

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 16/01174/PPP

APPLICANT : GS Chapman Vehicle Body Repairs

AGENT : Ericht Planning & Property Consultants

DEVELOPMENT : Erection of vehicle body repair workshop and associated parking

LOCATION: Land North West Of Dunrig Spylaw Farm Lamancha
West Linton
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

No representations.

Roads Planning Section: maintains in full the advice given at the time of the determination of Planning Application 15/01410/PPP.

Environmental Health Section: no comments.

Community Council: has been consulted, but has not responded.

Economic Development Section: provides advice on the Applicant's business, its current site, and the proposed site, and essentially confirming the advice of the Applicant with respect to the business' requirement to move out of its current premises to address certain constraints and alleviate uncertainties. With respect to the identification of the application site, it is advised that the Applicant has tried to find an alternative site, specifically it is advised with respect to unanswered or unsuccessful enquiries made with respect to sites at Deanfoot Road, West Linton, and South Park, Peebles. It summaries the Applicant's own support for the application site on the grounds that the latter would be relatively better than the site of the existing premises. Economic Development advises that the additional capacity that a new site would allow, combined with the added value services the Applicant proposes to operate, could generate significant growth for the business and realise employment opportunities in a rural area (for one skilled and one unskilled worker). Economic Development recognises that from a planning viewpoint, adherence to Policy ED7 is required. It considers that the Applicant has attempted to find an alternative site within a settlement but has been unable to find such a site; and supports the results of this investigation, as available sites within the Tweeddale area are extremely scarce. Economic Development considers that under Policy ED7, item (c), the proposal meets this criterion and that the proposal would support the local agricultural sector,

where there is a predominance of off-road and 4x4 vehicles. Businesses of this nature do support the local rural economy and are dotted around rural areas, therefore it is considered that the application should not be refused purely on the basis that it is a new facility, if it meets all other criteria.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Council Local Development Plan 2016:

Policy PMD1: Sustainability
Policy PMD2: Quality Standards
Policy ED7: Business, Tourism and Leisure Development in the Countryside
Policy HD3: Residential Amenity
Policy EP13: Trees, Woodlands and Hedgerows
Policy EP16: Air Quality
Policy IS7: Parking Provision and Standards
Policy IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Recommendation by - Stuart Herkes (Planning Officer) on 16th January 2017

BACKGROUND

Notwithstanding that it relates to a slightly larger site, this application is essentially for the same proposal that was the subject of Planning Application 15/01410/PPP, however additional supporting information and clarification with respect to the context in which the proposal is being brought forward, has now been provided in support of the Applicant's case. This includes a planning statement (prepared by Ericht Planning and Property Consultants), financial information, and letters from the Applicants' accountant and a garage equipment installer. Although the application is for planning permission in principle, a detailed site plan drawing and detailed elevations and floor plan drawings of the proposed premises have been provided. I have reviewed all of this information, and my review informs my assessment set out below.

Notwithstanding the adoption of a new statutory development plan in the interim (and the consequent need for the proposal to be re-assessed relative to this new planning policy context), I consider that the assessment of the proposal as set out in the Report of Handling on Planning Application 15/01410/PPP remains valid in terms of the identification and assessment of the impacts of the siting and operation of the proposal upon the environment and amenity of the site and surrounding countryside. The current report should therefore be read in association with this previous Report of Handling. This current report is primarily intended to address the requirements that the proposal be assessed against current planning policy and that appropriate account be taken of the new and additional information that has been provided in support of the proposal on this occasion. There has also been a need to take account of new advice from consultees, specifically Economic Development.

PLANNING HISTORY

The previous application was refused last year on the grounds that the proposal did not comply in principle with the Council's business in the countryside policies, specifically in that: (a) the proposal would more reasonably be accommodated within the Development Boundary rather than in the particular countryside location identified; (b) the Applicant had not demonstrated any overriding economic and/or operational need for the particular countryside location identified; and (c) the operation of the business would not be sympathetic to the rural character of the site and surrounding area, and would have an unacceptably detrimental landscape and visual impact.

The current application has sought to respond directly to these reasons for refusal.

PLANNING POLICY CONTEXT

Since the refusal of Planning Application 15/01410/PPP, the Scottish Borders Council Local Development Plan 2016 has succeeded the Consolidated Local Plan as the statutory development plan. Notwithstanding this, Local Development Plan Policy ED7 (Business, Tourism and Leisure Development in the Countryside)

has not substantially affected the Council's approach to business development in the countryside that had been enshrined within Policy D1 of the Consolidated Local Plan.

Policy ED7 requires that a development that is to be used for other business or employment generating uses should only be supported where the Council is satisfied that there is an economic and/or operational need for the particular countryside location and that the development cannot reasonably be accommodated within the Development Boundary of a settlement. As with Policy D1, beyond the assessment of the actual principle of a proposal, Policy ED7 requires assessment in relation to additional criteria which are applicable to the assessment of the impacts of the specific proposal. This includes impacts upon the amenity and character of the surrounding area.

PLANNING PRINCIPLE

With respect to the assessment of the principle of the proposal, it is required by Policy ED7 that, in order to be supportive, the Council should be satisfied that there is an economic and/or operational need for the proposal to be located in the particular countryside location identified, and that the business could not more reasonably be accommodated within the Development Boundary.

The position remains essentially as it was at the time of the determination of the previous planning application. The site is an isolated, greenfield, agricultural site, which lies out with the Development Boundary and which is not allocated for industrial use, or indeed for any other use. The business described, a vehicle body repair workshop, is a Class 5 industrial use, which would serve the general public. (The Applicant, I note, is at pains to stress that the operation would not be a vehicular repair garage, but in planning terms, there would be no meaningful distinction to be made between a vehicle body repair workshop and mechanical repair workshop. The one set of operations is no more inherently better suited to a rural location than the other, and both are Class 5 industrial uses).

A workshop for general motor vehicle repairs has no inherent requirement to be sited and operated in the countryside. Such premises would ordinarily be expected to be more reasonably accommodated within the Development Boundary, where a central and easily accessible location might be expected to facilitate their operation, avoiding any unnecessary routing of customer and delivery vehicles into the countryside to access a remote rural site.

The financial details provided by the Applicant, in conjunction with the advice of Economic Development, indicate that the Applicant operates an established vehicle body repair business with an existing customer base in the surrounding area. These do not however, establish the need for the Applicant to re-locate their business to this particular rural site. The Applicant's business is not currently operating at the site, nor within the near vicinity, and it would serve the general public rather than any established operation with an inherent need to be sited in this location. For the reasons considered at the time of the previous planning application, it is not material that the Applicant's business currently operates from a rural site elsewhere. It is understandable that the Applicant may need to re-locate their business from their current premises. However, problems at their established base of operations are not in themselves positive support for the business being located off-site, to this particular greenfield location.

Notwithstanding that the Applicant's supporting details do not describe, or at least detail, a particularly exhaustive search for alternative sites, I consider it material that Economic Development anticipates that the Applicant is liable to have experienced difficulties in attempting to secure an existing or allocated industrial site within the wider area, including at West Linton. I therefore accept that the Applicant does have a need to identify new premises in the West Linton area due to a shortage of suitable and available existing and allocated industrial sites. However, there is something of a leap from an acceptance of this point, to an acceptance that the subject application site, a remote, greenfield site which lies outwith the Development Boundary, is the most suitable site within the locality to accommodate the required new premises.

Beyond general concerns that the business should remain close to its established customer base, the decisive factor in the Applicant's selection of the application site appears to be that the operators themselves own and control the land at the site. While it is understandable that the Applicant should wish to minimise their costs by developing land they own, their ownership is not in itself justification in planning terms, for their proposed siting.

In planning terms, the expectation would be that this type of business would be more acceptably located within the Development Boundary, and if this were demonstrated not to be viable, then at least on a site in close proximity to a settlement. Further, there would also be a concern that the reuse of a brownfield site should be preferred ahead of the development of a greenfield site. Given that the premises would service the general public, it is a reasonable expectation that the business' premises should also be located on a site that is readily accessible to the majority of its customers, including provision, if at all possible, for the site to be accessed on foot from a settlement; all in the interests of minimising the need for most, if not all, customers to have to make lengthy car journeys to access the premises.

While I consider that the Applicant has a reasonable need to identify a new site for their premises within the West Linton area, I do not consider that the supporting case has demonstrated that the use of other more appropriate sites for the accommodation of the development within and around West Linton itself, has been appropriately investigated and discarded ahead of the identification of the application site. In terms of a hierarchy, the development of an isolated rural greenfield site, remote from any larger settlement, would be the least preferable situation for this type of business operation. I do not consider that the Applicant's supporting case provides sufficient justification in planning terms, for this siting, let alone for the specific site that has been identified for the proposal.

In summary, it has not been demonstrated that there is an economic and/or operational need for the proposal to be located at the site in this particular countryside location, nor that it could not be more reasonably accommodated within the Development Boundary. I therefore do not consider that the proposal complies in principle with Policy ED7. Accordingly, and unless material considerations dictate otherwise, the application should be refused on the basis that the proposal does not comply in principle with Policy ED7.

MATERIAL CONSIDERATIONS

I do not consider that the Applicant's supporting case identifies any material considerations that would outweigh the need to determine the application in strict accordance with planning policy. There is an appreciable concern to relocate an existing business and employer within the general area of its established customer base, but this does not in itself outweigh the need to require that the need for the specific rural site identified by the application be justified in planning terms (as opposed to in economic terms in isolation). It is material that this is a successful local business which is seeking to expand, requires to be re-accommodated within the local area, and faces appreciable difficulties in finding an existing or established industrial site for these purposes. However, even allowing for the possibility of an exceptional approval, I do not consider that these circumstances reasonably substantiate the selection of this particular isolated greenfield site in the countryside, particularly when the potential for more suitable sites in planning terms has not been addressed.

Landscape and visual impacts are considered in the next section below, but even allowing that it were considered that the premises indicated, could be accommodated sensitively in landscape terms, this would not in itself be a reason to make the proposal the subject of an exceptional approval. Policy ED7 requires that there should be no unacceptable impacts upon the environment and amenity of the site and surrounding area, in addition to the principle of the proposal complying with the requirements of this same policy.

The Applicant considers that operation from the application site would compare more favourably than operation from its current base, and is supported in this view by both Roads Planning and Economic Development. However, as noted at the time of the previous planning application, account is not reasonably had in planning terms to the relative merits of the two sites, since the Applicant's current premises could continue in an industrial use such that the effect of approving the current application would in fact be a proliferation of industrial sites in the countryside. The Applicant does not own its current premises and therefore there is no ability, even through a legal agreement, to allow or require that the one site be substituted for the other. In short, the merits of the site relative to those of the existing premises are not material to the assessment of the current planning proposal.

Economic Development frames its support for the proposal in part, on the basis that the business supports the rural economy, and local farms, by servicing farm vehicles. However, the business, which it is concerned with body work repairs only, would serve the general public, not just surrounding farms. The service and repair of farm vehicles, while potentially liable to develop out of a farm business, does not by necessity, have to be based on farm land itself. It might more reasonably be expected to operate from a convenient central location, where it might be more readily accessible from the wider area, including local

farms. In short, and regardless of the business' potential to serve farming customers, this is not reasonably characterised as either a farm business enterprise or a business that has any inherent need to operate from a countryside location.

I note the Applicant's concern to have the business sited near the owners' home for security reasons, but security concerns can reasonably be met in other ways (e.g. alarms, fencing, security cameras etc), and are more likely to be appropriately met off-site within an industrial unit or other secure premises. There is no inherent requirement for industrial business owners to live at or near the site of their business premises, and any concern to do so for reasons of security or convenience can in planning terms, only be considered a lifestyle choice rather than a necessity or operational requirement.

The Applicant is agreeable to the site being regulated by conditions or legal agreement to tie the site's operation to the specific proposed use and/or for the site to be linked to the property at Spylaw, the home of the business owners. I further note that Economic Development is supportive of the proposals on the condition that the premises should be regulated by a planning condition requiring that the premises should only be occupied by the Applicant's business for the identified purpose. This is intended to prevent the building from being or becoming available for use by general industry. However, I do not consider that any concern to regulate the use of the premises in this way, would achieve what Economic Development seeks. I would moreover be concerned that such a condition might in any case be liable to be characterised as unnecessary and unreasonable in planning terms, and therefore be liable to challenge in time, if not immediately. These points are considered in the next, and next again, paragraphs below.

In the context of any concern that the application might be made the subject of an exceptional approval subject to a condition restricting its use to the Applicant's business, there needs to be some consideration of how the building would, or should, be disposed of, were the Applicant's business to cease trading from the premises. Where there is no particular sense of how the building might be 'recycled' if or when it were no longer required by the Applicant, there is a risk that the building would be liable to remain unoccupied in the long-term, before becoming derelict and an eyesore. Alternatively, and assuming the premises were to be of interest to other industrial or business users, in the event of applications being made to remove or vary the conditions, it would be difficult to resist the view that restrictive planning conditions upon the building's use should be maintained beyond the point in time when the building was no longer in use by the Applicant, particularly where the only alternative was the building's dereliction.

I would be concerned that approval of the current proposal would in itself be tantamount to an acceptance of the principle that a general industrial use, critically one without any substantiated need to operate from this particular countryside location, could be sited and operated at the site. In this context, there is no meaningful distinction to be made between the Applicant's proposed class 5 use, and any alternative (or successor) class 5 or other business operation. Accordingly, I would be concerned that in this context, any condition(s) imposed to restrict the industrial use and users of the premises in the long-term, would be unreasonable and unnecessary.

While Economic Development wishes to support the application without the site being made, or becoming, generally available for uptake by other industrial and/or business uses and users, I would be concerned that this is neither practical nor possible within the particular circumstances of this proposal; especially in the long-term. If the concern is that the site should not be, or in time become, available for general industrial use, then the current application would be more reasonably refused due to the lack of reassurance and control that is offered by the context of this proposal in the long-term. Unless it is considered that the need for the proposal outweighs any long-term concerns that the premises might at some point become derelict or be made available for general industrial or business use, the application would be more reasonably refused. Ultimately however, I do not consider that the imposition of conditions to restrict the use of the site along the lines Economic Development seeks, would reasonably or necessarily address the planning concern that the proposal is both in the short-term and in the long-term, unacceptably injurious to the amenities of this rural site and the surrounding area. The imposition of conditions to regulate the use of the building would therefore neither allow the proposal to meet the requirements of Policy ED7 nor in my view, substantiate, or help substantiate, an exceptional approval.

LANDSCAPE AND VISUAL IMPACTS

I am aware that the Applicant has sought to address the basis of the second identified reason for refusal of Planning Application 15/01410/PPP that the proposal would not have any unacceptable landscape and

visual impacts. The supporting case includes photographs of the site and surrounding area and drawings of the proposed site and a description of the proposed building. Both of the latter in the context of a PPP proposal can only be taken as indicative.

I have reviewed this aspect of the Applicant's supporting case, including the photographs and drawing, but this does not address the central concerns that the site is both open and elevated in views from much of the surrounding landscape, including in views from the public road. While, as previously acknowledged at the time of the determination of the last application, it may be that the building might at a distance, resemble a modern agricultural building, I would still consider that the operation of the site, including all vehicle movements and yard activities would be detrimental to the visual amenities of the area, which currently accommodates no equivalent operation. I do not consider that the site is well-screened. The indicated tree planting proposals would be insubstantial and would not constitute an appropriate level of screening of the site.

It would be possible to improve markedly the proposed landscaping treatment of the site through the establishment of new woodland shelter belts (indeed, the Applicant is agreeable to enhancing its landscape proposals if required). Were the proposal otherwise considered to be capable of support, it would have been appropriate to have sought an enhanced landscape treatment for the site, the details of which could have been required at the detailed application stage.

The relative landscape and visual merits of the current site as opposed to the Applicant's existing premises detailed in the supporting details, are not relevant.

There might be potential to require by conditions that the Applicant does not engage in potentially related operations and activities which it has categorically advised it does not seek to pursue, specifically the operation of an ancillary scrapyard or old tyre storage areas, or ancillary vehicle sales. However, while this might control some of the more adverse landscape and visual impacts that might otherwise result, it is again questionable for the reasons considered in the previous section, how practical or reasonable it would be to seek to regulate in the long-term an industrial site and operation, whose presence is insufficiently substantiated in planning terms; and in relation to which there is a foreseeable lack of reassurance and control going forward with respect to the site's long-term future and disposal beyond its accommodation of the Applicant's business. If the imposition of such conditions were not liable to challenge in the short-term, I would be concerned that any such bespoke regulation would be rendered redundant in the long-term; particularly in the event of reuse by another industrial or business operation being considered preferable to dereliction.

The concerns previously identified with respect to the potential for unsympathetic landscape and visual impacts as a consequence of the siting and operation of the proposed development therefore remains. It is material that this is an isolated greenfield site in the countryside and while there may be mitigative measures that might be employed to minimise landscape and visual impacts, these do not address, or outweigh, the loss of such a site in the first place, particularly where that loss is not considered to be substantiated in planning terms.

OTHER CONCERNS

Roads Planning is content that subject to certain design and construction requirements being met, the application site could be made appropriately accessible. These specific requirements are set out in Roads' consultation response. In the event of approval, these details could be required at the detailed design stage. Again I note comparisons between the siting and accessibility of the Applicant's current site and the proposed site, but this comparison is not relevant to this planning decision.

Details with respect to water supply, drainage as well as site levels and planting could all be required at the detailed application stage, were the proposal to be supported.

I note Environmental Health has no comments to make at this PPP stage. It has not noted any concern to review any further details at the detailed application stage. Deficits in information identified at the time of the first application therefore appear to have been met to Environmental Health's satisfaction.

Given the distance of set back from surrounding properties, and taking account of Environmental Health's advice, it is considered that the proposal would not in principle, be liable to have any unacceptable impacts upon the residential amenity of surrounding properties.

Given that the application is for Planning Permission in Principle, the detailed drawings of the site plan and building are not appropriately included amongst those to be stamped, since they are only indicative. It is only the descriptions of the site boundary which should be included amongst the subject drawings.

CONCLUSION

I have considered the Applicant's supporting case and while it is appreciable that the Applicant both has a need to seek new accommodation for the vehicle body repair business and reasonably requires to be located in the West Linton area in order to allow it to continue to service an established customer base, it has not been demonstrated that the Applicant has appropriately considered and discarded all more appropriate alternatives in planning terms to the siting and operation of the proposal from this particular remote rural greenfield site. As such, I am not persuaded that the Applicant has demonstrated an economic and/or operational need for the development to be sited at the application site, and therefore I consider that the proposal remains contrary in principle to Policy ED7.

There are no material considerations which would dictate that the application should not be refused on the basis that the proposal does not comply in principle with Policy ED7.

The objections previously identified at the time of the determination of Planning Application 15/01410/PPP, with respect to the impact of the siting and operation of the proposal upon the visual amenities of the site and surrounding area are therefore maintained, albeit that the reasons are necessarily updated to cite the relevant policies of the current statutory development plan.

REASON FOR DECISION :

It is considered that the proposal should be refused for the following reasons:

1. The proposal does not comply in principle with Adopted Local Development Plan Policy ED7 in that the proposal would more reasonably be accommodated within the Development Boundary of a settlement rather than in this particular location. Further, the Applicant has not demonstrated any overriding economic and/or operational need for this particular countryside location; and
2. Taking account of the greenfield nature of the site and lack of existing screening available within the surrounding area, the proposal does not comply with Adopted Local Development Plan Policies ED7 and PMD2 in that the operation of the business, including the storage of general vehicles at the site, would be unsympathetic to the rural character of the site and surrounding area, and would have an unacceptably detrimental landscape and visual impact upon the appearance of the site and its environs.

Recommendation: Refused

- 1 The proposal does not comply in principle with Adopted Local Development Plan Policy ED7 in that the proposal would more reasonably be accommodated within the Development Boundary of a settlement rather than in this particular location. Further, the Applicant has not demonstrated any overriding economic and/or operational need for this particular countryside location.
- 2 Taking account of the greenfield nature of the site and lack of existing screening available within the surrounding area, the proposal does not comply with Adopted Local Development Plan Policies ED7 and PMD2 in that the operation of the business, including the storage of general vehicles at the site, would be unsympathetic to the rural character of the site and surrounding area, and would have an unacceptably detrimental landscape and visual impact upon the appearance of the site and its environs.

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