

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 22/01357/FUL

APPLICANT : Mr Rob Cameron

AGENT : Ferguson Planning

DEVELOPMENT : Erection of dwellinghouse and associated work

LOCATION: Land South Of Ebbastrand
Coldingham Sands
Coldingham
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused
GA 13	Proposed Sections	Refused
GA 16	Proposed Elevations	Refused
GA-08	Proposed Plans	Refused
GA-09	Proposed Plans	Refused
GA-18	Proposed Elevations	Refused
GA11	Proposed Plans & Sections	Refused
GA12	Proposed Sections	Refused
GA14	Proposed Sections	Refused
GA15	Proposed Elevations	Refused
IM01	3D View	Refused
IM02	3D View	Refused
IM03	3D View	Refused
	3D View	Refused
GA-03	Proposed Site Plan	Refused

NUMBER OF REPRESENTATIONS: 10

SUMMARY OF REPRESENTATIONS:

4 letters of objection were received from 3 separate households. The issues raised can be summarised as follows:

- recent developments have already exceeded Policy HD2's maximum threshold of 30% increase to building group within the LDP period;
- cumulative impact of new development on the character of the building group;
- recent developments bought by people from outside the area or occupied as holiday accommodation/ sustainability implications arising from this;
- application site is not white land as stated in the application;
- contrary to coastal policy;
- contrary to Policy PMD4 Development Outwith Settlement Boundaries as it does not meet the policy's exceptions criteria;
- impact on local services such as the NHS;
- adverse impact to Berwickshire Coast Special Landscape Area;
- loss of open space which, although in private ownership, forms part of a green backdrop to the beach at Coldingham Sands and is important to the 'sense of place' of the area;
- potential for direct and indirect impacts to Monterey Pine tree which overhangs the site;
- coastal erosion impact;
- potential springs/ risk of landslips on hillside;
- adverse ecological impacts, including to protected species;
- existing site levels are artificial and are the result of works carried out in the 1980s which did not have the benefit of planning permission;
- adverse residential amenity impact, including to neighbouring garden ground and visual impact of proposed parking arrangements;
- road safety concerns;
- increased traffic, including cumulative effects in combination with other recent developments;
- parking and turning arrangements/ no provision for turning within the site;
- accessibility challenges due to steps down to dwelling;
- light pollution impacts;
- no outdoor drying space identified;
- no bin storage proposals;
- land serves as a greenfield soakaway for surface water runoff/ a drainage assessment is required to assess effects of developing the site on the water environment, flood risk and surface water drainage;
- potential disruption during construction;
- history of previous disruption/ issues on other sites owned by the applicant;
- the plot size and dimension delineated in red in the "List of Neighbours notified" and the "Location Plan" are contradictory to the red plot boundary lines shown on other plans, such as the "Level 0 Plan" and "Level 1 Plan"; and
- a burden on the land restricts development of the site.

4 letters of support were received, from 3 separate households. The points raised can be summarised as follows:

- good design;
- site is currently poorly maintained;
- low height would avoid impacting neighbouring views.

CONSULTATIONS

SBC Access Officer: No response.

SBC Ecology: Required further information and noted the following implications for designated sites and protected species:

Designated Sites

The sea North of Coldingham Bay is designated as the St Abb's Head to Fast Castle SPA, designated for several seabird species. The sea North and South of Coldingham Bay is designated as the Berwickshire Coast (intertidal) SSSI, designated for reefs and sea caves. Coldingham Bay itself is part of the Berwickshire and North Northumberland Coast SAC; the submitted PEA by Elledndale

Environmental states that the SAC is 0.7km from the application site but as it includes the bay area, it actually is less than 100m from the SAC. The SAC is designated for grey seals, intertidal mudflats and saltflats, reefs, sea caves and shallow bays and inlets.

The proposal would include changes to the topography of the site and therefore potential impacts on the SAC may arise during construction through sediment run-off and pollution and associated impacts on reefs and grey seals. Impacts may be addressed through good practice construction methods. Additionally, I am concerned that the change in topography may lead to ground instability both short-term and long-term.

Therefore, it can be assumed that there is a likely significant effect on the SAC and an Appropriate Assessment will be required. A recent EUCJ1 ruling means that mitigation cannot be taken into account when considering the likely significant effect of a proposal on Natura/European sites and the need for an HRA at the screening stage. To determine 'likely significant effects' in relation to HRA, the EUCJ ruled that "the question is simply whether the plan or project concerned is capable of having an effect. It is in that sense that the English 'likely to' should be understood."

A Construction Environmental Management Plan may address potential pollution issues. Further information should be provided on how the proposal would affect the ground stability of the site and the surrounding land.

Protected species

The submitted PEA showed that the site mostly consists of ruderal vegetation with some species-poor hedgerow and some trees. The trees were assessed as having no roosting potential for bats. Some birds showing nesting behaviour were observed but no nests were found. The habitat within the site likely provides foraging habitat for birds, badgers, reptiles but the PEA found no evidence of any foraging animals. The PEA recommends that nesting boxes are installed on the dwellinghouse to mitigate the loss of potential nesting habitat. I would support this- details of the proposed nest boxes should be provide.

SBC Education and Lifelong Learning: No response.

SBC Landscape: No response.

SBC Roads Planning Service (1st response): Objects. The proposal does not comply with the Council's Local Development Plan Policy PMD2 which ensures that a development has no adverse impact on road safety. Applications at this site have consistently been recommended for refusal by the Roads Planning Service and, given the current submission proposes no material changes, I must also object to this application. I have copied below a previous objection for the site which is still relevant for the current application:

"I am unable to support this application as I do not believe the public road between St Vedas and the site has the capacity to accommodate the increase in traffic this new development will generate (when considered alongside other planning approvals), the road being narrow and tortuous. A significant amount of development has been approved in recent times; however these proposals were regeneration of existing buildings and not new builds. Support for change of use of existing buildings tends to be on the basis that the traffic generation of the buildings former use and proposed use have a tendency to be similar, whereas new builds introduce a new element of traffic generation. Given the above, I must recommend refusal of this application."

SBC Roads Planning Service (2nd response, following consideration of SWECO report): Maintain objection. The SWECO report references the principles of Designing Streets as a potential justification for the development, however the section of road at St. Vedas Hotel has not been designed with this in mind. Therefore, if two vehicles approach this section of road, neither would have forward visibility to see the other until they are on the narrow section, and one vehicle would have to reverse. We consider this to be unacceptable, not least because of the high number of pedestrians which cross at this section. Fundamentally, it is this section of road at St Vedas Hotel which poses the greatest issue in terms of road safety. The report also references the dropped kerbs at the site and it should be noted that they are located at a point in which the footway stops on the other side of the carriageway

and so they will be useful for pedestrians. The dropped kerbs may also have been implemented to give access for maintenance to the site or embankment.

Community Council: Objects to the application on the following basis:

- Contrary to National Outcomes: "we value, enjoy and protect our built and natural environment".
- Contrary to Local Plan and policy HD2 that "development does not take place in the wrong place".
- Contrary to Key Outcome 8 "the protection for the benefit of residents, visitors, tourists and businesses".
- Contrary to PMD1c "the protection of natural resources, landscapes, habitats and species".
- Contrary to PMD2 1.1 which aims to ensure development does not negatively impact on existing buildings or surrounding landscape and visual amenity of the area.
- Contrary to PMD4 and PMD5a regarding infill development.
- Contrary to EP1, EP3, EP14, HD2.

Also: there are concerns about trees/landscape affected, subsidence, traffic, safety and drainage. The site of the proposed development stands within the St Abbs boundary. After consultations with the community, St Abbs Community Council unanimously voted to object to the proposal. Objections include the land being previously undeveloped (the proposed building is not replacing an existing building) and in the sensitive position of being a green backdrop to the beach which is valued, used and enjoyed by thousands of people annually and therefore on which local businesses are heavily dependent. It is to be noted that St Abbs Community Council was not aware that there was an earlier application for a house to be built next to The Mount (13/00526/FUL). Had they been aware, then similar objections would have been made against that proposal. To protect the amenity of this beautiful beach there should never be any development on this land or anywhere in this green slope surrounding the beach. There were also objections on the grounds of concerns about subsidence, drainage, nearby trees/landscape, lack of parking and turning space for vehicles, increased traffic and dangers to road safety. These areas of concern involve specialist and technical knowledge and expertise and it is therefore beyond the competence of the Community Council to make a judgement. Nonetheless the Community Council expects the Planning Department, as the responsible authority, to take account of such matters, and to reach a conclusion informed by advice from those competent to give it.

NatureScot (formerly SNH): Initially commented that there would not be any detrimental impacts on the range of national or international designations such as Sites of Special Scientific Interest, Special Protection Areas, Special Areas of Conservation and National Scenic Areas. Latterly commented that if rock armour is being proposed between the area to be built on and before the top of the coastal slope, with no re-grading or any other work proposed on the coastal slopes, then this position would stand. However, if these measures are being proposed for the slope itself, then further information about their location, nature and method of working and instalment would be required to enable a judgement to be made about whether this could affect the SAC, since the buffer area between the built aspects of the development and the SAC would be reduced.

Scottish Water: There is currently capacity at both the waste water and water treatment works to service the proposed development.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016:

PMD1: Sustainability

PMD2: Quality Standards

PMD4: Development Outwith Development Boundaries

ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils

HD2: Housing in the Countryside

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
EP13: Trees, Woodlands and Hedgerows
EP14: Coastline
EP15: Development Affecting the Water Environment
IS2: Development Contributions
IS7: Parking Provision and Standards
IS9: Waste Water Treatment and SUDS
IS13: Contaminated Land

Proposed Local Development Plan 2020

IS13 Contaminated and Unstable Land

Other Considerations:

Biodiversity Supplementary Planning Guidance 2005
Development Contributions Supplementary Planning Guidance 2011 (Updated 2022)
Local Landscape Designations Supplementary Planning Guidance 2012
New Housing in the Borders Countryside Supplementary Planning Guidance 2008
Privacy and Amenity Supplementary Planning Guidance 2006
Placemaking and Design Supplementary Planning Guidance 2010
Sustainable Urban Drainage Systems Supplementary Planning Guidance 2020
Trees and Development Supplementary Planning Guidance 2008
Use of Timber in Sustainable Construction Supplementary Planning Guidance 2009
Waste Management Supplementary Guidance 2015

Recommendation by - Paul Duncan (Assistant Planning Officer) on 8th December 2022

Site Description

The application site is located at Coldingham Sands, a small building group situated around half a mile east of Coldingham. The site forms part of the steeply sloping hillside that creates a partial bowl effect around Coldingham Bay and beach. It lies on the north side of a dwellinghouse known as Sea Neuk. Boundaries to the site are defined by well-established hedging to the north and south, the latter also marked by a mature Monterey Pine tree within the curtilage of Sea Neuk which overhangs the application site. To the west the site is bounded by the public carriageway of an unclassified public road which serves numerous dwellinghouses to the north and west. These include the recent redevelopment of the former Shieling nursing home into 8no apartments across two contemporary blocks opposite the application site, a development known as The Bay. To the east, land drops steeply down towards the beach and it's characteristic beach huts, and is occupied by scrub with no easily discernible boundary. Existing site levels are understood to date back to unauthorised works carried out in the 1980s by a previous site owner. The planning status of these works have become regularised through the passage of time.

Planning History

Planning applications have been submitted previously for the development of this site. None were granted approval. Planning application history on the site is summarised below.

- 10/01166/FUL - Erection of dwellinghouse - Application withdrawn
- 11/00166/FUL - Erection of dwellinghouse - Application withdrawn
- 13/00298/FUL - Erection of dwellinghouse - Application withdrawn

Proposed Development

The application seeks full planning permission for the erection of 1no single storey detached dwellinghouse. The dwelling would cut into the top of the existing sloping hillside, with accommodation provided across two pre-fabricated rectangular plan blocks, splayed, orientated towards the coast, and joined by a linking

entrance. Externally, the dwelling would be timber clad with flat sedum roofs. The coastal elevation would be largely glazed with wide by-fold doors and an overhanging roof. Vehicular access and parking for two vehicles would be provided directly off the public road. Steps would provide access from the parking area and public road down to a courtyard at the entrance to the dwelling. A terrace would be formed on the coastal side of the dwelling, accessed via by-fold doors.

The Planning Statement submitted with the application indicates that the dwelling may be pre-fabricated off-site and then craned in.

The application agent has latterly suggested rock armouring/ armoured toe could be installed at intervals on the slope to avoid future land slippage. No details have been provided.

Supporting Information

- Ecology Report
- 3D Visualisations
- Planning Statement
- Design Statement
- Agent letter with SWECO response to Roads Planning Service at Appendix 1

Assessment

- Principle
 - o Policy Context

The Local Development Plan (LDP) process of identifying the development boundaries of settlements in the Scottish Borders has not deemed Coldingham Sands to amount to a settlement in its own right, or as part of Coldingham or nearby St Abbs. For the purpose of planning policy, this location is rural and as the proposal relates to housing, it therefore falls to be considered in policy principle terms against LDP Policy HD2 which specifically relates to the development of housing in the countryside. In the absence of any other supporting justification, the proposal is assessed against HD2 criterion (A) - Building Groups.

Policy HD2 (A) allows potential policy principle support for new housing in the countryside provided a site is well related to an existing building group of at least three houses or buildings capable of conversion to residential use. Any consents for new build granted under the building group part of the policy should not exceed two houses or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted. Calculations on building group size are based on the existing number of housing units within the group at the start of the Local Development Plan period.

Policy PMD4 (Development Outwith Settlement Boundaries) has been referred to in the application supporting statement and by objectors. The policy applies to application sites that are on the edge or close to settlements and would represent a logical expansion of the settlement. This application site is too far detached from the settlements of Coldingham or St Abbs for the policy to apply here. The policy need not be considered further.

LDP policy EP14 (Coastline) is also relevant at a coastal location such as this. This policy seeks to protect the undeveloped coast from inappropriate development, not just because of its importance from an environmental point of view but also because of its value as a tourism asset.

- o Building Group Identification

There is an established and recognised building group at Coldingham Sands. The properties on Coldingham Sands Road stretching from St Vedas to St Abbs Haven form a distinct building group which at the start of the Local Development Plan 2016 plan period comprised of 17no dwellings.

The application agent refers to a building group of approximately 25no dwellings. This presumably includes the 8no units that have been built at The Bay, the redevelopment of the former Shieling nursing home opposite the application site. However LDP policy HD2 (A) is clear that calculations on building group size are based on the existing number of housing units within a building group at the start of the Local

Development Plan period, which was in May 2016. The Bay development (planning reference 13/00299/FUL) had not begun in May 2016, so the 8no units cannot be counted when calculating the size of the building group for Policy HD2 (A) purposes.

- o Building Group Capacity

Policy HD2 (A) would allow for a 30% expansion of the building group from the start of the plan period. As established above, the size of the building group at the start of the LDP was 17no units. A 30% increase amounts to some 5.1no units, which would be rounded down to 5no units.

When the Shieling redevelopment was approved, the Committee Report for the application justified the expansion of the building group on the basis that a further 8no units could be secured by conversion of the existing building, demonstrating that the building group could reasonably accommodate the redevelopment of the site to create 8no new residential units. The Committee Report stated as follows:

"If such a conversion [to create 8 units] were achievable and acceptable, it is reasonable that the potential for expansion of the group is informed by the number of units of that conversion. It should not be necessary for an applicant to have to apply to convert the building (merely to establish suitable numbers) only to have to again apply for permission separately for their intended project. In conclusion, this exercise has confirmed in physical terms that the principle of redeveloping this building through conversion can satisfactorily achieve up to 8 residential apartments within this structure. If that is accepted, the figure becomes significantly material in determining further housing numbers both on the site and within the wider group."

Whilst the potential for conversion was rehearsed in the Committee Report, the development was ultimately approved as a new build redevelopment of the site under the previous, equivalent policy of current LDP policy HD2 (A). As the development was not begun until the current Local Development Plan, the 8no new units since built fully exceed the building group's capacity for expansion under the current LDP plan period (for the reasons justified at the time in the Committee Report).

I have considered whether the circumstances and rationale for that approval may justify excluding the 8no units when calculating the expansion that has since taken place within the current plan period. However, this new application must be assessed separately and the exceptional justification for the redevelopment of the former Shieling nursing home does not apply to the current proposal. Criterion (c) of Policy HD2(A) is clear that any consents for new build granted under Policy HD2(A) should not exceed 2 units or a 30% increase in addition to the group during the Plan period. The proposed development would see this threshold exceeded without any exceptional justification and the complex background to The Bay development does not alter the fact that the units were new build and granted under the previous equivalent policy to HD2 (A).

- o Relationship to Building Group

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside December 2008 establishes that a characteristic that defines the sense of place of a building group is its natural boundaries and landforms.

Having considered the context of this building group, it is observed that the steeply sloping embankment that forms part of the proposed site and the surrounding landform acts as the important eastern edge of this building group. This feature separates development from the beach, regardless of whether or not this embankment has remained wholly natural or not. By virtue of the proposed house and terrace extending away from the small plateau next to the road, and being set at a lower level to Sea Neuk, it is considered that the proposed development would break beyond the sense of place of the building group. The applicant's planning statement suggests the site is a logical infill development, which seems to infer a permissive approach towards the gradual development of the embankment between Sea Neuk to the nearby Pavilion development, a three storey glass fronted building of contemporary appearance that has generated mixed opinions and lies to the north of the application site. This would clearly be at odds with the sense of place of Coldingham Sands and its special landscape qualities, yet the development of the proposed site could create a precedent that results in the gradual erosion of these qualities.

Regarding the Pavilion development, that development was approved under LDP tourism policies as a redevelopment of a site which then hosted an existing dilapidated holiday pavilion. The reasons for the approving that development do not apply here. Indeed, the 2010 application report of handling for that development noted that "It would not set any sort of precedent within the settlement because no other opportunities to re-develop this kind of 'brownfield' site exist in the same manner."

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside December 2008 states that the distance between sites should be guided by the spacing between the existing properties in the building group. The scale and siting of new development should reflect and respect the character and amenity of the existing building group. The building group is generally characterised by large detached dwellinghouses, which sit within substantial areas of garden ground, although larger complexes of buildings of singular character also appear within the group. As viewed from the Homeli Knowe and the beach this character is particularly evident. The proposed site is narrow and it is not possible to erect a house on it without it being located close to the neighbouring dwellinghouse, Sea Neuk. The visualisations from the beach illustrates the effect of this. The proposed siting of the dwellinghouse is considered to be contrary to the prevailing spacing between the existing properties within the group, and particularly the character of the building group as it is seen from the beach and the Homeli Knowe. This is considered to be contrary to the aims of the New Housing in the Borders Countryside December 2008 SPG, and therefore policy HD2.

Finally, the purpose of LDP policy EP14 (Coastline) is to ensure the undeveloped coast is afforded adequate protection from inappropriate development. The failure to satisfy policy HD2 is compounded by the additional protections afforded by policy EP14, which the proposed development is also contrary to.

- o Principle - Conclusion

The proposed site is not within any recognised settlement within the LDP. It is not considered to be an appropriate extension of the Coldingham Sands building group and that building group has no further capacity for expansion within the current LDP period. The proposed development is therefore contrary to Local Development Plan 2016 policy HD2 (Housing in the Countryside). The development would result in unacceptable harm to Coldingham Sands' sense of place and would cause unacceptable cumulative impact to the character of the building group and the undeveloped coast. The principle of the proposed development cannot be supported.

- Vehicular Access, Road Safety and Parking

By car, the proposed site can only be accessed via the village of Coldingham, from which Coldingham Sands is served solely by an unclassified public road. The road is narrow in places and reliant on passing places. A large public car park (around 150 spaces) is located at Coldingham Sands opposite the St Vedas surf shop. A large proportion of vehicles at Coldingham Sands utilise this car park. The existing building group of 17no dwellings and the 8no apartments of The Bay utilise the continuation of the unclassified public road where it turns 90 degrees north at a blind corner outside St Veda's. Further dwellings are located to the south of the car park at Milldown.

The Roads Planning Service objects to the application. The Service considers the section of road between St Veda's and the application site to be incapable of accommodating the further traffic that would be generated by the proposed development. The Service describes the section of road in question to be narrow and tortuous. The Service is particularly concerned at the blind corner at St Vedas. This can be a busy area, particularly in summer, as this is the main route for those accessing the beach.

For the applicant, it is put that traffic levels are low, and that there have been no crashes recorded between 2015 - 2021 on an online facility known as 'Crashmap'.

It is acknowledged that traffic levels resulting from the erection of a proposed dwellinghouse would be relatively low. There is no existing traffic generating use on the site at present. The presence of a dropped kerb does not alter this. To introduce a dwelling to the site would result in new traffic generation. Whilst the information from 'Crashmap' is useful, it does not mean there have been no accidents on this stretch of road in the past, nor does it mean there would not be any in the future.

The applicant's SWECO transport consultant's statement suggests road geometry is conducive to the sort of low-speed traffic environment promoted by the national policy document 'Designing Streets'. However, the

Roads Planning Service note that the section of road of particular concern, the blind corner outside St Veda's, was not designed with this in mind. The Service considers that the blind corner would lead ultimately to a need for vehicles meeting one another on this section the road to reverse in an area used that is often busy and is used by crossing pedestrians accessing the beach. It is noted from previous visits to the area that pedestrian movements in this area are not generally confined to available footways, leading to an inherent conflict between pedestrians and vehicles at this location. The blind corner is not shown in the figures supplied with the SWECO transport response and the response does not directly address this issue. There is therefore no reason before me to conclude differently to the Roads Planning Service, that the proposed development is contrary to LDP policy PMD2 as the development would not ensure no adverse impact to road safety.

The Roads Planning Service are satisfied with proposed parking arrangements. Turning within the site is not required.

- Impacts to the Berwickshire Coast Special Landscape Area

Coldingham Sands makes a significant contribution to the special landscape quality of the Berwickshire Coast Special Landscape Area (SLA). LDP Policy EP5 (Special Landscape Areas) is relevant, and states that the Council will seek to safeguard the landscape quality of SLAs and will have particular regard to the landscape impact of development, including visual impact. Policy EP14 (Coastline) is also relevant in these regards, as it requires the benefits of any development proposals to clearly outweigh any landscape or nature conservation value of a site as assessed under relevant LDP policies.

The application site is prominent within the landscape of Coldingham Sands, forming part of the green coastal slopes that create a partial bowl around the bay that is key to the location's sense of place. There has been some debate around whether the site is greenfield or brownfield. The site has largely naturalised since earlier works on the site and at a distance from these cannot be discerned. The site therefore contributes positively to the Special Landscape Area regardless.

The proposed development would result in the loss of open green space that, as noted, contributes to Coldingham Sands' sense of place. The design approach for the dwellinghouse itself is low impact, and is not unacceptable in its own right. The low height of the dwelling, the simple design and the use of timber cladding would all help produce a lower impact dwelling than might otherwise be the case. However, there are wider concerns with the development of this tight site that nevertheless give rise to significant landscape and visual impact concerns.

The development would require engineering works to facilitate the development in an area with an apparent history of landslips and erosion and have been detailed in objector correspondence. Whilst section drawings of the site have been provided, a detailed topographical survey has not been forthcoming. This leaves doubt as to the viability and impact of the levels changes required to accommodate the dwelling within the site, and well as the extent of impact on trees, including a noteworthy mature Monterey Pine tree, hedging and hillside vegetation all within or bordering the site. No tree survey has been provided so it is unclear whether the Monterey Pine in particular could feasibly be protected during construction as has been suggested. An objector further notes that the tree's overhang into the site may result in the lopping of the tree to facilitate the development, or a sea views from the development.

A letter on behalf of the applicant has latterly suggested the use of rock armour or toe armour to address land stability risks, but no detail has been provided on where this would be required, nor the extent this would be needed. These are matters that need to be fully understood to establish the landscape and visual impact of the development. Compensatory tree planting, to offset local biodiversity impacts, would be required to replace any tree loss to the rock armour installation and it is hard to envisage where this may be catered for. The additional requirements within the site for SUDS to address surface water drainage and surface water flood risk, that have also not been accounted for in detail, give rise to concerns in terms of overdevelopment, and whether the multitude of complex technical requirements for such a development can feasibly be met within the site in a manner that is not harmful to the local environment. The potential impact of rock armour on a potentially more exposed hillside would have a significantly detrimental impact to the Berwickshire Coast Special Landscape Area. It has not been adequately demonstrated that such impacts would not arise, even accounting for potential mitigation methods.

- Designated Sites

Various designated sites overlap in the coastal waters and beach areas. Coldingham Sands beach forms part of the internationally designed Berwickshire and North Northumberland Coast Special Area of Conservation (SAC). The designation, for interests such as seals, mudflats, reefs and sea-caves, lies within 100m of the site. The cliffs and coastal waters to the north-east lie are further designated as an SSSI for reefs and sea caves, and Special Protection Area (SPA) for seabirds respectively.

The Council's Ecology Officer is concerned that earthworks required to accommodate the dwellinghouse may harm the SAC through sediment run-off, pollution and ground instability. Similar concerns have been expressed by objectors, who recall the previous development of the nearby Pavilion and the environmental impacts those arose during the construction process for that development. The proposed development has also been considered by Nature Scot (formerly SNH). NatureScot's initial opinion was that the development would not affect the nearby designated sites though the suggested use of rock armour or armoured toe to address landslips and erosion may alter this finding depending on where this work was required.

There is no evidence before me to conclude that the matters of land slippage and erosion have been considered in detail by an appropriately qualified engineer. No such report has been provided, nor has any programme detailing broadly how the development may be undertaken, which might have provided a basic level of understanding of the character and extent of works required to erect the proposed dwelling. The further absence of a detailed topographical survey exacerbates these concerns as there is a lack of certainty as to the extent of levels changes that would be required.

There is therefore no confidence that such measures may not be required in more sensitive parts of the site, which may in turn impact internationally designated sites due to the reduced proximity between the construction area and the ecological interests. With a lack of clarity and certainty, it is considered that a precautionary approach should be taken and that the development must be considered contrary to the stringent policy protections afforded to internationally designated ecological sites by LDP policy EP1 (International Nature Conservation Sites and Protected Species) in the absence of clear evidence to the contrary. In addition to this are the more localised environmental impacts identified further above, which mean the proposed development is also contrary to LDP policy EP3 (Local Biodiversity). The implementation of an agreed CEMP via condition would not alter this position, though it is worth noting that all parties are in agreement that such a mechanism would be beneficial in reducing risk of impacts such as sediment run-off.

- Protected Species

The applicant submitted an ecology survey report which has been considered by the Council's Ecology Officer. The report recommends mitigation for potential impacts to breeding birds and includes a proposal for biodiversity enhancement in the form of bird boxes. Such matters could be secured by planning condition in the event the application was approved.

- Residential Amenity

The proposed development would not give rise to any significant residential amenity concerns. The dwelling would be orientated to face the sea avoiding risk of overlooking neighbouring dwellings and its low height would ensure no significant impacts to outlook, or access to light or sunlight. Impacts to neighbouring garden ground have been given particular consideration but are not deemed to be unacceptable.

The visual impact of the dwellinghouse and proposed parking arrangements would not be a residential amenity concern, however bin storage may also be required permanently at the roadside. The visual impact of parking and bin storage would detract from the streetscene somewhat but would not amount to a reason for refusal.

The dwellinghouse itself would benefit from a high standard of amenity. Although no dedicated outdoor drying space is identified in the plans, an external terrace and courtyard are provided, and could be used for such purposes.

It is acknowledged that the dwelling would raise accessibility challenges for the occupants. This would be a matter for consideration the Building Standards process primarily. It is understood that the standards

account for circumstances where it is not reasonably practicable to provide level access, and that may apply here.

In summary, the proposed development is considered to satisfy LDP policy HD3 (Protection of Residential Amenity).

- Prime Agricultural Land (PQAL)

The site is technically classified as PQAL, however a cursory examination of the site confirms that the provisions of LDP policy ED10 should not be applied.

- Servicing

The development would connect to the public water mains and mains sewer. Scottish Water has confirmed there is currently capacity for this. Conditions could secure connections prior to occupation.

- Development Contributions

The erection of a dwellinghouse at this location would generate a development contribution requirement towards the local High School only. The contribution could be secured by a legal agreement between the Council and the developer.

- Other Matters

Any title burden or restriction to the development of the site would be a private legal matter between the interested parties and would not be a material planning consideration.

The effect of the development upon local light pollution would be low given the limited scale of the dwelling, even accounting for the substantial areas of glazing orientated towards the beach.

An objector correctly notes that there is a discrepancy between the red line boundaries shown on various plans. The application has been assessed based on the location plan's red line boundary.

REASON FOR DECISION :

The proposed development is contrary to Local Development Plan 2016 policy HD2 (Housing in the Countryside) and EP14 (Coastline) in that the site is not well related to the Coldingham Sands building group and the building group has no further capacity for expansion within the current plan period. The development would result in unacceptable harm to Coldingham Sands' sense of place and would cause unacceptable cumulative impact to the character of the building group and the undeveloped coast.

The proposed erection of a dwellinghouse at this location would be contrary to Local Development Plan 2016 policy PMD2 (Quality Standards) criterion (Q) in that the additional traffic generated by the development would have an adverse impact on road safety. The section of road between St Veda's House and the application site is considered incapable of accommodating such further traffic. In particular, the lack of forward visibility at a blind corner outside St Veda's House results in vehicles meeting on a narrow section of road with the need for one vehicle to reverse to the detriment of road and pedestrian safety.

The proposed development is considered contrary to Local Development Plan 2016 policies PMD2 criterion (L), EP1 (International Nature Conservation Sites and Protected Species), EP3 (Local Biodiversity) and EP5 (Special Landscape Areas) in that it has not been demonstrated that the development can be satisfactorily accommodated within the site without unacceptable harm to the Berwickshire Coast Special Landscape Area, internationally designated sites, and to the local environment. It has not been demonstrated that the risk of coastal erosion and land slippage can be avoided or mitigated in a manner without unacceptable detrimental impacts to these interests.

Recommendation: Refused

- 1 The proposed development is contrary to Local Development Plan 2016 policy HD2 (Housing in the Countryside) and EP14 (Coastline) in that the site is not well related to the Coldingham Sands building group and the building group has no further capacity for expansion within the current plan period. The development would result in unacceptable harm to Coldingham Sands' sense of place and would cause unacceptable cumulative impact to the character of the building group and the undeveloped coast.
- 2 The proposed erection of a dwellinghouse at this location would be contrary to Local Development Plan 2016 policy PMD2 (Quality Standards) criterion (Q) in that the additional traffic generated by the development would have an adverse impact on road safety. The section of road between St Veda's House and the application site is considered incapable of accommodating such further traffic. In particular, the lack of forward visibility at a blind corner outside St Veda's House results in vehicles meeting on a narrow section of road with the need for one vehicle to reverse to the detriment of road and pedestrian safety.
- 3 The proposed development is considered contrary to Local Development Plan 2016 policies PMD2 criterion (L), EP1 (International Nature Conservation Sites and Protected Species), EP3 (Local Biodiversity) and EP5 (Special Landscape Areas) in that it has not been demonstrated that the development can be satisfactorily accommodated within the site without unacceptable harm to the Berwickshire Coast Special Landscape Area, internationally designated sites, and to the local environment. It has not been demonstrated that the risk of coastal erosion and land slippage can be avoided or mitigated in a manner without unacceptable detrimental impacts to these interests.

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