONS**

- 5.1 This application is for a Portakabin which will house a micro-mill which is to be operated as a trial for milling organic produce for Breadshare CIC in accordance with the company's business plan.
- 5.2 The specific location is essential to enable RMR Ltd to operate the facility in conjunction with their other business interests; a key point as the site is firmly a trial facility. The specific location is also required for security reasons and in terms of the requirement to achieve a certified 'food safe environment'.
- 5.3 The farm land and buildings are not at the disposal of RMR Ltd, being let, annually, to a local farmer.
- 5.4 Environmental Health has confirmed that there is no objection and have suggested a planning condition be imposed. This is acceptable to the applicant and a further form of condition has been suggested.
- 5.5 Economic Development has confirmed that there is no objection. Scottish Enterprise has confirmed £110,000 of matched funding for the project. The proposal benefits a small Scottish borders based business, RMR Ltd and the CIC, Breadshare.
- 5.6 The site is not visible from any public place and is screened from the nearest house (65 metres to the north) by a 30 metre wide coniferous woodland.
- 5.7 Overall, this application for temporary consent to enable RMR Ltd to trial the operation of a micro-mill, principally to support a Community Interest Company, and to enable RMR Ltd to further diversify is considered to comply with the provisions and intentions of Scottish Borders planning policy, as noted herein.



**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 15/00682/FUL

**APPLICANT :** Romano Mains Renewables Ltd

**AGENT :**

**DEVELOPMENT :** Siting of portacabin for use as flour mill

**LOCATION:** Land North West Of Spruce House  
Romano Bridge  
West Linton  
Scottish Borders  
EH46 7BJ

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
	Location Plan	Refused
	Site Plan	Refused
	Floor Plans	Refused
COMBI MILL	Brochures	Refused
COMBI MILL	Brochures	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

No representations.

Roads Planning Section: no objections.

Environmental Health Section: has the potential to cause noise annoyance and condition is recommended to address this. Food production is regulated by EH, and an informative to this effect is recommended.

Economic Development: has reviewed the above application along with the supplementary supporting information in respect of the business project this application is concerned with. The Economic Development Section has no issue with this application.

**PLANNING CONSIDERATIONS AND POLICIES:**

Consolidated Scottish Borders Local Plan 2011

Policy D1 - Business, Tourism and Leisure Development in the Countryside

Policy G1 - Quality Standards For New Development  
Policy H2 - Protection of Residential Amenity  
Policy Inf4 - Parking Provisions and Standards  
Policy Inf11 - Developments that Generate Travel Demand

Scottish Borders Council Proposed Local Development Plan 2013

Policy ED7 - Business, Tourism and Leisure in the Countryside  
Policy HD3 - Protection of Residential Amenity

**Recommendation by** - Stuart Herkes (Planning Officer) on 14th August 2015

**ADDENDUM - 28 SEPTEMBER 2015**

Planning Application 15/00682/FUL was recommended for refusal on 14 August. However, the Decision Notice could not be released at that time, because the Applicant had not settled an outstanding advertisement fee.

At the time of the request for the outstanding fee, the Applicant was advised that the application had not been supported. In response to this advice, the Applicant advised that it wished to provide additional information in support of its application. Since this information could still be provided ahead of any opportunity that the Planning Authority would otherwise have had to release the Decision Notice, it has been necessary to take account of this additional advice within the determination of the planning application. To this end, the Applicant and Planning Department concluded a Processing Agreement for the purpose of regulating both the provision of the outstanding fee and additional information by the Applicant, and the re-determination of the application in light of this additional advice by the Planning Department.

The Applicant has now provided this additional information, most recently in a form received on 15 September (which itself followed an earlier version of the same submission, sent on 11 September). This information has been reviewed, and this addendum is essentially a report of that review and a consideration of the implications for the original planning decision.

For clarity, this is an addendum to the original Report of Handling that was reviewed on 14 August. The original report is maintained in full and in the form in which it was written, and is copied below. Both the original report and this addendum should be read together as the planning officer's assessment of the application. However, the addendum is an update on the original advice. It specifically addresses the information that the Applicant has provided in the period since the application was originally determined on 14 August (henceforth referred to as "the additional information"), with a view to establishing whether or not this advice constitutes grounds for revising the original decision.

With respect to the current assessment (that is, the assessment of this addendum), critical considerations are:

- (i) whether or not the additional information introduces any new or amended details that were not before the decision-maker at the time of the determination of the application on 14 August;
- (ii) if so, whether or not these new or amended details are material to the planning decision;
- (iii) and if so, whether or not these new or amended details individually or cumulatively, require any reassessment of the proposal, and the planning decision that was previously reached.

The Applicant for its part, has provided three documents. These are: (i) a planning supporting statement, (ii) a business plan of the bakery business ('Bakeshare'), a Community Interest Company, which wishes to engage the Applicant as the operators of the proposed flour mill, and (iii) a letter of support from the bakery business. (The Applicant has requested that the bakery business' business plan not be included within the public record).

The Planning Statement, prepared by Ericht Planning and Property Consultants, is a 14-page document. It describes the proposal as a "micro scale" flour mill (or "trial micro-mill"), and seeks to demonstrate that the



proposal is compliant with planning policy. It notes advice from the Planning Officer to the Applicant, that the proposal was not considered to comply in principle with Adopted Local Plan Policy D1 on the basis that: (i) the proposal would be more reasonably accommodated within the Development Boundary of a settlement, rather than in its proposed location; and (ii) the Applicant had not demonstrated any overriding economic and/or operational need for operation from this particular countryside location.

With regard to the proposal, it adds that the portakabin would measure: "3.06m x 10.27m". No height or third dimension is given. It would occupy the site of what had previously been the site of a portakabin (1999 to 2003) and a static caravan (up until 2007). It is further advised that this portakabin would accommodate two rooms: one for production; the other for storage. The production room would contain a stone-combi-mill 500 MSM (2003) with a Crypto Peerless EC20 Mixer; and that there would be no other automated equipment in operation, either within, or out with, the portakabin. The mill would operate for approximately two days a week (during daytime hours), based on present demand and produce 250kg of product per week. The Applicant is agreeable to a planning condition along the lines indicated by Environmental Health with respect to the regulation of noise impacts. Issue is taken with the proposed operation being identified as a Class 5 industrial use. It is advised that it could be operated in a residential area without causing disturbance to neighbours, and therefore would more appropriately be considered a Class 4 use.

It is clarified within the Planning Statement that the proposal is only required on a temporary basis (3-5 years), to accommodate a trial small-scale flour-milling operation (or small-scale milling business model). This trial or model operation is required, in turn, to allow the bakery business to assess the viability of operating small-scale flour milling as part of 'satellite bakeries' throughout Scotland. If the trial operation were successful, more permanent premises would thereafter be sought, on a larger-scale.

With respect to the relationship between the bakery business and the Applicant, it is advised that the latter is a key player in the delivery of the former's business plan. The Applicant has secured funding from Scottish Enterprise for the venture, which the Planning Statement advises, would significantly benefit two businesses.

It is confirmed that notwithstanding one of its operators being a partner within the farm business, the Applicant itself does not have control of the farm buildings, which are let to another and unrelated farm business. However, it is maintained that since the micro-mill requires a food-safe environment, separation from the agricultural operations based at the farm, would in any case be sought.

In addition to the Applicant, it is advised that the owners also operate an IT operational support and project services business from their home, along with their estate management duties and responsibilities. The owners would wish to operate their business from the premises where they are currently resident, and advise that this is in the best interests of security. Concerns with respect to break-ins and thefts in the area are highlighted.

In the supporting statement it is advised that the proposal would comply with Policies D1 and H2.

Other supporting documents provided by the Applicant are a letter of support from Breadshare, the bakery business, and the latter's business plan 2014 to 2016. These confirm the advice of the supporting statement that the proposal is a model or trial operation, intended to former an anticipated wider roll-out of small-scale mills to service the bakery.

The supporting information has usefully clarified some details with respect to the Applicant; the Applicant's owners businesses; the Applicant's relationship to the farm business; the Applicant's relationship to the bakery business; the history of the site; and the details and composition of the proposal itself. The advice that the proposed operation at this site would not have any unacceptable impacts upon the amenity of neighbouring residential properties, agrees with the assessment of the Report of Handling and as the Applicant notes, might be appropriately regulated by the type of planning condition indicated by Environmental Health. The point with respect to whether or not the proposal should be considered a Class 4 or a Class 5 use is a redundant point with respect to the assessment required under Policy D1. The advice with respect to the days of operation and amounts of product produced on a weekly basis, do not raise any concerns at the limits and levels indicated, but do not tie the proposal down to any limits. To some extent, it might reasonably be expected that the small-scale of the proposal and a temporary approval, would be limiting factors in themselves, but as noted in the Report of Handling, concern needs to be had to the principle of this proposal. Notwithstanding that this is a temporary and small-scale proposal, acceptance of the principle, would be liable to promote a permanent and larger-scale proposal in the same location in the

long-term. Accordingly, there is a concern to consider whether or not the proposal would comply in principle with Policy D1 or justify an exception to this same policy.

With respect to the assessment under Policy D1 however, it is not considered that the Applicant has provided any advice that substantially affects or changes the position already set out in the Report of Handling.

Firstly, there should be no confusion between the Applicant and the bakery business. Regardless of its aspirations with respect to sustainability and rural employment opportunities, the bakery business' plan does not make any case in operational terms, for the need to operate from this particular rural location, or indeed from any rural location. The Applicant and the bakery business have an established and successful business relationship and understandably wish to continue and to expand this, but this in itself does not substantiate operation from the particular site in planning terms. The proposed site continues to appear entirely incidental, rather than fundamental, to the proposal, particularly when this is situated within the context of the bakery business' business plan.

Secondly, although the Applicant reasonably recognises that the proposal would be temporary and appears to indicate that it would then look beyond the site were the trial operation to be successful, it also advises of its concern to operate from this particular site for both reasons of convenience and efficiency (its owners already reside here and supervise, or help supervise, three other business concerns from this particular site) and security (its concern to maintain an on-site presence to deter theft). Moreover, no particular long-term arrangement is outlined, let alone detailed, with respect to how it is anticipated that any longer-term and larger operation would then be accommodated, were permanent premises to be sought at a subsequent occasion. Without any greater commitment or clarification with respect to the Applicant's own business plan, the additional information does not provide any greater reassurance than the advice which was before the decision-maker on 14 August. The risk remains that the Applicant has not given full and due consideration to how it would seek to accommodate the mill in the long-term, and any approval, even temporary, would be liable to result in a proposal for the same site. This has potential to result in an industrial or light industrial use becoming established contrary in principle to Policy D1 of the statutory development plan, and also Policy ED7 of the emerging Local Development Plan.

Thirdly, no account can reasonably be given to any business owners' concern to live on-site for security reasons. At least, it is reasonable that they should first explore more appropriate options in planning terms. In this case, and given that there is no inherent requirement for the use to be accommodated in a rural area or in this particular location, secure storage would be more reasonably provided by an existing industrial unit within the Development Boundary, where appropriate security arrangements might already be in place, or could more readily be put in place, to facilitate secure storage. It is not considered that the Applicant has made any case for an exceptional approval on the grounds that it could not otherwise provide appropriate secure storage for its business premises elsewhere.

All in all, and notwithstanding the addition of useful information and details which help better explain the context of the proposal, it is not considered that any different view would be appropriately reached on the basis of the additional information the Applicant has provided. Accordingly, the recommendation of the original Report of Handling is hereby maintained.

#### REPORT OF HANDLING (AS SUBMITTED ON 14 AUGUST 2015)

##### SITE DESCRIPTION, PROPOSED DEVELOPMENT AND RELEVANT BACKGROUND

This application proposes the siting of a portacabin adjacent to an existing agricultural shed to accommodate a food safe premises for the milling of organic grain into flour. The latter is an intended new business venture for the Applicant, Romanno Mains Renewables Ltd (RMR).

This is a company based at, but operated separately from, the agricultural holding at Romanno Mains and Halmyre Deans Farms. Its primary business activity would appear to be the processing and distribution of logs and kindling for firewood (although the company name suggests that it may have, or have had, some interest in green energy production). In any event, it has sought to diversify its business activities in recent years. In 2012 and utilising its existing firewood delivery vehicle, it won a contract to distribute bread then being produced by a bakery operating in the near vicinity, and has succeeded in servicing this need to the present day, despite the re-location of the bakery concerned, to Edinburgh in the interim period. Having

developed a good working relationship with the same bakery, the Applicant now proposes to produce flour at the site for use by the bakery.

The proposal would be the first stone-ground flour mill in Scotland milling organic Scottish-grown grain. It would be operated as part of a joint-venture with the bakery which the Applicant already works for, as its distributor within the Edinburgh area. At present the bakery works within a much wider and more far flung supply network, but is seeking to develop local sources and contacts within a 30 mile radius, inclusive of the present proposal.

It is advised that the proposed portacabin would replace another portacabin that had until recently, occupied the site, having been in situ since 1999. This portacabin had been removed from the site before the occasion of the planning officer's site visit. However, the site in question does appear to be a small yard area primarily associated with an existing agricultural shed. The latter is itself understood to have been the subject of a prior notification in 2007 (07/00274/AGN). Sited as proposed, the portacabin would largely be concealed by trees either side of the agricultural track that leads to the shed, while the shed itself, would further strengthen visual containment of the site.

The owners of RMR reside in a nearby residential property, 'Spruce House', to the immediate southeast of the site.

The principal link between RMR and the agricultural business which owns Romano Mains and Halmyre Deans Farms, is that one of RMR's two co-owners, is also one of the five co-owners of the agricultural holding. More particularly, RMR manages and utilises some of the interests and resources of the farm business that are the responsibility of the mutual co-owner; namely the agricultural holding's forestry resources. However, and notwithstanding the overlap in interests between the two businesses with respect to the effective management of the holding's forestry resources, these are separate businesses.

The Applicant has been asked to clarify the percentages of their income that are derived from agriculture, firewood production, and bakery deliveries, but has declined to give any specific answer in these terms, advising instead that while none of the agricultural holding's forestry areas (around 10 percent of the holding) are let, conversely much, but not all, of the grazing land, is let, along with some of the holding's buildings. With respect to the income of RMR, or at least the income of its owners, it is advised that they do not derive "any tangible income from the farm", hence they advise, the need for them to seek to broaden their business activities.

## PLANNING PRINCIPLE

Notwithstanding that the proposal is for a temporary building, it requires to be assessed against the requirements of Adopted Local Plan Policy D1, as a business development in the countryside. Since it is an industrial use, it more specifically requires to be assessed against the requirements of Criterion 3. The latter requires the Planning Authority to be satisfied that there is an economic and/or operational need for the particular countryside location, and that this need cannot more reasonably be accommodated within the Development Boundary of a settlement.

Notwithstanding that flour milling was once universally the preserve of farms, there is no locational reason why the milling process in this case, would necessarily have to take place in a rural area, let alone in this particular rural area.

Given that the process would be contained within a portacabin, there would appear to be a relatively high level of flexibility with respect to the practicalities of accommodating the particular milling operation concerned, which in themselves suggest that other arrangements - such as operation from an industrial unit or bakery - may be just as viable, and potentially more desirable, where the milling operation could be located in more immediate proximity to the source of the grain to be used, or to the place of manufacture of the bread to be produced. Given that the former is East Lothian, and the latter is Edinburgh, the site does not fall within any area within which, or on any route along which, the grain would inevitably have required to be transported. The involvement of the site within this process, would entail a detour specifically to access the site.

Taking account of the above, it is apparent that the proposal does not comply in principle with Criterion 3 of Policy D1. The need would be capable of being more reasonably accommodated within the Development

Boundary of a settlement, rather than within a rural and agricultural setting, let alone at this particular site. In short, there is no justification for the proposal to be sited in this countryside location, and accordingly the proposal does not comply in principle with Policy D1.

Notwithstanding the above however, the Applicant has advised that the proposal is necessary to help diversify the activities of its established farm-based business and support a co-owner of an agricultural business, and that there are economic and operational reasons why it requires to be located as proposed. Consideration might therefore also be given as to whether or not there are grounds for the proposal to be made the subject of an approval as an exception to Adopted Local Plan Policy D1.

#### ECONOMIC NEED AS A MATERIAL CONSIDERATION

The Council's Economic Development Section has reviewed the details provided in support of the business need, and has advised that it has no concerns. However, this advice in itself, does not address any planning concern to establish whether or not there is an economic need for the proposed development to be sited and operated at this particular countryside location.

In planning terms, economic need is only reasonably assessed with respect to whether or not the proposal would help support and maintain a business that otherwise has an appropriate economic justification for being located and operated from this particular countryside location, and/or whether or not the proposal would otherwise be a logical and reasonable extension of any established business activities in which that existing business is already engaging.

Assessment of economic need might have benefitted from clarification from the Applicant with regard to the percentages of its income that are derived from its various business activities. The only matter with respect to RMR's business activities that has been established relatively clearly within the supporting information, is that RMR's income is not derived from agriculture. It is however unclear whether RMR is still substantially engaged in the processing of firewood as its core and main business activity, or whether its income is now substantially and/or increasingly derived from the servicing of the bakery delivery contract. Despite a direct request for such information from the planning officer however, the Applicant has not provided any clarification as to what its core business activity now is. Moreover, the Applicant has not otherwise provided any detailed business case which allows for any direct assessment to be made of the economic need for the mill. The proposed mill is essentially presented as a new business venture, with no justification beyond the Applicant's concern to develop its existing partnership with the bakery business. Moreover, this would be also a joint-venture with the same bakery, which itself has no pre-existing presence at the site, or economic requirement to operate at this site.

The potential for the proposal to benefit the business itself, and allow it to grow, and to grow in a different direction, is self-evident. The critical point however, is whether there is any overriding requirement for this proposal to be located as proposed, and in spite of the requirement of Policy D1 that it should not otherwise be more reasonably accommodated within the Development Boundary. It is however, unclear from the partial information provided by the Applicant, whether or not the mill would in fact reasonably be capable of characterisation as a sideline or secondary venture of a business with its core activities still within the working and management of the resources of the agricultural holding upon which it is based. Or whether the bakery sidelines are, or are liable, to become the main activities of the Applicant. The bakery for its part, has no connections to the particular site or agricultural holding, beyond its recent contracting of the Applicant to carry out its deliveries.

Even allowing that the Applicant is still predominantly engaged in the management, harvest and processing of the holding's forestry resources, there is no logical or reasonable connection between these activities and a micro-mill for flour production. The latter is an entirely separate and unrelated business venture, and use of the delivery vehicle aside, is not an obvious sideline to firewood processing. It would not readily benefit from any equipment, machinery or materials that are already used or processed by the firewood processing business. The mill in its entirety, would have to be brought into the site, and therefore it is not an activity that might be commenced, in whole or in part, by redeploying its existing resources.

With respect to the proposal's relationship to any other existing and established business activities currently taking place on site, it is apparent that the proposal would be building on RMR's existing but still relatively new relationship, with the bakery for which it currently provides the bread delivery service. Given that the latter has only been operating since 2012, this is not yet an established use. In any event, in planning

terms, there is still no logical or self-evident relationship between the storage of a vehicle originally acquired for firewood deliveries but redeployed within a bakery delivery service, and the siting and operation of a micro-mill. The latter would go beyond the secondary use of a resource (delivery vehicle) of the original firewood processing business, and is not a logical or natural progression from the Applicant's current activities.

There is consequentially no immediate or logical progression in planning terms, from a firewood processing business that is well-related to the resource it processes (the woodlands of the surrounding agricultural holding), to a proposal with no obvious justification to be operating from at a rural site, let alone at this rural site, even taking account of the particular business activities that are currently based there.

The Applicant has also advised that the proposal should be seen as farm diversification, and advises that the enterprise would help support a farm-based business. However, given that the Applicant is not in fact a farming business (the farm business which runs both Romanno Mains and Halymre Deans farms, being is a different and separate enterprise), the extent to which this is reasonably described as farm diversification is questionable.

All in all, it is not considered that the Applicant has demonstrated that there is any economic need in planning terms, for the proposal to be sited in this particular countryside location, that would reasonably override the need to determine this proposal in accordance with the requirements of Policy D1.

#### OPERATIONAL NEED AS A MATERIAL CONSIDERATION

The Applicant has advised that it requires the facility to be located in close proximity to the owners' own home for the efficient operation of the proposal, to allow them to supervise it, and to enable them to maintain their other estate management activities. However, notwithstanding efficiency savings in time, milling is an industrial process, the operation of which is perfectly within the control of the operators, capable of being operated on a regular and predictable basis. There is no inherent requirement for anyone to live on-site on a permanent basis to oversee the mill's operation. There is no inherent requirement for any business operator to live at their business premises for security reasons - this matter is capable of being addressed in other ways, were security to be the primary concern (e.g. security fencing; CCTV).

Nor is the proposal to locate the mill adjacent to the Applicant's owners' property underpinned by any operational requirement of the existing business. It is more reasonably characterised as a preference or lifestyle choice on the part of the individuals involved. It is understandable of course, that they might seek to site the mill at their existing centre of operations, but there is no compelling reason for them to do so in operational terms. Accordingly, it is not accepted that the Applicant has demonstrated that there is any operational need for the proposal to be sited in this particular countryside location, that would reasonably override the need to determine this proposal in accordance with the requirements of Policy D1.

The Applicant has given particular reasons for the choice of site vis-a-vis a location at one or other of the farmyards on the holding, or elsewhere on the farm. These primarily relate to the concern to minimise contamination of a food-making process and avoid conflict with agricultural uses and traffic liable to be operating within the vicinity of the farmyards. These reasons are acknowledged as significant in terms of justifying the particular choice of location within the agricultural holding itself, but do not in themselves demonstrate or justify the need for the proposed mill to be operated on the agricultural holding in the first place. Operationally, it would be capable of being operated off-site within an industrial building or bakery.

Much of the Applicant's justification for the particular proposed siting, appears to relate to its existing control of the land itself, which is not in itself a planning concern.

#### EXISTING USES AND THE CHARACTER OF THE SITE AS A MATERIAL CONSIDERATION

Although it was only founded in 2011, it is not clear whether RMR took over a pre-existing firewood processing operation at the holding. It might reasonably be expected that the farms have a longer history of managing and deriving an income from their woodland resources, potentially included the processing and distribution of firewood. The building that was the subject of 07/00274/AGN, and the advice that there was a portacabin on the site since 1999, would indicate that RMR took over an established yard area at the site in 2011. However, no planning application has been made for the accommodation of a firewood processing operation at the site. The extent to which the yard might previously have been used for firewood processing

as a primary or ancillary business activity, is not known. However, given that such an activity is consistent with the working and management of the land holding at the farms, including its woodlands, it is not considered that the siting and operation of the activity of firewood processing at the site, reasonably raises any concerns in planning terms. However, in the absence of any planning application having been made for any distinct business use in this respect, and in the absence of any evidence to demonstrate any longer use of the site for firewood processing as a distinctive business use, there is no reason to accept that the site is now in industrial use, as opposed to agriculture. Moreover in its general appearance, the site retains an agricultural appearance, and is not of an industrial character.

The operation of the bakery delivery service, it is advised, dates from 2012, and at that timescale, is therefore, not yet an established use. Beyond this however, it might be added that in 2012, the continued storage at the site of a delivery vehicle that was already in use for deliveries in connection with the firewood processing business, would not in fact have resulted in any discernible change in the character and/or appearance of the site, as it had prevailed up to that point in time. Accordingly, the commencement of operation of the bakery delivery service from the site, cannot in planning terms, reasonably be characterised as promoting the siting of a micro-mill as a well-related and logical progression of operations at the site. The proposed use (micro-mill) is an industrial process, while the bakery delivery service appears to have grown out of an ancillary or secondary use of the firewood processing business' resources.

Since the Applicant's advice that the micro-mill would be accommodated in a portacabin that would be directly sited on the station of a pre-existing (but now removed) portacabin, there may be little difference in the general appearance of the site, were the proposed portacabin directly replacing one that has only recently been removed. Thus notwithstanding its industrial purpose, the proposal nonetheless has potential to accord with an appearance that would not reasonably be objectionable in the particular circumstances of this proposal.

As a consequence of the above, it is acknowledged that in environment and amenity terms, the proposal would be unlikely to have any unacceptable impacts upon the site or the surrounding area. This however, is a requirement that it would in any event, still need to be met in order to address Policy D1, namely Criteria 4 to 8 inclusive. Accordingly its ability to meet these criteria does not reasonably negate its inability to meet Criterion 3 of the same policy.

Regardless of any correspondence in the general appearance of the proposal to what may have been pre-existing, it is not considered that any greater weight should be accorded within the planning decision-making process to this than the need to assess the proposal strictly with respect to the requirements of Adopted Local Plan Policy D1. It is not considered that the potential for the relatively discreet accommodation of the proposal at the site does outweigh its inability to meet Criterion 3 of Policy D1.

#### THE TEMPORARY AND SMALL-SCALE NATURE OF THE PROPOSAL AS A MATERIAL CONSIDERATION

The Applicant advises that a portacabin is being proposed because this would be more financially viable at the outset of production, but the intention is to seek permanent accommodation within a three to five year timescale. No advice is given as to where any permanent accommodation would be located.

As a temporary building, the Planning Authority would retain the ability to re-assess the proposal within the space of a few years. However, approval of the proposal, even as the necessary subject of a temporary consent, would be tantamount to the acceptance of the principle of the operation of a micro-mill at the site. This is because there are no explicit proposals to relocate the mill operations to a more appropriate venue in the middle to long-term, and therefore no particular reason to suppose that the Applicant would seek to accommodate the micro-mill within the Development Boundary, and away from the site.

In essence, and without any indication of a long-term plan to accommodate a micro-mill in a more appropriate location, approval of the current application would risk being tantamount to an acceptance of the principle of a mill being accommodated at the site. Accordingly, some concern needs to be taken of the acceptability or otherwise of the principle of a micro-mill being sited as proposed, and regardless of the temporary nature of the proposal.

It also has to be acknowledged that the proposed facility is relatively small-scale, and as noted above, is capable of being accommodated as an infill that would not have any unacceptable impacts in its

appearance, if the site did accommodate a portacabin up until relatively recently. However, approval of the current proposal, might then in time promote an application for a larger development or operation at the site, which at any greater size, would be liable to be out-of-scale, and not in keeping, with the highly constrained nature of the existing small yard.

While both the temporary and small-scale nature of the proposal are favourable aspects in themselves, it is not considered that either are overriding considerations vis-a-vis the need to assess the proposal in accordance with Adopted Local Plan Policy D1. Further approval, certainly in the absence of any long-term plan to accommodate the use elsewhere, would only be liable to promote in the longer term further proposals at the site, if not for the siting and use of the portacabin as a mill to be continued, then for a permanent and larger development to service the same use.

## **OTHER CONCERNS**

If supported, the proposal should be made the subject of a temporary consent only, since a portacabin is a temporary building by nature, and approval would only be appropriate where the length of time it would be in place is regulated.

The use of a darker or organic colour for the portacabin would help make it visually more recessive when glimpsed through the trees or at distance, along the farm track. This could be made the subject of a planning condition in the event of approval. Subject to this, and particularly given the advice that it would replace a pre-existing portacabin, there would be no concerns with respect to the proposal's appearance. Due to distances of set back, it would be unlikely to impact those trees in closest proximity to it unacceptably, particularly since the platform to accommodate it, substantially, if not wholly, exists. However, given the strength in depth of surrounding trees, any limited potential to damage surrounding trees is not objectionable.

In the supporting statement it is advised that the Applicant would also seek to sell 1kg bags of flour but it is not made clear how these would be sold. In the event of approval it would be appropriate to require that the premises not be used as a shop.

Equipment to be operated on-site are identified as being a combi-mill and a mixer, which would both be accommodated within the portacabin.

The Applicant's cite an example of what they advise is a micro steel mill operating on a farm in East Lothian, which they advise is a good example of farm diversification. The particular circumstances of the proposal referred to, are not known, and are not in any event, considered to provide any precedent or particularly significant material consideration, relative to the current proposal.

There are no roads concerns. Environmental Health's concerns are capable of being addressed as per its advice; namely, by imposing a condition to regulate noise, and an informative to advise with respect to food production.

The details provided to describe both the appearance and siting of the portacabin are inadequate for the purposes of development control but could readily be made the subject of planning conditions, if approved.

## **CONCLUSION**

The proposal does not comply with the requirement of Adopted Local Plan Policy D1 in that the proposal would more reasonably be accommodated within the Development Boundary of a settlement rather than in this particular location. Although the proposal would be temporary and small-scale in nature, and although it would provide an additional source of income for an established business, which is already operating from the site, the Applicant has not demonstrated an economic and/or operational need for the particular countryside location, let alone one that overrides the need to assess this proposal in accordance with the requirements of Adopted Local Plan Policy D1. Accordingly, the application should be refused.

## **REASON FOR DECISION :**

The proposal does not comply in principle with Adopted Local Plan Policy D1 in that the proposal would more reasonably be accommodated within the Development Boundary of a settlement rather than in this particular location. Further, the Applicant has not demonstrated any overriding economic and/or operational need for this particular countryside location.

**Recommendation:** Refused

- 1 The proposal does not comply in principle with Adopted Local Plan Policy D1 in that the proposal would more reasonably be accommodated within the Development Boundary of a settlement rather than in this particular location. Further, the Applicant has not demonstrated any overriding economic and/or operational need for this particular countryside location.

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



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

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

**Application for Planning Permission**

**Reference : 15/00682/FUL**

**To : Romanno Mains Renewables Ltd Per Jackie Walker Spruce House Romanno Bridge  
Scottish Borders EH46 7BJ**

With reference to your application validated on **16th June 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Siting of portacabin for use as flour mill**

**at : Land North West Of Spruce House Romano Bridge West Linton Scottish Borders EH46 7BJ**

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

**Dated 28th September 2015  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**



**Signed**

.....  
**Chief Planning Officer**

**APPLICATION REFERENCE : 15/00682/FUL**

**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused
	Site Plan	Refused
	Floor Plans	Refused
COMBI MILL	Brochures	Refused
COMBI MILL	Brochures	Refused

**REASON FOR REFUSAL**

The proposal does not comply in principle with Adopted Local Plan Policy D1 in that the proposal would more reasonably be accommodated within the Development Boundary of a settlement rather than in this particular location. Further, the Applicant has not demonstrated any overriding economic and/or operational need for this particular countryside location.

**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**  
**PLANNING AND BUILDING STANDARDS COMMITTEE**

**4 AUGUST 2014**

**APPLICATION FOR PLANNING PERMISSION**

<b>ITEM:</b>	<b>REFERENCE NUMBER:</b> 14/00533/FUL
<b>OFFICER:</b>	Stuart Herkes
<b>WARD:</b>	Tweeddale West
<b>PROPOSAL:</b>	Change of use from village hall to bespoke furniture-making business
<b>SITE:</b>	Newlands Hall, Rommano Bridge, West Linton
<b>APPLICANT:</b>	Newlands Community Development Trust
<b>AGENT:</b>	Jane Dickson (Director)

**SITE DESCRIPTION**

The site is an existing village hall building ("Newlands Parish Memorial Hall"), which lies at the southern extremity of an established building group at Halmyre Mains Cottages, and to the east of the A701. It stands at the end of the group, on a line of the former main road before its diversion to the west many years ago.

Other than a tarmac forecourt to its front, the site has very little associated land. To the north and east, it lies immediately adjacent to garden ground within the curtilage of No 8 Halmyre Mains Cottages. Land to the south is agricultural.

**PROPOSED DEVELOPMENT**

The application proposes that the use of the hall building be changed from village hall to the premises of a furniture-making business. A supporting statement clarifies that the latter would be the core business activity of the proposed unit, which would also provide other joinery services (e.g. small-scale supply-and-cut service) and which at least in the initial stages of this planning application, sought to develop a range of courses and/or classes in DIY and wood turning.

**PLANNING HISTORY**

None

**REPRESENTATION SUMMARY**

Six households have responded within fifteen representations, to object and/or raise planning concerns. The concerns raised in the representations, are summarised as follows:

- Contrary to statutory development plan;

- Should be used for benefit of the local community;
- Existing building of historic value and/or sentimental value to local community; requires to be treated with reverence
- Building unsuitable for industrial/commercial use; surrounding area rural; surrounding uses predominantly residential;
- Requirement for existing building to be modified to accommodate proposed use, but no indication of how this would be achieved/accomplished; understood from discussions with Applicant prior to application that there were to be some alterations to the building;
- Proposed use more intensive and not comparable to actual pre-existing operation of Community hall, which was low level and confined to short periods, rarely in anti-social hours;
- Detrimental to residential amenity;
- Adverse impacts upon amenity of building group and countryside;
- Adverse visual impact due to storage of materials, waste, vehicles being stored outside the building;
- Loss of privacy/overlooking from existing windows;
- Noise nuisance due to machinery, traffic, long business hours; existing building unlikely to provide sufficient mitigation;
- Lack of detail with regard to operation, including times of operation;
- Road safety due to increase in traffic, amount and type(s) of vehicle(s) and narrowness and poor quality of access arrangements; poor road conditions in winter; lack of space for larger vehicles to manoeuvre at site;
- Inadequate drainage; potential for more intensive and/or different waste disposal needs associated with different and/or more intensive use of the building; advised inadequacy of existing foul drainage; potential for contamination of septic tank and/or disruption to functioning of septic tank from industrial effluent; with related odour and pollution concerns; considered that foul drainage system needs upgraded;
- Water supply;
- Air quality/dust/odour;
- Potential for further sub-letting of the building to other business users would increase extent of, and/or potential for, adverse impacts;
- Proposed business user's business is wider than furniture-making, taking in other joinery services and set and exhibition design;
- Lack of consultation with local residents;
- Evening classes/courses would extend the length of time that the hall would be in use, which would increase duration of adverse impacts;
- Fire safety; use/storage of gas canisters; welding taking place; fire hydrant;
- Potential for unforeseen consequences beyond the change of use itself, with potential harm to building, and amenity and environment of surrounding area;
- Potential for metalworking;
- Disturbance to local wildlife;
- Road is used by walkers and connects with the Scottish National Trail;
- Need for signage; and
- Light pollution.

## **APPLICANTS' SUPPORTING INFORMATION**

The supporting statement advises that the village hall building has become available for reuse, the former community facility use having been taken over a couple of years ago by the newly established Newlands Centre community hub. However, it is advised that the old hall building is still a community asset, and that the Applicant, the Newlands Community Development Trust, aims to bring it back into a use that could benefit the local area, and which would also help ensure that the building is appropriately maintained.

The proposed business would, initially at least, employ two full-time staff and would provide work and/or experience in some form or another, to another five people. The machinery and equipment indicated, includes a table saw; band saw; planer/thicknesser; sander; lathe; and power tools.

In addition to the aforementioned supporting statement provided at the time of the planning application, the Applicants have also subsequently provided additional information in response to the planning officer's email enquiries. These supporting details include the proposed layout of the business premises itself, and details, mostly indicative, about the noise output liable to be generated by the types of machinery that it is anticipated would be operated by the furniture-making business.

### **CONSULTATION RESPONSES:**

#### **Scottish Borders Council Consultees**

##### **Roads Planning Section:**

No objections in principle to this proposal. When this property operated as a village hall it had the potential create a significant amount of traffic, and it could be argued that the current proposal would in fact result in a reduction of movements over that of a fully functioning village hall. The difference between the two is obviously the type of vehicles likely to be generated. While there are some concerns with regards to the suitability of the minor public road to cope with larger vehicles including HGVs etc, that could be associated with a small industrial unit, the Applicants have confirmed that the only larger vehicles likely to be associated with the proposals are a delivery vehicle such as a flat bed or small lorry, which would only happen once or twice a month. On balance, it is considered that the application can be supported.

##### **Environmental Health Section:**

There has been a particularly lengthy correspondence between the Applicant and the Environmental Health Section specifically with regard to the noise output associated with the operation of the items of machinery that the Applicant has advised would be used within the furniture-making business. This has largely focussed on the tonality of the items of machinery concerned and the times when the Applicant would propose to operate them. Following consideration of the submitted information, Environmental Health concluded that unless the Applicant was able to provide a binding undertaking that there would be no machine-work in the evenings, a site-specific report prepared by a professional acoustician, detailing the likely noise impacts specifically relating to the tonality of operations during evening hours, would be required. Since the Applicant has

given an agreement in writing not to operate the machinery outwith the recommended working hours, Environmental Health has confirmed that it would be content that no noise assessment would be required, and that no objection would be raised, subject to the imposition of planning conditions to regulate:

- noise levels,
- the timing of deliveries and despatches to and from the site, and
- the limitation in time of the operation of wood processing and manufacturing machinery, to Monday to Friday 0730 – 1900, and Saturdays 0900 – 1300.

In addition to those measures already noted to regulate noise impacts, Environmental Health has also identified a requirement for the adequacy of the drainage system for the proposed use, to be established, and if necessary, for the drainage system to be upgraded in advance of the commencement of operations.

#### **Economic Development Section:**

Support and encourage this proposal, for the following reasons:

- (a) it enables employment in a rural location, and includes the possibility of apprenticeships to engage and develop young people;
- (b) making bespoke items of furniture contributes to the Borders craft sector and could have a low impact on the properties' environs and neighbours;
- (c) it enhances the vibrancy of this area through economic activity and the skill development available to all ages;
- (d) there is no loss of any community resource as this has already relocated; and
- (e) it makes use of a disused community asset which would otherwise remain empty, and in the longer term would incur costs due to deterioration.

#### **Statutory Consultees**

##### **Lamancha, Newlands and Kirkurd Community:**

Happy to confirm agreement, subject to the following points:

- (1) the noise from the machinery and other potential environmental issues would not impact adversely on the local community;
- (2) lorries delivering raw materials and collecting finished products would similarly not impact greatly on the community;
- (3) adequacy of the infrastructure and sewage system.

The Community Council felt that these matters were not adequately addressed and trust therefore that SBC will consider these matters fully.

#### **DEVELOPMENT PLAN POLICIES:**

##### **Consolidated Scottish Borders Local Plan 2011**

Policy D1 - Business, Tourism and Leisure Development in the Countryside

Policy EP5 - Air Quality

Policy G1 - Quality Standards for New Development

Policy H2 - Protection of Residential Amenity

Policy Inf4 - Parking Provisions and Standards

Policy Inf11 - Developments that Generate Travel Demand

## Policy Inf12 - Public Infrastructure and Local Service Provision

### KEY PLANNING ISSUES:

- Whether or not the proposal would result in an unacceptable loss of a community facility;
- Whether or not the proposed furniture-making use (which is both an industrial use and a business use) would be appropriate in principle to this rural site and countryside location; and
- Whether or not the proposed furniture-making use is capable of being accommodated in this building and in this location, without this operation having any unacceptable impacts upon the environment or amenity of the surrounding area, including the residential amenity of neighbouring dwellings.

### ASSESSMENT OF APPLICATION:

#### Planning Policy

##### *Reuse of an Existing Building of Local Significance as a Material Consideration*

The proposal must be against prevailing planning policy, and the wider benefit of having the property occupied and maintained, might reasonably be given some weight within the decision-making process.

As a general point, it is considered that the potential to reuse and promote the maintenance of a building of local historic, landscape and architectural value, which lies in close proximity to existing residential properties and which is currently unoccupied, can be viewed positively within the assessment of this proposal.

Some account also needs to be taken of the limited extent of ancillary land associated with the property, particularly on the gable and rear elevations (the building itself at one point constitutes the boundary with an adjacent residential property). While this may not necessarily prevent the building from being adapted to another appropriate alternative use, it is considered that the property's situation limits its potential for re-use, including, for example, as a dwelling. It is therefore appropriate to consider other uses as a means of securing the re-use of the building which has an historic value to the wider community.

##### *Loss of a Community Facility*

Adopted Local Plan Policy Inf12 requires that where the site of an existing public facility or local service is proposed for alternative development, it will require to be justified.

With regard to the principle of the loss or reuse of the village hall building itself however, it is material that the village hall use has already been directly replaced by a new community hall building within the near vicinity. Accordingly, it is not considered that the proposed change of use would, in principle, result in any unacceptable loss of a community facility. It is therefore not considered that there are grounds for any objection to the building being taken out of use as a community facility, given that facility is now provided elsewhere in the same locality. However, Policy Inf12 does require a wider consideration of the contribution of the proposed alternative use to the surrounding area,

and this aspect of the proposal is considered in more detail below through the succeeding sections of this report.

It is noted that the application proposes that the business would run woodworking courses for the local community, which in theory at least, should have been capable of being viewed positively, as a way of retaining at least some sort of community use or element to a traditional community building. However, both objectors and Environmental Health have raised concerns about this, given the potential for the operation of machinery during evening hours. As a result, the Applicant has agreed that the machinery would only be operated during what are effectively normal business hours. This may have consequences for the viability of the community usage, but that is not considered to be an overriding consideration in the determination of the application, which may still be appropriate for other reasons.

#### *Business Development in the Countryside*

With regard to whether or not the proposed furniture-making use would be acceptably accommodated at this rural site, a key consideration would be whether or not the proposal is capable of complying with the requirements of Adopted Local Plan Policy D1, whose principal aim is to enable appropriate employment generating development in the countryside. In order for the proposal to be supported in principle, the policy requires that the Council should be satisfied that there is an economic and/or operational need for the particular countryside location, and that the proposed use cannot reasonably be accommodated within the Development Boundary of a settlement.

Notwithstanding the justification that the Applicant has given with regard to the commercial reasons for the business to be sited and operated within the wider area, there are unlikely any compelling or overriding planning reasons as to why the furniture-making business would have to be operated from this particular location, or even necessarily operated from the countryside more generally. Nevertheless, it is necessary to identify demonstrable harm in order to render any proposal unacceptable.

The policy applies to a broad range of development and would include greenfield development, which would require exceptional justification. Where existing buildings are put to new use, it is right to apply the policy flexibly to acknowledge that. As already noted, it is considered that in this specific case there are grounds to accord weight to the potential benefit of bringing the existing building back into productive use. The accommodation of new businesses in existing buildings is, in principle, acceptable in land use planning terms, provided that there no other inappropriate issues arise.

It is not the purpose of Adopted Local Plan Policy D1 to prevent or inhibit business development in the countryside, but rather, to allow for appropriate generating employment generating development in the countryside while protecting the environment in the countryside and ensuring that business, tourism and leisure related developments are appropriate to their location.

The development is one which has the support of the Economic Development Section.

Accordingly, provided that there are no concerns with regard to the impacts of the specific operation, the reuse of an existing non-residential building might reasonably be considered as an appropriate opportunity to allow for some diversity within the rural



economy, and particularly an area such as this, which is remote from any settlements and which is characterised by other rural businesses nearby. In the broad sense, therefore, the proposal is consistent with the broad aims of Policy D1.

### *Environment and Amenity*

The assessments required by Adopted Local Plan Policies Inf12 and D1, and as a general planning policy consideration, support for the proposed change of use is dependent upon it being established that the proposal would have no unacceptable impacts upon the environment and amenity of the site and surrounding area. These aspects are assessed on an issue-by-issue basis within the remainder of this report.

### **Design and Layout, Landscape and Visual Impacts**

No external alterations are proposed. The workshop use would be accommodated in the existing hall area, with all ancillary areas essentially being retained in their current uses (toilets; kitchen; store etc). In many ways, the size of the building will limit the extent of the business operation, meaning that the capacity to expand (and potentially give rise to increased nuisance) will be self-regulating. This is a small scale operation.

Objectors' concerns with regard to the potential for practical difficulties being encountered when moving materials and products in and out of the building, are noted, but are an operational rather than planning consideration. An informative could reasonably cover the point that any external alterations should be discussed with the Planning Authority, while it would in any event, be appropriate to remove (the albeit very limited) permitted development rights that would apply to an industrial building, in the interests of ensuring that the use is accommodated within the confines of the building itself.

It would be a concern if the forecourt area, in whole or in part, were to be used for manufacturing or the long-term storage of materials and/or products in connection with the furniture-making business. It is therefore considered that all operations should be confined to the building itself, and not involve any external areas of the site. The forecourt in particular, it is considered, should be explicitly reserved only for the parking, turning, loading and unloading of vehicles operating in relation to the furniture-making business; and not used for any other purpose, including any permanent storage areas. In this way, it would be possible to ensure that there would be no inappropriate visual or amenity impacts.

An informative could note the need for any proposed signage to be discussed with the Planning Authority to establish if Advertisement Consent would be needed.

### **Road Safety, Access and Parking**

The Applicants have indicated the type and level of traffic that they would anticipate being generated in relation to the proposed furniture-making use. Although objectors are concerned to point out that traffic associated with the community hall use has been light to non-existent in recent years, this does not address the point that the building retains this authorised use and could theoretically be used much more intensively, without there being any requirement for a planning application to be made.

There is a relatively large forecourt adjacent to the building and this is considered to be sufficient to accommodate appropriately the traffic movements and parking requirements described within the supporting details.

### **Residential Amenity**

As dialogue between Environmental Health and the applicant demonstrates, this key issue has been tested thoroughly.

Environmental Health was initially content that the potential noise impacts relating to the proposed furniture-making business could be appropriately controlled through planning conditions specifying noise limits and restricting the operation of machinery and commercial vehicle movements to normal working hours. However, the Applicant had indicated an intention for the furniture-making business to operate outwith these hours, including the potential for evening courses or classes to be run for the benefit of the local community. Having been provided with the specifications of the machinery that the furniture-making business proposes to operate, Environmental Health was not inclined to revise its position, and ultimately advised that unless a site-specific noise assessment report were provided to give reassurance on the point, it would not support any unrestricted operation of the machinery.

The Applicant has now confirmed that restrictions on the operation of the machinery recommended by Environmental Health would be acceptable. On this basis, Environmental Health has confirmed its assessment that the proposed furniture-making use would not be liable to have any unacceptable noise impacts provided all of the conditions it originally identified are imposed.

Discussions with regard to noise impacts have been protracted, but have been helpful in leading to the conclusion the noise outputs described are capable of being appropriately controlled by the imposition of a noise limit, reinforced by requirements that the operation of machinery and deliveries/dispatches should only take place within the set hours identified by Environmental Health. Subject to these requirements being made the subject of planning conditions, it is considered that there would be no unacceptable noise impacts upon the amenity of any neighbouring residential properties as a consequence of the operation of the proposed furniture-making business described by the supporting details.

Given the proposed manufacturing use, which is one connected to the processing of timber, it would be appropriate to explicitly exclude the use of any chain-saws at the site, or operation of any machinery within the external areas of the site.

Approval would change the use of the site to industrial use (Class 5). For the reasons outlined in this report, it is the specific nature of the proposed use that is appropriate in this case; other uses permitted within the same use class have the potential to raise different issues which would require further assessment. Accordingly, it is considered that it would be reasonable and appropriate to require that there should be no permitted change of use to any other use, without a further planning application. Having first been made

It is acknowledged that these restrictions are restrictive in terms of the operation of the furniture-making business itself, but given the close proximity of residential properties, it

is considered that this is justified by these circumstances and that it is reasonable to seek to control the furniture-making business' use of the site to this extent. As already noted, the size of the building may limit the potential for less appropriate uses at the site.

Objectors have raised concerns about potential amenity concerns from dust and odour, and light pollution. Environmental Health has considered the potential impacts upon amenity and has not identified any equivalent concerns relative to the proposed operation.

### **Cultural Heritage and Archaeology**

The building is not Listed or within a Conservation Area, but as noted above, it is considered that the principle of the reuse of the building, and its continued maintenance can be viewed as a positive point of support.

### **Natural Heritage**

The building is existing and sufficiently well-maintained, and does not appear liable to accommodate bats or breeding birds. The Applicants do not in any case, propose any external or internal alterations to the building.

### **Infrastructure**

The owners of the adjacent residential property have raised concerns with regard to the adequacy of the drainage of the existing building, and expressed concerns that it might be used to dispose of industrial waste or chemicals.

Environmental Health has also raised the issue of the adequacy of the drainage system to accommodate the proposed use should be established - and if substandard, that it should be upgraded - prior to the commencement of operations at the site. It was recommended that this matter be regulated by planning condition.

However, the adequacy or otherwise of the drainage system serving the site, is a matter that would require to be addressed within a Building Warrant Application. Accordingly, it is considered that other than highlighting in an informative the need for the matter to be addressed in a Building Warrant Application, the potential requirement to upgrade the foul drainage is not reasonably or necessarily required by planning condition.

### **Other Concerns**

Objectors are concerned about the potential for the property to be sub-let but the above identified requirement for any planning permission to be restricted to the proposed furniture-making business, would prevent the premises going into any other type of use other than furniture-making.

Some of the issues raised in objection are health and safety rather than planning concerns.

It would be appropriate to condition that the proposed use should be carried out in accordance with the internal floor plan. This would ensure that the proposal operated in

accordance with the description given in support of the planning application, and prevent it from being operated as separate units.

It is noted that the Applicant has also included a drawing showing the existing drainage arrangements but while this has been useful to understand objectors' concerns, it does not contribute any details that would appropriately serve to guide the implementation of the proposal.

## **CONCLUSION**

Taking account of the above, it is ultimately considered that the precise operation described in the supporting details would not have any unacceptable impacts upon the amenity or environment of the site or surrounding area subject to planning conditions and informatives being imposed to address the above highlighted concerns.

The accommodation of the operation of a furniture-making business at the site, complies with the broad aims of Adopted Local Plan Policy D1 (specifically Criterion 3), which seeks to enable appropriate economic development in the countryside. Significant weight can also be given in this case, to the positive benefit that would be derived from ensuring that the community hall building would be brought back into productive use and maintained. It is considered an opportunity to accommodate a small-scale business venture capable of contributing some diversity to the local and rural economy.

## **RECOMMENDATION BY SERVICE DIRECTOR (REGULATORY SERVICES):**

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. Unless an application for planning permission to change the furniture-making use of the site hereby consented, has first been submitted to, and approved in writing by, the Planning Authority, the Class 5 use of the premises shall be restricted to furniture-making only, with no permitted change(s) of use to any other uses within Class 5, Class 4 and/or Class 6 of the Town and Country Planning (Use Classes) (Scotland) Amendment Order 1997 (as amended).  
Reason: To retain effective control over the use of the premises in the interests of ensuring that the use of the site remains appropriate to this locality in terms of its impacts upon the amenity and environment of the surrounding area (including surrounding residential properties, the wider landscape and surrounding road network).
3. Noise levels emitted by any equipment, plant and/or machinery used on the premises shall not individually or collectively exceed Noise Rating Curve NR20 between the hours of 2300 and 0700; and shall not individually or collectively exceed Noise Rating Curve NR30 at all other times, when measured within the

nearest noise sensitive dwelling (even when windows at that same noise sensitive dwelling are open for ventilation). Further, the noise emanating from any equipment, plant and/or machinery used on the premises shall not contain any discernible tonal component. (Tonality being determined with reference to BS 7445-2).

Reason: To prevent noise generated by any equipment, plant and/or machinery used on the premises in connection with the furniture-making use hereby consented, from causing unacceptable noise nuisance to the occupiers of any neighbouring premises.

4. Deliveries to the site and/or dispatches from the site in connection with the furniture-making business use hereby consented, shall only take place at the following times:
  - (i) on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays, between the hours of 0730 and 1900 only; and
  - (ii) on Saturdays, between the hours of 0900 and 1300 only.There shall be no deliveries to, and/or dispatches from, the site on Sundays.

Reason: To prevent noise generated by vans or Lorries from causing unacceptable noise nuisance to the occupiers of any neighbouring premises.
  
5. All plant, machinery and equipment used on site in connection with the furniture-making business use hereby approved shall only be operated within the interior of the existing building on site (and not outdoors), and shall only be operated at the following times:
  - (i) on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays, between the hours of 0730 and 1900 only; and
  - (ii) on Saturdays, between the hours of 0900 and 1300 only.At no point in time shall any chain-saw(s) be used on the site in connection with the furniture-making business or any sideline or ancillary enterprise relating to that same business and/or same business premises.

Reason: To prevent noise generated by the approved machinery from causing unacceptable noise nuisance to the occupiers of any neighbouring premises.
  
6. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any subsequent provisions amending or re-enacting that Order):
  - (i) there shall be no external alterations, additions and/or extensions to the building accommodating the furniture-making business premises hereby approved;
  - (ii) there shall be no further building, structure, container and/or other enclosure constructed or placed on the site; and
  - (iii) there shall be no additional window(s) and/or other opening(s) made in any elevation of the building accommodating the furniture-making business premises hereby approved;unless an application for planning permission in that behalf has first been submitted to, and approved by, the Planning Authority.

Reason: To safeguard the existing traditional and rural character, appearance and setting of the building and site in the interests of ensuring that the furniture-making business premises is accommodated as sensitively as possible in this rural location; and to retain effective control over the operation hereby approved

in the interests of safeguarding the amenity and environment of neighbouring residential properties.

7. All furniture-making operations and all associated storage (including the storage of materials; products; waste; equipment; plant; and/or machinery) shall all be conducted within and contained within the existing building on the site, and shall not take place within, or otherwise be accommodated within, any areas of the site that lie out with the interior of the aforementioned building, including the forecourt/area in hard-standing, to the front of the building. The forecourt shall instead be maintained as an open area for the accommodation of vehicle movements, including parking and the loading and unloading of delivery vehicles. No external yard area shall be formed and/or operated on any part of the site.  
Reason: To safeguard the existing traditional and rural character, appearance and setting of the site, in the interests of ensuring that the furniture-making business premises is accommodated as sensitively as possible in this rural location; to retain effective control over the operation hereby approved in the interests of safeguarding the amenity and environment of neighbouring residential properties; and in the interests of road safety, to ensure that sufficient provision is maintained for the accommodation of vehicle movements at the site.
8. Unless an application for planning permission to change the use of the premises contrary to the directions noted below has first been submitted to, and approved in writing by, the Planning Authority, the existing building on the site shall only ever be operated in accordance with the layout shown on the approved floor plan (Drawing "C").  
Reason: To retain effective control over the operation of the premises in the interests of amenity and road safety. To ensure that there is no increase in the size and/or intensification of the workshop use or the storage use that would be so significant that it would be liable to raise planning concerns that were not otherwise capable of consideration at the time of the determination of the planning application.

#### Informatives

1. Please note that the owners of the adjacent neighbouring residential property and the Council's Environmental Health Section have both raised concerns with regard to the adequacy of the existing foul drainage arrangements at the site to serve the proposed business premises. A Building Warrant Application would be required in connection with the operation of an industrial premises at the site. The adequacy, and potential upgrading, of the foul drainage arrangements would need to be appropriately met in order for a Building Warrant to be capable of issue.
2. At the time of the planning application, it was advised that the Operator might subsequently seek to provide a Noise Assessment report to substantiate that the machinery would not have any unacceptable noise impacts if it were operated out with normal working hours. In the event that such a report were prepared, it would need to be made the subject of a new planning application.
3. Any proposed alterations to the building and any proposed advertisements should be discussed with the Planning Department in advance.

**DRAWING NUMBERS**

<b>Plan Ref</b>	<b>Plan Type</b>
'C'	Location Plan Floor Plans

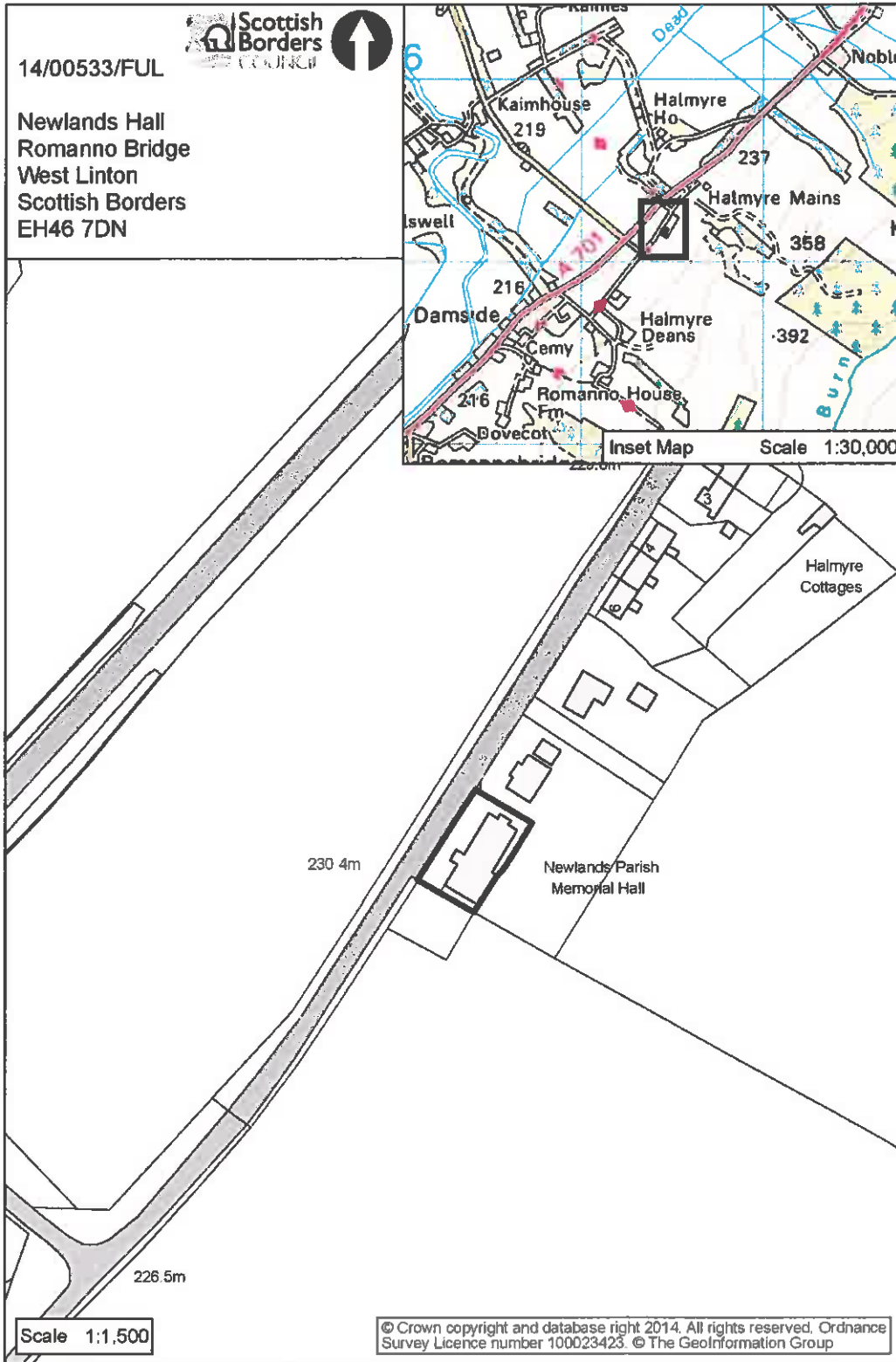
**Approved by**

<b>Name</b>	<b>Designation</b>	<b>Signature</b>
Brian Frater	Service Director (Regulatory Services)	

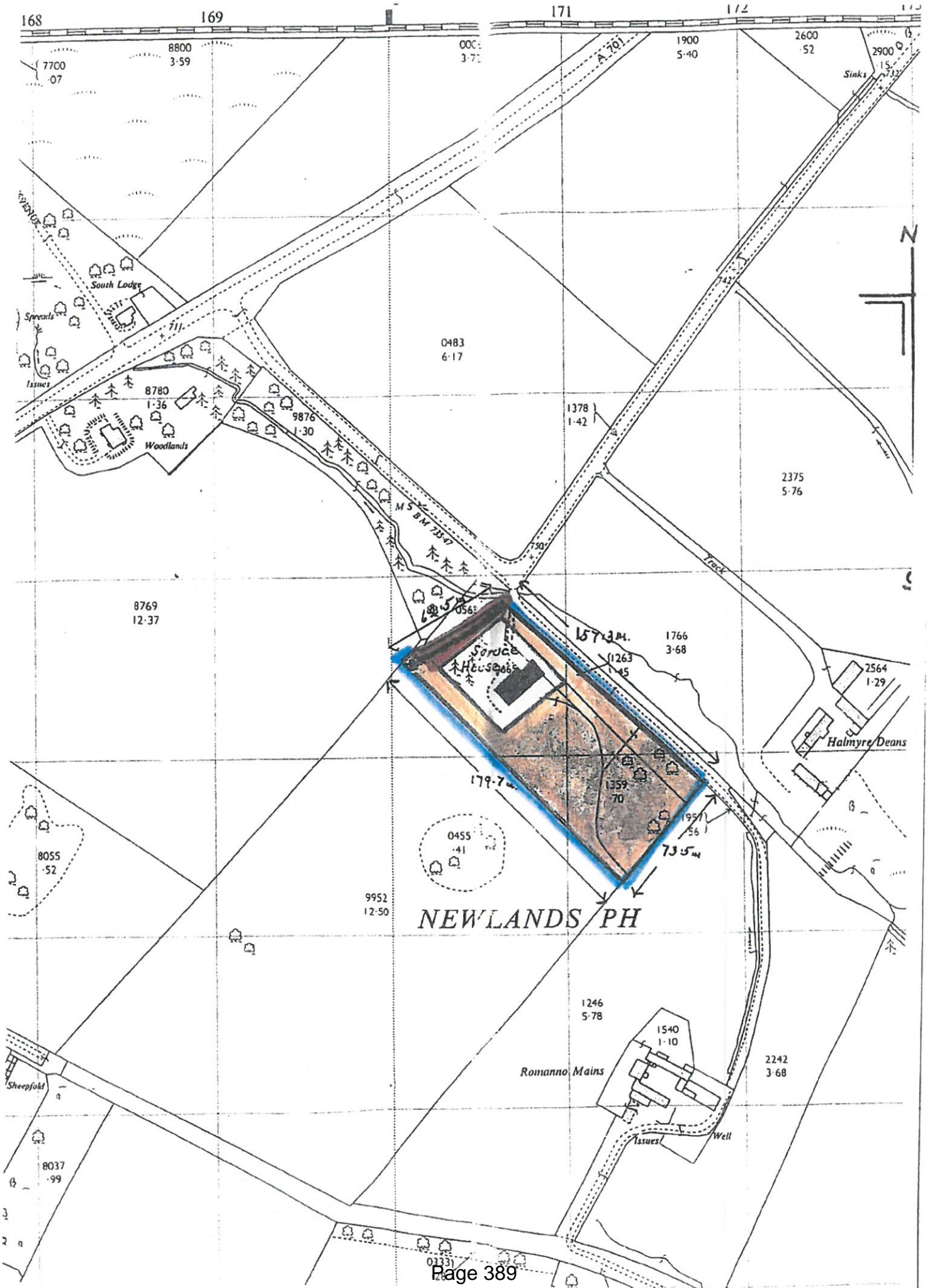
The original version of this report has been signed by the Service Director (Regulatory Services) and the signed copy has been retained by the Council.

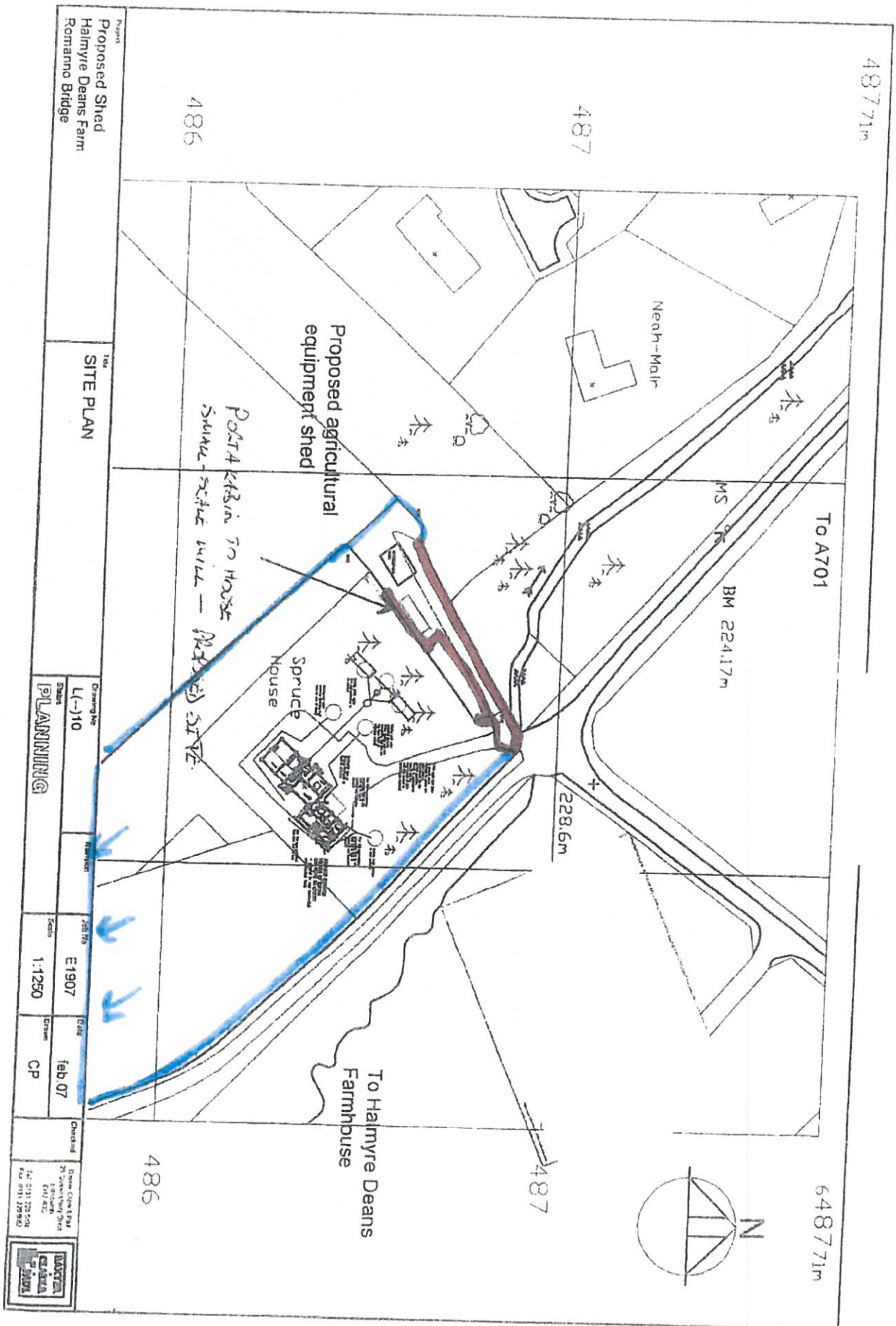
**Author(s)**

<b>Name</b>	<b>Designation</b>
Stuart Herkes	Planning Officer









Project  
 Proposed Shed  
 Halmyre Deans Farm  
 Romanno Bridge

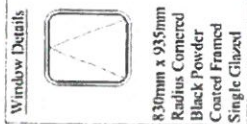
1:500  
 SITE PLAN

Drawing No  
 L(-)10  
 PLAN  
 PLANNING

Number	20079	Date	Feb 07	Checked	Donna Clarke 25 Southview Drive Epsom Tel: 011 725 500 Fax: 011 725 502
Scale	E1907	Drawn	CP		
Sheet	1:1250				

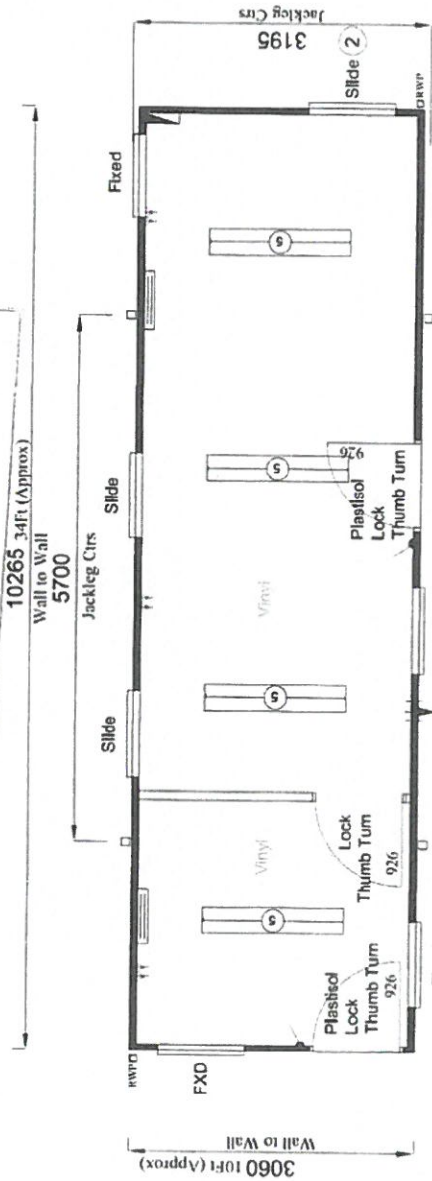


DO NOT SCALE  
IF IN DOUBT ASK



**CLIENT APPROVAL**  
SIGNED \_\_\_\_\_  
DATE \_\_\_\_\_

REF NR. 5086



Yard Location - D  
Roof Type - Marley  
FFL - 247mm  
Ceiling Height - 2300mm

Serial No. PK342 0838

Preliminary Drawing - Not For Manufacture

Original Size A 4

Sq. m. Area = 31		SCALE	1:75
Sq. Ft. Area = 333		BY	DRAWN BY James Boyd
REV	DATE	DATE	22/02/2015
TITLE		DRAWING NUMBER	ST/5086
CLIENT		REV	
34ft x 10ft Portakabin Pacemaker Jackleg Unit			



**BREADSHARE**  
— C O M M U N I T Y B A K E R Y —

4 September 2015

To Whom It May Concern,

Breadshare CIC is an community bakery that produces organic, slow-fermented bread without any additives. The main social outcome for Breadshare is to promote the health benefits of the bread and make it accessible to as many people as possible.

At Breadshare it is important that we use the freshest and most locally available ingredients in our bread. The primary ingredient in bread is flour. In Scotland, wheat is grown in sufficient quantity to meet the needs of all artisan bakers based here. Unfortunately, not much of the locally grown wheat is milled locally or used for human consumption.

It is Breadshare's aim to strengthen the local organic wheat supply chain by supporting the establishment of a network of small milling operations across the country. The current Breadshare business plan in conjunction with our business partner - Romanno Mains Renewables Ltd - outlines the setup of a micro-milling business model that once proven could then be adapted and applied more extensively as a network of small businesses.

At the same time, Breadshare is expanding its bread production facilities through the licensing of existing community and small bakeries across Scotland to make its products and join a co-operative alliance of Breadshare affiliates that will create a growing demand for locally grown and milled organic flour products.

The micro-milling business model limits the size of the mill to approx. 80kg per hour and has a relatively small footprint. The idea behind it is to keep it small, manageable and low impact but sufficient to support 1-3 paid staff. Each micro-mill is designed to be able to produce enough flour to support a Breadshare bakery hub and its satellites.

Yours,

Debra Riddell

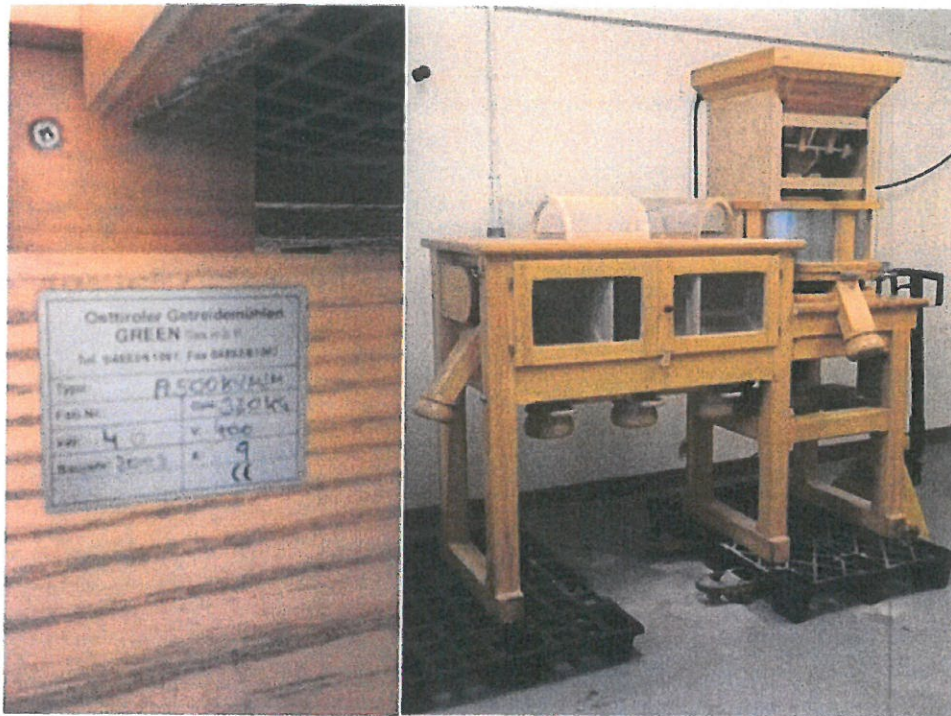
Director, Breadshare CIC

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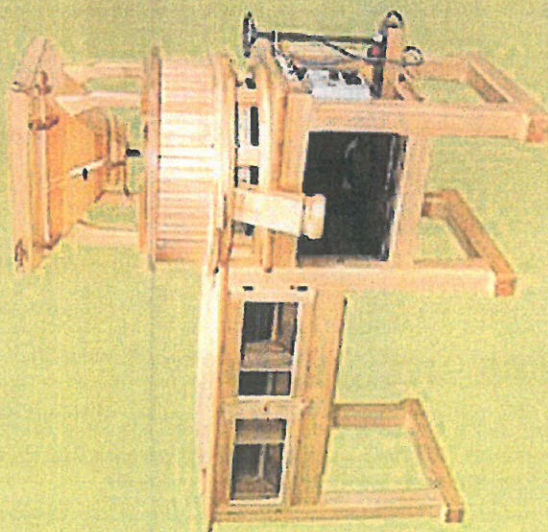
REAL BREAD FOR EVERYONE

<http://www.getreidemuehlen.com/en/grain-mills/combi-mills/combi-mills.php>

## A 500 MSM - stone mill - combi mill



## A 500 MSM - stone mill - combi mill



- Casing and built-in sieve from genuine pine wood.
- The quantity of grain into the hopper is adjustable by the small cogwheel under the hopper. The fineness of the flour can be altered by a wheel by hand.
- Sight glass in the hopper.
- Magnetic trap captures the small ferrous particles.
- 3 chambers in the sieve with 6 sets of sieves to change gives the chance to produce various type of flour in one operation.
- Due to the low revolutions of the stones the mill is suitable for continuous operation.
- Specially cut stones guarantee the best quality of the flour (devel. by Green).
- Optional equipment: the mill stops working when the hopper is empty.
- The stone mill is ideal for milling any type of grain, rice, corn, chestnuts, herbs, etc.



International trophy Paris 1990  
Trophy for quality

### Specifications

Dimensions in cm L/W/H:	218 / 110 / 180
Weight:	320 kg
Hopper volume:	40 kg
Capacity of the mill/h:	ca. 50 - 95 kg
Millstones:	Naxos stone
Voltage:	230 V
Frequency:	50 Hz
Rev. per minute:	200 - 400 rpm

Overload protection for all motors.



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# REGULATORY SERVICES



To: **Development Management Service**  
**FAO Dorothy Amyes**

Date: **01/07/15**

From: **Roads Planning Service**  
Contact: **Dalton Redpath**

Ext: **5517**

Ref: **15/00682/FUL**

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**Subject: Siting of Portacabin**  
**Land North West of Spruce House Romano Bridge, West**  
**Linton**

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I have no objections to the siting of a portacabin at this location.

**AJS**

**Scottish Borders Council**

**Regulatory Services – Consultation reply**

<b>Planning Ref</b>	<b>15/00682/FUL</b>
<b>Uniform Ref</b>	<b>15/01107/PLANCO</b>
<b>Proposal</b>	<b>Siting of portacabin</b>
<b>Address</b>	<b>Land North West Of Spruce House Halmyre Loan Romanno Bridge Scottish Borders</b>
<b>Date</b>	<b>06/07/2015</b>
<b>Amenity and Pollution Officer</b>	<b>David A. Brown</b>
<b>Contaminated Land Officer</b>	<b>Reviewed No comment</b>

**Amenity and Pollution**

Assessment of Application

Noise  
Food Hygiene

This is a proposal to site a flour milling facility.  
This has the potential to cause noise annoyance.  
The Application related to food production, which is regulated by this Department.

**Recommendation**

Agree with application in principle, subject to Conditions and Informative.

**Conditions**

*Noise*

*Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernable tonal component. Tonality shall be determined with reference to BS 7445-2*

*Reason To protect the residential amenity of nearby properties.*

*The Unit shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.*

*Reason To protect the residential amenity of nearby properties.*

**Informative**

Food Premises Registration

The premises will need to be registered with the Council before commencing operations. In order to ensure that the layout of the premises complies with the registration requirements the applicant should contact an Environmental Health Officer as the earliest stage possible. This can be done by calling 0300 100 1800 or emailing [PLACEhealth@scotborders.gov.uk](mailto:PLACEhealth@scotborders.gov.uk)

## PLANNING CONSULTATION

To: Economic Development Section

From: Development Management

Date: 18th June 2015

Contact: Dorothy Amyes ☎ 01835 826743

Ref: 15/00682/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 9th July 2015, 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 9th July 2015, it will be assumed that you have no observations and a decision may be taken on the application.

**Name of Applicant:** Romanno Mains Renewables Ltd

**Agent:** N/A

**Nature of Proposal:** Siting of portacabin

**Site:** Land North West Of Spruce House Romano Bridge West Linton Scottish Borders EH46 7BJ

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**OBSERVATIONS OF: Economic Development Section**

## CONSULTATION REPLY

The Economic Development section have reviewed the above application along with the supplementary supporting information in respect of the business project this application is concerned with.

The Economic Development Section has no issue with this application.

**List of Policies**

**Local Review Reference:** 15/00026/RREF  
**Planning Application Reference:** 15/00682/FUL  
**Development Proposal:** Siting of portacabin  
**Location:** Spruce House, Romanno Bridge  
**Applicant:** Romanno Mains Renewables Ltd

**SESplan Strategic Development Plan 2013**

None applicable.

**Consolidated Scottish Borders Local Plan 2011:**

**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'.

## 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.

**Proposed Local Development Plan 2013** (incorporating changes recommended by Reporter where applicable)

#### Policy ED7: Business, Tourism and Leisure in the Countryside

Business, Tourism and Leisure

Proposals for business, tourism or leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:

- a) 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
- b) the development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and, where relevant, it is in accordance with the Scottish Borders Tourism Strategy and Action Plan;
- c) 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 be reasonably be accommodated within the Development Boundary of a settlement.

In addition the following criteria will also be considered:

- a) the development must respect the amenity and character of the surrounding area,
- b) the development must have no significant adverse impact on nearby uses, particularly housing,
- c) 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 of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding,

- d) the impact of the expansion or intensification of uses, where the use and scale of development are appropriate to the rural character of the area,
- e) the development meets all other siting, and design criteria in accordance with Policy PMD2, and
- f) the development must take account of accessibility considerations in accordance with Policy IS4.

Where a proposal comes forward for the creation of a new business including that of a tourism proposal, a business case that supports the proposal will be required to be submitted as part of the application process.

### Policy PMD2: Quality Standards

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:

#### Sustainability

- a) 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 such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology,
- b) it provides digital connectivity and associated infrastructure,
- c) it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance,
- d) it encourages minimal water usage for new developments,
- e) it provides for appropriate internal and external provision for waste storage and presentation with, in all instances, separate provision for waste and recycling and, depending on the location, separate provision for composting facilities,
- f) 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,
- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

#### Placemaking & Design

- h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
- i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
- j) 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,
- k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
- l) it can be satisfactorily accommodated within the site,
- m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,



n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

#### Accessibility

o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,

p) it incorporates, where required, access for those with mobility difficulties,

q) it ensures there is no adverse impact on road safety, including but not limited to the site access,

r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,

s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

#### Greenspace, Open Space & Biodiversity

t) It provides meaningful 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,

u) 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.

Developers are required to provide design and access statements, design briefs and landscape plans as appropriate.

#### Policy HD3 – 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:

a) the principle of the development, including where relevant, any open space that would be lost; and

b) 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, loss of privacy and sunlighting provisions. 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 IS7 – Parking Provision and Standards

Development proposals should provide for car and cycle parking in accordance with approved standards.

Relaxation of technical standards will be considered where appropriate due to the nature of the development and/or if 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 seeking additional public parking provision, in the context of policies to promote the use of sustainable travel modes.

**Other Material Considerations**

Circular 4 / 1998 – The Use of Planning Conditions