

**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO  
CHIEF PLANNING OFFICER**

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

**REF :** 18/01654/FUL  
**APPLICANT :** Mr and Mrs Peter Gibson  
**AGENT :** IRD Design  
**DEVELOPMENT :** Erection of dwellinghouse  
**LOCATION:** Land North East Of The Rest  
Murrayfield  
St Abbs  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
18/313 Drawing Number 001		Proposed Elevations Refused
18/313 Drawing Number 003	Location Plan	Other Refused Refused

**NUMBER OF REPRESENTATIONS: 18**

**SUMMARY OF REPRESENTATIONS:**

**CONSULTATIONS**

SBC Access Officer: According to the records held in the Planning & Economic Development Section there is one core path adjacent to this area of land.

SBC Education and Lifelong Learning: No response at the time of writing.

SBC Environmental Health: No response at the time of writing.

SBC Heritage and Design Officer: No response at the time of writing.

SBC Roads Planning: I shall have no objection to this proposal provided a condition requiring the provision of two parking spaces and turning within the curtilage of the site prior to occupation of the dwelling (to be retained thereafter in perpetuity) is included in any consent issued.

Scottish Water: No response at the time of writing.

Architectural Heritage of Scotland Society: Objection. At the end of Murrayfield, the distant sea view suddenly opens to reveal a wide vista, bounded by three mature properties: Castle Rock (listed), Beacon, and The Rest. Of these, Castle Rock is the oldest, a prominent listed building originally set in splendid isolation. Beacon and The Rest respect this by being set further back, retaining this prominence, and hence this site is not a gap site but part of the open green space that surrounds St

Abbs. These proposals would fill in the grassy ground between these properties with an incongruous modern house. It is not only the architectural style of the house that is incongruous, but its positioning.

Beacon is clearly situated to take advantage of the sea view, and examination of historic maps confirms that this view has never been interrupted. Castle Rock would have its setting substantially compromised. The Conservation Area Statement notes "Important features of the Conservation Area are its coastal location and its harbour; both are essential to the character of the place". By depriving Beacon of its link with the coast, an oddity is created of a house side-on to the street without clear reason. The coastal path is hard against the site boundaries of the proposed development, and as such it would significantly damage the unspoilt nature of the coastal walk.

Almost all the houses in this part of the Conservation Area are single storey, some with attic, or at most 1.5 storey. In this context, the proposed single-storey building with pitched roof will affect the views from a number of properties and is not especially low-rise. The Design Statement notes that the owners wish to downsize. A suitable plot for infill development exists in the enlarged drive area to the west of The Rest, including the existing road access to Brierydean, and thus a suitable new-build solution can be easily found without compromising the Conservation Area and neighbouring properties. That area is both a gap site and brownfield, and The Rest could retain its existing driveway onto Murrayfield.

Any development on the proposed site would conflict with Local Development Plan policies PMD2 (as the new development does not integrate with or respect its surroundings and their uses, and detracts from the existing sense of place), HD3 (an unacceptable amount of open green land is unnecessarily lost when a brownfield gap site exists a few metres away, and the imposition of the site on its neighbours would create negative impact on residential amenity for both the new development and its neighbours), EP7 (Castle Rock is adversely affected by losing part of its open setting), EP9 (the development does not enhance or preserve the quality of the Conservation Area), and EP11 (significant green space is lost, with no replacement in area, in particular, this green space defines the open identity of this part of the townscape and its surrounding buildings).

We therefore object to any development on this site, which is exceptionally important in defining the local character, and encourage the proposers to focus on the obvious site to the rear of their present house rather than their unspoiled front garden.

Berwickshire Civic Society: No response at the time of writing.

The following comments were received on behalf of the Community Council: This development lies within the Conservation Area of St Abbs, one of the attractions of St Abbs to visitors and locals is the coastal view and stunning natural beauty of the area. The effect of heavy traffic will cause disruption and damage to the already deteriorating road and grassed area which is maintained by the SBC and locals, access to the proposed site from Murrayfield is not suitable and can not sustain large vehicles as the path leading to the access gate is not wide enough for HGV vehicles. To locate this dwelling to the proposed first option at the rear of the Rest that the SBC Heritage submitted on the last application would be more suitable and have less of an impact to the area and to other neighbours.

These comments have been gathered from the villagers who have concerns of this proposed build effecting the way the village looks and the impact it will cause.

I understand this is possibly the third application of its type for consent on this prominent, sensitive conservation area site. In terms of the village residential envelope it is bounded from west through to north and north-east by Ebba Strand, the Rest and the Beacon. The two last are detached vernacular village houses of the distinct historical character of prosperous fishermen of the late 19th century built on the wave of wealth in St Abbs at that time. (See St Abbs/Northfield records for dates). The former, Ebba Strand, is a modern style architecturally designed residence of distinct quality and appearance.

The site on the edge of the St Abbs Conservation Area at it's southern extremity is fully open to the public view from the popular coastal cliff path on it's seaward boundary bordered by an original old Northfield stone wall. This site is therefore prominent, of village character of considerable architectural interest and amenity as garden ground of high value in it's designation. In my opinion the application has the appearance of a new build council public convenience block constructed in utilitarian

materials. It has no merit whatsoever in its setting, The canted roof design lines back and front are particularly inappropriate, the elevation and silhouette devoid of architectural expression. It looks to me what it is- designed by an Engineer, does the SBC encourage in designated Conservation Areas the preparation of plans by properly qualified architectural professionals? I have no personal hesitation whatsoever for the above reasons in wishing to dismiss outright the applicants proposals, suggesting any resubmission is supported by properly qualified advice.

The applicant has submitted a statement in response to the submission of the above comments. This statement is available on the Public Planning Portal.

## REPRESENTATIONS

Letters of objection were received from a total of 15 households. 1 letter of support was received. The key points of objection are listed below:-

- Contrary to policy EP7 (Listed Buildings) due to adverse effect on setting of listed Castle Rock;
- Contrary to policy EP9 (Conservation Areas) due to adverse impact on the character of the Conservation Area;
- Modern design not in keeping with the style of the area/ incongruous;
- Proposed materials are not sympathetic to those used in the conservation village;
- Adverse landscape impact;
- Adverse impact on setting of coastal path and views enjoyed by people approaching from the village;
- Adverse impact on Berwickshire Coastal Path;
- Adverse impact on tourism;
- Loss of green space;
- Could set a precedent;
- No benefit to the local community;
- The Local Plan promises no new houses in the village;
- This site is classified as white land in the Local Plan;
- Road safety/ vehicular access unsuitable;
- Danger to pedestrians;
- Concerns around potential for noise/ dirt nuisance;
- If solar panels are not allowed in Conservation Area, why are contemporary buildings allowed just because they are energy efficient;
- Risk of coastal erosion;
- Having cars parked and turning in front of neighbouring property would be very disruptive, noisy and would cause air pollution;
- One of the enduring attractions of St Abbs to the Public is the coastal view that suddenly opens out as they walk down Murrayfield past the historic cottages;
- There are currently huge resources being invested in promoting the Berwickshire Coastline as a tourist destination. Unsympathetic proposals like this one should not be allowed to impact on important Conservation Areas like St Abbs;
- St Abbs is located adjacent to the Berwickshire and North Northumberland Special Area of Conservation, St Abbs Head to Fast Castle Special Protection Area, and the Berwickshire Coast SSSI. All of which indicates that the appropriate authorities believe that the area is of special status which requires careful and sympathetic development;
- Disturbance of seagulls on cliffs;
- The architectural drawing and plans do not make what is proposed clear;
- Potential access problems and disruption of a well established public right of way;
- The Beacon has no link with the street, its link is with the sea. By depriving the Beacon with its link with the coast an oddity is created of a house side on to the street. The Beacon is clearly situated to take advantage of the sea view and research of historical maps confirms that the view has never been interrupted;
- A more appropriate brownfield site is available which sits only twenty metres away;
- Impact of construction traffic;
- A strip of land which runs inside the perimeter wall at the bottom of the side garden of the Rest. The sellers of this piece of land are the St. Abbs Community Trust who took over from the St. Abbs Improvement Committee. The strip of land in question which is part of the Conservation and Green Space Area is in place to protect the village. Without this strip of land there would be no room to build the proposed New build. Were the St Abbs Community Trust current custodians aware of the

implications and significance of selling this land and why was the general public not made aware of the possibility of this happening?

- Neighbour Notification not carried out correctly;
- Adverse effect on neighbouring holiday let business;
- How would solar gain be achieved;
- Effect on property value [not a material planning consideration];
- Loss of view [not a material planning consideration];

## **PLANNING CONSIDERATIONS AND POLICIES:**

Local Development Plan 2016:

PMD1: Sustainability  
PMD2: Quality Standards  
PMD5: Infill Development  
HD3: Protection of Residential Amenity  
EP1: International Nature Conservation Sites and Protected Species  
EP2: National Nature Conservation Sites and Protected Species  
EP3: Local Biodiversity  
EP5: Special Landscape Areas  
EP7: Listed Buildings  
EP8: Archaeology  
EP9: Conservation Areas  
EP11: Protection of Greenspace  
EP13: Trees, Woodlands and Hedgerows  
EP14: Coastline  
IS2: Development Contributions  
IS5: Protection of Access Routes  
IS7: Parking Provision and Standards  
IS9: Waste Water Treatment and SUDS

Other considerations:

Supplementary Planning Guidance

Biodiversity 2005  
Development Contributions 2011 (Updated 2018)  
Green Space 2009  
Landscape and Development 2008  
Local Landscape Designations 2012  
Privacy and Amenity 2006  
Placemaking and Design 2010  
Waste Management 2015

HES: Managing Change in the Historic Environment (Setting)  
Planning Advice Note 65: Planning and Open Space 2008  
Scottish Planning Policy 2014

**Recommendation by** - Paul Duncan (Assistant Planning Officer) on 29th April 2019

## **BACKGROUND**

This application seeks planning permission to erect a single storey detached dwellinghouse within the coastal village of St Abbs.

The application follows an earlier application on the same plot (18/00137/FUL) for the erection of a dwellinghouse which featured alternative siting and design arrangements. The proposals would have resulted in an unacceptable impact on the village Conservation Area and the applicant was advised the application would have been refused. The applicant was invited to consider either an alternative site within

their property, or to alter their proposals for further consultation and assessment. That application was then withdrawn.

## SITE DESCRIPTION

The proposed site is located within the grounds of the applicant's dwellinghouse, The Rest. The proposed site sits to the north-east of the that dwellinghouse, to the south of the neighbouring Beacon property which, like The Rest, is largely designed so as to face the coast. A hedge marks the boundary between these two properties. The site slopes gently away from The Rest and The Beacon, towards the coast.

The Rest benefits from vehicular accesses at either side of the property which connect through the grounds, one from Brierydean, another from Murrayfield. A large area of hardstanding sits within the applicant's grounds, to the north-west of The Rest.

The boundary of the village Conservation Area does not follow the ownership boundary. The proposed site is within the Conservation Area (as is The Beacon) but the Rest is not. The proposed site is bound to the east by natural stone walling which also marks the boundary of the settlement and Conservation Area. Beyond the walling a popular coastal footpath (Core Path SABB/2/20) passes the site and connects St Abbs with Coldingham Bay. Land beyond drops down steeply from the cliff-edge to the sea below which is dually designated for its ecological importance (Berwickshire and North Northumberland Coast Special Area of Conservation (SAC) and Berwickshire Coast (Intertidal) Sites of Special Scientific Interest (SSSI)).

The 'C listed Castle Rock sits prominently to the north of the site. A triangular area of open green space sits between Castle Rock and the proposed site. Further to the north, the development pattern changes abruptly to a more formal, dense arrangement of modestly sized terraced dwellinghouses. Neighbouring dwellinghouses The Rest, The Beacon and Castle Rock are large in scale and traditional in character and materials, but other properties to the west, somewhat further from the site, are more modern in character.

The coastal and inland surrounds of St Abbs (outwith the site) are designated as a Special Landscape Area.

It should be noted that OS mapping names the proposed site as 'Southlea' in error. Southlea is a detached bungalow which sits to the north-west of The Beacon, some distance from the site.

## PROPOSAL DESCRIPTION

The proposed single storey dwellinghouse would have a clearly contemporary design featuring shallow roof pitches and large areas of glazing. The house would be modest in scale with a maximum depth from front to rear of approximately 9m and a maximum frontage width of roughly 12.5m. The maximum height of the building would be around 4m above adjacent ground level, 4.5m when measured from the lowest adjacent ground level. The dwellinghouse would be covered by one main mono-pitch roofed element with a smaller, lean-to covered area to the south. The house would feature a sedum (i.e. grass) roof. External walling would be of natural stone construction. The dwellinghouses's southerly aspect would ensure the house benefitted from passive solar gain (the effect of the sun's heat on the temperature of a building's fabric and ambient indoor temperatures, thus minimising heating requirements in winter) as well as natural daylight and coastal views.

Parking for two vehicles would be provided between the proposed house and The Beacon, in front of the existing hedge which separates the properties. A new natural stone wall would be formed along the western perimeter of the plot, separating the house from garden ground associated with the Rest to the south/ west of the proposed house. A raised patio would be formed to the north-east of the proposed house and lower patio to the east.

An air source heat pump is shown indicatively on the proposed floor plan drawings.

## PLANNING HISTORY

Relevant planning history at the site is limited to the aforementioned withdrawal of the previous application (reference 18/00137/FUL).

## ASSESSMENT

## Principle

The site is within the development boundary for St Abbs. There are no allocations on the site or within the wider village but this does not preclude housing development within the settlement. Housing development proposals within the village are assessed against policy PMD5 (Infill Development). Within development boundaries, development on non-allocated, infill or windfall sites (including 'white land') will be approved if certain criteria are met. There is no conflict with the established land use of the area, which is mainly residential. Further criteria are assessed below.

## Siting, Layout and Design

A number of policies are relevant to the assessment of the proposed siting, layout and design of the proposed house.

LDP Policy PMD2 (Quality Standards) requires all development to be of high quality, designed to fit in with Borders townscapes and to integrate with its landscape surroundings.

Policy PMD5 (Infill Development) of the Local Development Plan requires that the development respects the scale, form, design, materials and density of its surroundings; the individual and cumulative effects of the development should not lead to over-development or town cramming and the proposal should not detract from the character and amenity of the surrounding area.

Local Development Plan policy EP7 (Listed Buildings) states that the Council will support development proposals that conserve, protect and enhance the character, integrity and setting of Listed Buildings.

Policy EP9 (Conservation Areas) states that the Council will support development proposals within Conservation Areas which are located and designed to preserve and enhance the special architectural or historic character and appearance of the Conservation Area, respecting the scale, proportions, alignment, density, materials and boundary treatments of nearby buildings and open spaces.

Local Development Plan (LDP) policy EP11 (Protection of Greenspace) applies to a wide range of open and green spaces. The areas covered by the policy are contained in the Scottish Government's Planning Advice Note (PAN) 65, which sets out typologies of open space. PAN 65 is clear that private gardens can be classed as open space. Policy EP11 states that greenspace within Development Boundaries will be protected from development where this can be justified by reference to the environmental, social or economic value of the greenspace, the role of the greenspace in defining the landscape and townscape structure and identity and its function. The loss of greenspace will only be permitted if it can be demonstrated that the social, economic and community justification for the loss of greenspace or the need for the development outweighs the need to retain the open space.

For objectors, the proposed site forms part of a valuable open space within the village. Objectors have described in detail how this open space is used and experienced by residents and visitors. Emerging from the dense, narrow terraced streets nearby, coastal views open up at the coastal end of Murrayfield as one enters a very large open area which extends across the triangular open space adjacent to Castle Rock to the open garden ground area that fronts The Rest. I would agree with objectors that in this location, the sense of place is substantially defined by the sense of openness, and by the significant contrast with the density of the fisher's row housing nearby and elsewhere within the village. Whilst the proposed site is private garden ground, it clearly contributes to this sense of place, and to the enjoyment and experience of the views out to the Special Landscape Area (SLA) beyond. The enjoyment of this open space is experienced by users of the popular Core Path to Coldingham which bounds the site and is a tourism asset for the village.

Policy EP11 does afford scope for loss of open space, but there is no social, economic or community justification in this instance and no overriding need for this development. It would not be possible to replace this unique area of open space. The loss of the open space is a key consideration.

The open space is further defined by the taller dwellinghouses which frame it. These dwellinghouses are set back, respecting the open space, providing strong frontages overlooking the space, towards the coast. The house has been designed to be low impact. By keeping the height of this modestly sized house low, the

visual impact of the house has been minimised by a significant degree. There is a concern that this would result in an incongruous appearance of a dwellinghouse which would appear out of scale and out of place. As the plot is on lower ground to the Beacon and The Rest, the change in levels could exacerbate this.

The proposed site is located in the far southern corner of the village Conservation Area. This does not reduce the significance of the site and its contribution to the Conservation Area: at the time of drawing the Conservation Area boundary a decision has been made to include this site rather than omit it. The orientation of the house within the site has been altered since the previous application and is improved from the earlier proposal on this site.

There is a concern that the contemporary design character of the proposed house would be inherently incongruous and inappropriate. The Council's Placemaking and Design SPG is clear that there is a place for contemporary design within Conservation Areas and sensitive landscape/ townscape settings. A contemporary approach is therefore acceptable in principle but the scale, form and massing of the house would certainly contrast strongly with neighbouring dwellinghouses. The roof of the proposed building will be particularly prominent and the thick aluminium verges are likely to jar somewhat in this part of the Conservation Area.

The category 'C' listed Castle Rock sits to the north of the proposed site. The setting of Castle Rock is defined by its exposed coastal location. The garden ground of The Rest and the triangular area of open space adjacent to Castle Rock contribute to this exposed, open setting. The Beacon and The Rest are set back, leaving Castle Rock to dominate. I would agree with objectors that the proposed development would cause a degree of harm to this exposed setting, mainly for receptors using the Core Path, but the impact would be marginal.

#### Impact on Residential Amenity

Policy PMD5 states that development should not result in any significant loss of daylight, sunshine or privacy to adjoining properties as a result of overshadowing or overlooking. Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted. The Council's Supplementary Planning Guidance: Guidance on Householder Developments July 2006 contains guidance on privacy, overlooking and access to light that can be applied when considering planning applications for new developments to ensure that proposals do not adversely affect the residential amenities of occupants of neighbouring properties.

The closest residential properties are The Beacon to the north-west of the plot and The Rest to the south-west (the latter owned by the applicants). The proposed dwellinghouse has been designed to minimise potential for residential amenity impacts on The Beacon. In terms of privacy impacts, no significant adverse effects are anticipated. With regards to the potential for impact access to light/ overshadowing, the submissions include a section drawing which demonstrates that the advice within the Supplementary Planning Guidance (known as the 25 degree rule) would be met. This indicates that there would be no significant loss of light to The Beacon.

Objectors have complained of the potential loss of view from The Beacon. The effect of development on a private view is not a material planning consideration. The proposed dwellinghouse has been designed to minimise effects on the view enjoyed by The Beacon.

The parking of vehicles close to the Beacon should not give rise to any unacceptable noise or emissions nuisance.

The proposed air source heat pump would have potential to produce noise nuisance. Environmental Health have not responded to the consultation but standard conditions can control such effects.

#### Vehicular Access and Parking

Policy PMD5 requires that adequate access and servicing can be achieved. Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

Parking and turning is proposed within the site, with an access via Murrayfield. Objectors are concerned about the proposed arrangements. At the end of coastal end of Murrayfield pavement provision stops. The

road is then shared, briefly, by pedestrians and vehicles accessing Castle Terrace and The Rest, and for a lengthier section, pedestrians and vehicles accessing The Rest only. There is inevitably a degree of conflict between vehicles and pedestrians, but not to any unacceptable degree. The Roads Planning Officer has assessed the proposals and has no objections provided parking and turning within the site is controlled by condition. Concerns regarding the potential amenity impact of construction traffic during the course of the development are noted. Were this application to be supported it may have been appropriate to require a simple Construction Method Statement to ensure such impacts were considered fully.

#### Ecology

The site is located a short distance from sites designated for the ecological importance but no direct impacts are likely to arise. Were this application to be supported, the submission via condition of a simple Construction Method Statement may have been appropriate.

#### Developer Contributions

The Council does not seek development contributions for new dwellinghouses with just one bedroom. Such properties are unlikely to house families. A two bedroom dwellinghouse at this location would trigger a requirement towards local education provision of £3562 at current rates (Eyemouth High School). The proposed floor plan for this development indicates that the house would accommodate a single bedroom, but the proposed lounge area indicated on the floor plan (separated from a proposed family area and a further dining area by bi-fold doors) could give rise to use as a second bedroom.

#### Water and Drainage

Policy IS9 states that the preferred method of dealing with waste water associated with new development would be a direct connection to the public sewerage system. The dwellinghouse would connect to the public water supply and foul drainage system. Surface water would connect to a soakaway in the garden. The exact details would be secured via the Building Warrant process.

#### Other matters

The applicant has raised concerns at the status of comments provided on behalf of the Community Council. The status of these comments has not affected my recommendation.

Objectors have noted that an alternative, less sensitive brownfield site exists within the curtilage of the applicant's property. This was noted at the time of the previous withdrawn application, when it was suggested that this site may be a more appropriate location for such a development. Ultimately, this is a matter for the applicant to consider and this current application must be assessed on its own merits.

The Council's Access Officer has confirmed that the Core Path (which forms part of the Berwickshire Coastal Path) is adjacent to the proposed plot. No direct impacts are anticipated.

Objector concerns regarding the clarity of the proposed drawings are noted but this is not agreed. The application included 3D drawings as well as elevation, section and floor plan drawings. The information submitted went beyond the standard information usually required for applications such as this.

The potential effect on the development of coastal erosion would be a matter for the applicant to consider. Were the application supported, it may have been appropriate to advise the applicant of this via an informative.

Neighbour notification processes were carried out correctly.

A strip of land within the site is said to have been sold to the applicants by St. Abbs Community Trust. The sale of this land would not be a planning matter. For objectors, the previous ownership underlines the sense that the land is of wider amenity value, whereas the applicant has stated that the strip of land was to be used for the construction of a road to Coldingham beach. These matters have not been influential to my decision.

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



The efforts made to address the considerable constraints which exist at this site must be acknowledged. The resulting proposals have been designed to be low impact, and revisions have been made to address concerns raised at the time of the previous applicaiton. Ultimately, this is a marginal decision, but having had regard to the full and cumulative extent of adverse impacts identified, the development is considered to conflict with planning policies relating to open space, the Conservation Area, listed buildings and general placemaking and design considerations. The development would not contribute positively to the very special place in which it would sit and it is agreed that adverse impacts would result to the character and appearance of the Conservation Area and the setting of the nearby listed building. The siting and design of the development would result in the loss of open space, which would contribute to the adverse effects on the character and appearance of the Conservation Area and the visual amenity of the area generally. On balance, the proposals are considered contrary to Local Development Plan policies PMD2, PMD5, EP7, EP9 and EP11. Other material considerations are not considered to outweigh these conflicts with policy.

**Recommendation:** Refused

- 1 The proposal would be contrary to policies PMD2, PMD5, EP7, EP9 and EP11 of the Local Development Plan 2016 in that the siting and design of the development and the loss of open space would have a detrimental effect on the character and appearance of the Conservation Area, the setting of the nearby Listed Building and the visual amenity of the area. Other material considerations do not outweigh these conflicts with policy.

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