

**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY DECISION NOTICE**

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Local Review Reference: 22/00043/RREF

Planning Application Reference: 21/01081/FUL

Development Proposal: Change of use of land and plot layout to form extension to caravan park

Location: Land West Of Pease Bay Holiday Home Park Cockburnspath

Applicant: Mr Graham Hodgson

DECISION

The Local Review Body reverses the decision of the appointed officer and grants planning permission for the reasons set out in this decision notice, subject to conditions as set out below.

DEVELOPMENT PROPOSAL

The application relates to the change of use of land and plot layout to form extension to caravan park on Land West of Pease Bay Holiday Home Park, Cockburnspath. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Site Survey	
Location Plan	21001 003
Surface Water and Foul Drainage Layout	FR004 Rev A
Cockburnspath Burn Cross Sections	FR003 P01
Cockburnspath Burn Long Section	FR002 P01
Contours with building positions	FR001 P01
Section through Roads	21001 005
Proposed Design	21001 004B
Retaining Wall Compared	21001 0010
Additional Sections 3	21001 009
Additional Sections 2	21001 008

Additional Sections 1	21001 007
Additional Sections Reference	21001 006
Landscape Plan	03
Landscape Plan	02
Proposed Drainage	0100 Rev C
Brochure	Gravitas Flex MSE

PRELIMINARY MATTERS

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 23rd January 2023.

After examining the review documentation at that meeting, which included a) Notice of Review (including the Decision Notice and Officer's Report; b) Papers referred to in Officer's Report; c) Additional Information; d) Consultation Replies; e) Objection Comments; f) Applicant's response to Objections and g) List of Policies, the Review Body noted that the applicant had asked for Further Procedure in the form of a hearing and site inspection but did not consider either to be necessary in this instance and proceeded to determine the case.

REASONING

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the relevant listed policies were:

- Local Development Plan policies: PMD1, PMD2, ED7, ED8, ED10, HD3, ED10, EP1, EP2, EP3, EP5, EP11, EP13, EP14, EP15, EP16, IS4, IS5, IS7, IS8 and IS9

Other Material Considerations

- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Waste Management 2015
- SBC Supplementary Planning Guidance on Biodiversity 2005
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012
- SBC Supplementary Planning Guidance on Local Biodiversity Action Plan 2001
- NPF3
- Draft NPF4
- Scottish Borders Tourism Strategy 2013-20
- Visit Scotland "Scottish Borders Factsheet 2019"
- SPP

The Review Body noted that the proposal was for the change of use of land and plot layout to form extension to caravan park on Land West of Pease Bay Holiday Home Park, Cockburnspath.

The Review Body firstly noted that there was an existing holiday park at Pease Bay and that the proposal was to add a relatively small number of pitches to an established and much larger facility of 330 pitches. Taking into account the encouragement of expansion of existing caravan sites under Policy ED8, Members concluded that the site was in scale with the park and was supported in principle by Policy ED8. Whilst the Review Body understood that the benefits to local trades and services would be affected by the on-site facilities offered by the Park, Members nevertheless concluded there would still be local benefits in terms of job creation, additional holidaymakers and assistance to the viability of the existing Park. Ultimately, the Review Body considered that the proposal encouraged tourism and, therefore, supported the principle of the development under Policy ED8.

The Review Body then considered the issues of landscape and visual impacts, assessing the proposal against Policies PMD2, ED8, EP5 and EP14. They noted the objections and consultee concerns over the impacts of the holiday park extension on the Special Landscape Area and coastline. Members debated the visual impacts and the significance of those impacts, taking into account the topography of the site, treatment of the slopes, level of the adjoining public road and potential impacts on views. Whilst they accepted that the caravans would be visible from the road and public views, they also noted that the caravans were intended to be set into the slope and that the remainder of the development was largely open to those same views. In terms of significance of impact, the Review Body did not consider that the proposal contravened landscape or visual amenity Policies and that the site could be considered to be a natural extension, occupying ground without any particularly special quality. Members concluded that the site could successfully accommodate the development, especially once ground shaping and landscape mitigation were undertaken. For these reasons, they concluded that the proposal was in compliance with Policies PMD2, ED8, EP5 and EP14.

The Review Body also considered the impacts of the development on local infrastructure and flooding as required by Policy ED8. Members noted the lack of objections from Transport Scotland or the Roads Officer and were content that the road system could accommodate the traffic generated by the additional caravan pitches. The Review Body also noted the Flood Risk and Drainage Impact Assessment and the demonstration of a lack of flood risk on the site. Members concluded that the development was in compliance with Policy ED8 in relation to impacts on local infrastructure and flood risk.

The Review Body finally considered other material issues relating to the proposal, including residential amenity, ecology, water, drainage and waste disposal. Members concluded that these issues did not change their final decision and could be included in conditions where appropriate.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was consistent with Policies PMD2, ED8, EP5, EP14 and relevant Supplementary Planning Guidance. The proposal was considered to be an appropriately scaled and designed extension to the existing holiday park, with limited and acceptable impacts on the locally designated landscape, visual amenity of the area and local infrastructure, providing additional local economic benefits. Subject to appropriate conditions, the application was approved.

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. There shall be no occupation of any caravan within the site during the month of February per annum.

Reason: To ensure the occupation is consistent with that approved on the existing site and to safeguard against permanent residential occupation.

3. No development to be commenced until details of a roadside crash barrier are submitted to, and approved in writing by, the Planning Authority. Once the details are approved, the barrier to be erected in accordance with a timescale agreed and retained thereafter in perpetuity.

Reason: In the interests of road safety.

4. No caravan to be occupied until the access and parking have been completed in accordance with the details shown on the approved plans.

Reason: To ensure the development hereby approved is served by an appropriate standard of access and parking provision.

5. No development shall take place except in strict accordance with a scheme of hard and soft boundary treatments in the form of a Landscape and Biodiversity Enhancement Plan, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):

- i. existing landscaping features, hedgerows and trees to be retained, protected and, in the case of damage, restored
- ii. location and design, including materials, of walls, fences and gates
- iii. soft and hard landscaping works, including details of all retaining works proposed within the site and works intended to secure retention of the public road.
- iv. A programme for completion and subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

6. No development to be commenced until the details of water and drainage provision are submitted to, and approved in writing by, the Planning Authority. The details to include the attenuation and management recommendations made in the Flood Risk and Drainage Assessment Report submitted by Verdant Leisure Ltd dated April 2021. Once approved, the development then to be completed in accordance with those details before occupation of the first caravan.

Reason: To ensure that the development is adequately serviced and in the interests of public health.

7. No development to be commenced until a scheme of waste storage has been submitted to, and approved in writing by, the Planning Authority. Once approved, provision to be made in accordance with the approved details prior to occupation of the first caravan.

Reason: To ensure adequate provision for waste storage within the site.

8. No development to be commenced until a Construction and Environmental Management Plan has been submitted to, and approved in writing by, the Planning Authority. Once approved, the development then to proceed in accordance with the Plan.

Reason: To safeguard impacts on environmental constraints at the site.

9. No development to be commenced until Species Protection Plans for bats, badger, breeding birds and reptiles have been submitted to, and approved in writing by, the

Planning Authority. Once approved, the development then to proceed in accordance with the Plans.

Reason: To safeguard Protected Species and other wildlife interests at the site.

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.

Under The Control of Pollution Act 1974, the Council recommends the following hours for noisy construction-related work:

Monday-Friday 0700-1900

Saturday 0800-1300

Sunday and Public Holidays - no permitted work (except by prior agreement with the Council)

Contractors will be expected to adhere to the measures contained in BS 5228:2009 "Code of Practice for Noise and Vibration Control on Construction and Open Sites".

For more information or to make a request to carry out works outside the above hours, please contact an Environmental Health Officer at the Council.

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.

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, 4th 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.

Notice Under Regulation 22 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2013.

1. If the applicant is aggrieved by the decision of the planning authority to refuse 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 question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
 2. If permission to develop land is refused or granted subject to conditions 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 of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.
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Signed...Councillor S Mountford
Chairman of the Local Review Body

Date 30th January 2023