

**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO THE HEAD OF PLANNING  
AND BUILDING STANDARDS**

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

**REF :** 09/00839/OUT  
**APPLICANT :** Mrs D Aitchison  
**AGENT :** Bain Swan Architects (Eyemouth)  
**DEVELOPMENT :** Erection of dwellinghouse

**LOCATION:** Plot 3 Land North Of Ebba Strand Milldown Farm Coldingham Scottish Borders  
**TYPE :** OUT Application  
**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
L/302	Location Plan	Refused

**NUMBER OF REPRESENTATIONS:** 9

**RECOMMENDATION BY:** - John Hiscox (Planning Officer) on 3rd August 2009

**SITE DESCRIPTION:**

The application site is situated adjacent to the cluster of buildings known loosely as Coldingham Bay, which is focussed around and accessed from the junction of the only public road connecting the locale to Coldingham village, the private road leading southwards towards the former youth hostel/properties at Milldown Farm, and the access slope to the local beach.

It is reached via a snaking section of public road that turns first approximately 90 degrees to the west and then similarly 90 degrees to the north where it terminates at the entrance to the converted former hotel now known as The Haven.

The site, which is vaguely rectangular and which has an area of approximately 0.18 hectares, constitutes a corner of what is currently an open field to the north-west and south-west of its periphery. It is presently sown with arable crops. It slopes upwards from south-east to north-west, has a road frontage with the section of public road to the south-east and its north-east boundary is formed by the hedgerow, fence and wall also forming boundaries for Fairhaven and Haven Cottage. There is no enclosure to the north-west or south-west.

It should be noted that the building cluster is located within the Coastal Area of Great Landscape Value (AGLV).

**PROPOSED DEVELOPMENT:**

This outline application shows only the site area in a location plan, and does not include indicative drawings of what form any development built here might take. The location plan does, however, indicate that a new section of road might be built as part of any development coming forward.

Indeed, this latter item is included by the applicant in the application form as part of the development applied for, although it is not mentioned in the description allotted to the application at validation stage, by the Council.

**PLANNING HISTORY:**

None relating to this site.

#### REPRESENTATION SUMMARY:

In total, five letters of representation have been submitted by members of the public. Of these, four constitute objections and the other can be described as a letter of concern. A summary of the issues of planning relevance raised in the representation follows:

- applicant has failed to serve notice on one of the neighbouring landowners who has an interest in the land forming the access to The Haven
- what plans would there be for traffic access, given the restricted and already congested nature of the road network (refers to seasonal traffic);
- narrow road from Coldingham to Coldingham Bay currently operating at capacity. Cumulative impact of additional traffic from this and other developments;
- road from St Veda's to The Haven operating at full capacity – additional/construction traffic would have adverse impact on amenity of residents
- additional traffic would exacerbate existing traffic/access issues
- given the nature of the coastal strip between Eyemouth and St Abbs village, it would be preferable for any new buildings to be erected further inland, closer to existing centres such as Coldingham village
- application site does not relate well to, and lies outside the settlement
- utilisation of longstanding agricultural land for housing development not in accord with Government policy unless for affordable housing for local community
- application likely to be reattempt to obtain permission for site refused several years ago
- development would set precedent for other development in locality, and would have adverse impact on amenity of locale
- proposal would appear to contradict policies relating to prevention of settlement coalescence, protection of prime quality agricultural land and protection of residential amenity
- concerns relating to rainwater run-off from the site
- new access road could impair access to existing properties at The Haven due to usage by heavy vehicles in an area where subsidence is thought to be occurring.

Although not strictly a matter for planning, it is suggested that the applicant may not have the legal entitlement to adjust the access road in the manner shown.

#### APPLICANTS' SUPPORTING INFORMATION:

No specific items submitted over and above the application form and location plan.

#### CONSULTATION RESPONSES:

##### Scottish Borders Council Consultees:

Director of Technical Services (Road User Manager): Unable to support application as public road between St Vedas and the site does not have the capacity to accommodate the increase in traffic the new development would generate, the road being narrow and tortuous with absence of parking and passing provision.

The consultation response describes the difference between road safety policy for new-builds and conversion/regeneration of existing buildings.

Director of Education and Lifelong Learning: No response.

##### Statutory Consultees

Coldingham Community Council: No response.

##### Other Consultees

None consulted.

## DEVELOPMENT PLAN POLICIES:

Scottish Borders Structure Plan 2001-2011:

Policy N11 – Areas of Great Landscape Value  
Policy E1 – Prime Quality Agricultural Land  
Policy H5 – New Housing in the Countryside – Building Groups

Scottish Borders Local Plan: September 2008:

Policy G1 – Quality Standards for New Development  
Policy G5 – Developer Contributions  
Policy EP2 – Areas of Great Landscape Value  
Policy D2 – Housing in the Countryside  
Policy R1 – Protection of Prime Quality Agricultural Land

## OTHER PLANNING CONSIDERATIONS:

Scottish Borders Council Supplementary Planning Guidance (SPG):

- New Housing in the Borders Countryside (December 2008)
- Developer Contributions (April 2007, updated April 2009)

## KEY PLANNING ISSUES:

- whether the development accords with the principles of land use (rural housing) planning policy
- if the principle is accepted, whether any other technical issues would arise that would influence the planning position
- whether any of the issues raised in representation would influence the planning position.

## ASSESSMENT OF APPLICATION:

Principle: land-use:

For the principle of residential development to be accepted, it must first be analysed in relation to land use Policy in the two adopted Plans, and the aforementioned rural housing SPG with which rural housing Policy interacts.

The Policy position is that additional residences can be permitted in building groups, generally; this accords with National Planning Policy and guidance issued by Scottish Government. At present the principle relies on the number of residences that were in existence at the time of adoption of the current Local Plan, i.e. September 2008. A building group can, in theory, be increased by the addition of the same number of units present in September 2008 (not including conversions from other uses to dwellings).

Policy H5 of the 2001 Structure Plan recommends that proposals should be readily accessible to the public transport network, should include employment generating uses and should include energy-saving design approaches. There is little evidence to suggest that the development would accord with any of the above criteria.

Policy D2 of the 2008 Local Plan identifies Berwickshire as an area of less preference for residential development but would permit the enlargement of building groups by up to 100% (based on the number of units in existence at the time of the current 2008 Plan).

The adopted SPG retains the principle of adding to building groups by 100% in a similar manner to those circumstances mentioned above.

There are presently enough dwellings in existence in this building group, to allow consideration of adding a single dwelling via a further planning permission.

However, whether the current site is suitable in terms of its relationship with the building group and other constraints is key to determining whether any new residential development proposals would be acceptable. Of greatest relevance is Policy D2 of the 2008 Local Plan, in conjunction with the adopted SPG on rural housing. For additional development to be acceptable, it must relate well to the existing building group and not conflict with other Local Plan objectives.

It is considered that the development would break into an area of agricultural land with no defined borders outside the current building group. The extent of the existing building group is clearly defined on the north-eastern edge by the boundary to the curtilages of the two dwellings 'Fairhaven' and 'Haven Cottage'. On the south-eastern edge the extent of the building group is curtailed by the presence of the road.

The development would therefore not accord with basic land-use Policies relating to rural housing. By accepting the principle of this site, inappropriate change would occur to the building group by changing the layout beyond its logical margins.

#### Technical Issues - Road Safety:

The position of the Road User Manager is clear in this regard. The additional traffic that would be generated between St Veda's and the site would exacerbate existing problems.

For this reason, road safety concerns would be influential, in particular as this criteria is identified in the adopted SPG (Page 8, under heading 'Building Groups', criteria 2(2)).

#### Issues Raised in Representation:

A number of issues raised in objection have not been given coverage in the assessment section of this report. The following information may therefore be of relevance:

#### Alleged Failure to serve Development Notice:

There is no evidence to confirm whether notice was directly served on the party identified in representations as not appearing on the application form. As part owner of the grounds and/or access road to the Haven, however, it is considered that the applicant has met the legal requirement by serving notice upon all those residents of The Haven.

#### Loss of Agricultural Land:

It is unlikely that an objection could be sustained relating to the loss of 0.18 hectares of agricultural land. Although both Policies R1 of the Local Plan, and E1 of the Structure Plan specifically relate to this issue, the relatively small amount of land involved is not considered to harm the viability of the Borders' farmland in the event of its conversion to domestic curtilage.

#### Previous Planning Decisions:

There appears to be no planning history relating to the site described as having had a refusal in one of the objections. Planning history going back to 1990 does not include such an item.

#### Precedent:

If this application were to be supported, it would be determined on its merits as required by Scottish planning legislation. Any future applications for development in the locality would also be assessed on their own merits. Any decision made in respect of the current application would therefore not set a planning precedent.

#### Impact on Visual Amenity:

Until such a time as detailed drawings of the layout and built form of any development would be known, a judgement on the likely visual impact would be difficult. As the application is submitted in outline form, it is not necessary for the developer to provide detailed drawings describing the scheme, although in many circumstances they can help.

#### Settlement Coalescence:

The development of the site described would not coalesce more than one settlement; rather it would extend an existing settlement outwards into adjoining farmland.

#### Impact on Residential Amenity:

It would be difficult to resist the application on this ground. The site is large enough to accommodate a dwelling without causing undue adverse impact on the amenity of other residents. It must be borne in mind that private views, and any developmental impact upon them, cannot be taken into consideration as this is not a matter for planning.

#### Rainwater Run-off:

If planning permission is granted for the development, at the detailed design stage and at Building Warrant stage the developer would need to consider a strategy to deal with the disposal of surface water. At this outline stage, however, it is not a planning concern that would influence the recommendation.

#### CONCLUSION:

The application is considered to be in conflict with adopted planning Policy for two reasons, both of major significance and both of a nature that would give rise to specific reasons to refuse the application.

The first reason relates to the poor relationship the site has with the existing building group, being totally outside firm boundaries of the group and breaking into an agricultural field with no definable boundaries forming the site.

The second relates to the view shared by both the Director of Technical Services and the Planning Department, that the nature of the access road from St Veda's to the Haven makes it unsuitable to accommodate any additional development traffic.

#### RECOMMENDATION:

In the light of the above information, it is recommended that the planning application be refused.

#### **RECOMMENDATION: Refused**

- 1 The proposed development is contrary to Policy H5 of the Scottish Borders Structure Plan 2001-2011, and Policies G1 and D2 of the Scottish Borders Local Plan 2008, in that:
  - the application site relates poorly to the building group because it is totally outwith the firm boundaries created by the road and adjoining property boundaries
  - the development would be situated within an area of open agricultural field with no definable borders forming the site.The development would therefore constitute an inappropriate form of sporadic development in the countryside as it would expand the group beyond its logical margins.
  
- 2 The proposed development is contrary to the Supplementary Planning Guidance 2008 'New Housing in the Borders Countryside', in that:
  - the public road between St Vedas and the site does not have the capacity to accommodate the increase in traffic the new development would generate, the road being narrow and tortuous with absence of parking and passing provision.The development would therefore give rise to overriding issues relating road safety.