







# EYEMOUTH HOLIDAY PARK

14/01282/FUL

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

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







**REFUSED**

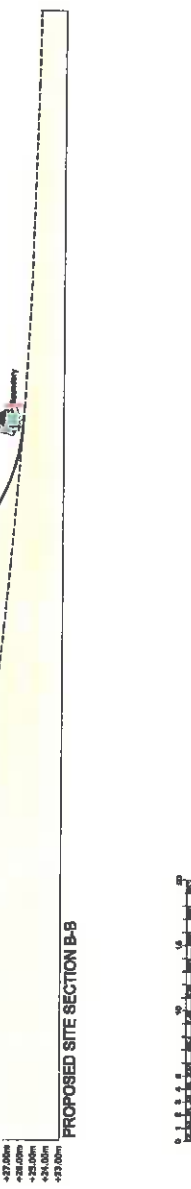
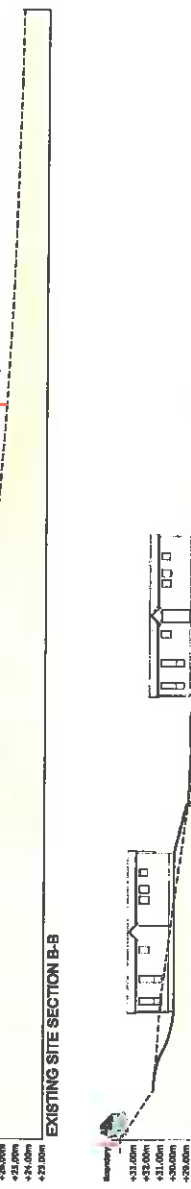
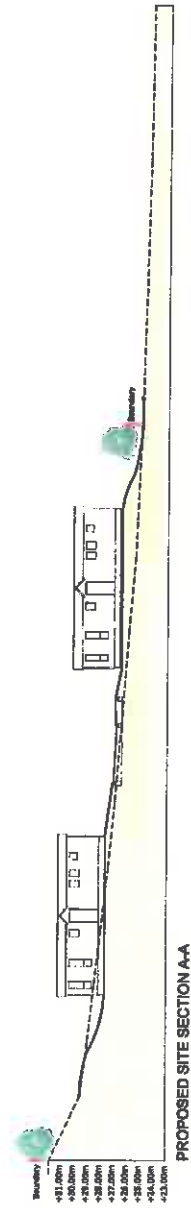
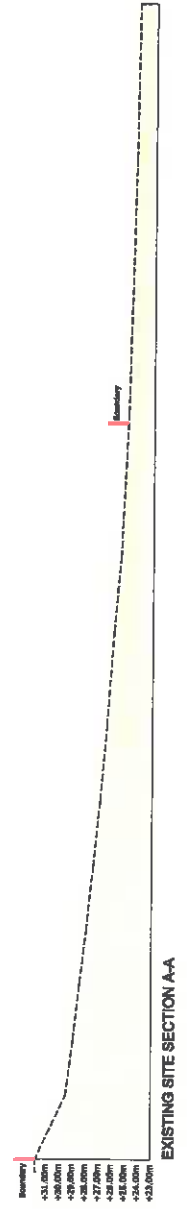
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### LEGEND

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



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14/01282/FUL

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**PROPOSED 23NO. RESIDENTIAL LODGES**

Drawing No: \_\_\_\_\_  
Date: \_\_\_\_\_

**EXISTING & PROPOSED SITE SECTIONS**

Scale: 1:500 @ A1  
Date: 2014  
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Drawn by: \_\_\_\_\_

**PLANNING**

Drawing No: \_\_\_\_\_  
Revision: \_\_\_\_\_

**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.

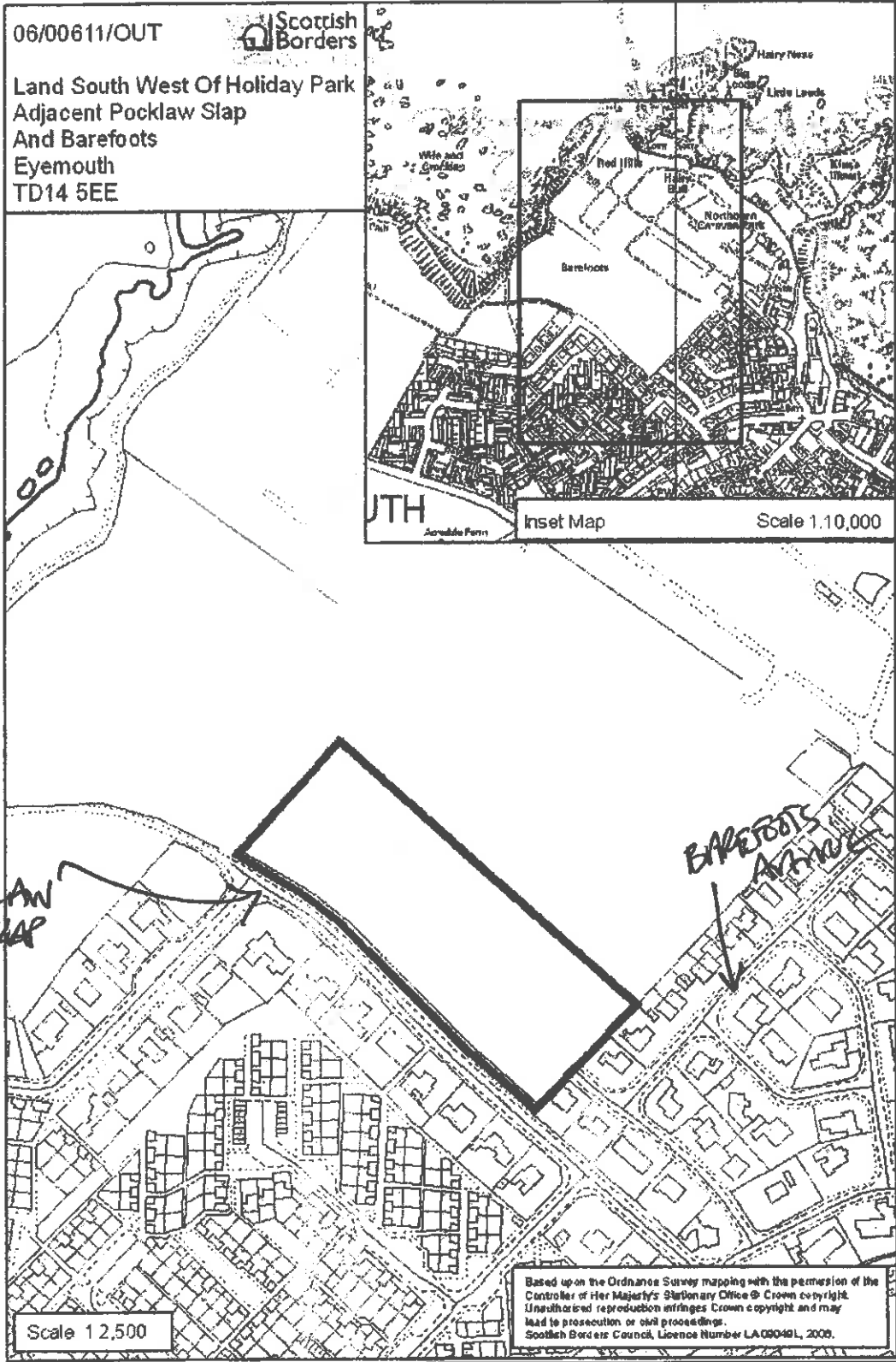
3. A tree/shrub planting scheme to be submitted before the development commences for approval by the Planning Authority, the planting to be carried out concurrently with the development or during the next planting season thereto and to be maintained thereafter.

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.





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

