

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 13/00401/FUL

APPLICANT : Mr Ewen Brown

AGENT : Camerons Ltd (Leith)

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

LOCATION: Land South West Of Milldown Farmhouse
Coldingham
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY: Complex Application

DRAWING NUMBERS:

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

NUMBER OF REPRESENTATIONS: 85

SUMMARY OF REPRESENTATIONS:

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

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

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

Consultees

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

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

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

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

2nd Response

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

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

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

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

Flood Protection Officer: 1st response 3rd May 2013

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

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

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

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

2nd Response

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

3rd Response

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

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

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

2nd Response

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

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

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

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

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

2nd Response

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

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

PLANNING CONSIDERATIONS AND POLICIES:

Consolidated Local Plan 2011:

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

Supplementary Planning Guidance on:

Local Landscape Designations 2011

Trees and Development 2008

Biodiversity 2005

Local Biodiversity Action Plan 2001

Scottish Borders Tourism Strategy 2013-2020

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

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

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

Planning Policy

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

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

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

Landscape and Visual Impact

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

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

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

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

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

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

Flooding

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

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

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

Access

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

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

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

Ecology

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

REASON FOR DECISION :

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

Recommendation: Refused

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

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

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