

SCOTTISH BORDERS COUNCIL
PLANNING AND BUILDING STANDARDS COMMITTEE
10 DECEMBER 2018
APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 18/00814/FUL
OFFICER: Paul Duncan
WARD: East Berwickshire
PROPOSAL: Formation of riding arena and erection of 3no stables block (retrospective)
SITE: Land South East Of Tweedbank, Fishwick Mains, Fishwick
APPLICANT: Mrs Tamara Inness

SITE DESCRIPTION

The proposed site is located within a paddock above the banks of the River Tweed, around two hundred metres south of Fishwick Mains farm and building group in East Berwickshire. The site is accessed via a private farm track which joins a minor unclassified mainly single-track public road at Fishwick Mains, before connecting to the B6461 Paxton to Swinton road at Fishwick. The site is accessed via a junction with the private farm track located around 150m to the west of the proposed site. A further private track within the applicant's site serves an area of hardstanding adjoining the riding arena.

The perimeter of the paddock is enclosed by post and rail fencing. The paddock and the field to the east of the site are bound to the north by intermittent mature hedging and by the private farm track beyond. Right of Way HUPA/BB180/1 follows the route of the private farm track. The site and surrounding paddock are generally rather flat, sloping down very gently to the east, but land further to the south drops steeply by around 30m down to the banks of the Tweed which flows around 180m to south of the site. The River Tweed is designated as a Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). The aforementioned Right of Way connects to paths and rights of way along the Tweed.

Two category 'C' listed buildings (Fishwick Mains farmhouse and Fishwick Mains steading), are located at Fishwick Mains to the north of the site at a distance of over 250m.

PROPOSED DEVELOPMENT

This application seeks full retrospective planning permission for the erection of a stables block and the formation of a riding arena. The riding arena measures approximately 60m by 20m and is enclosed by a timber post and rail fence. The flat surface of the arena has been formed by cutting into the paddock, by up to around 1m at the far west end of the arena. The east side of the arena follows existing levels. The stables block is of timber construction and features a simple mono-pitch roof. It comprises three stables in total.

Originally the application sought permission to use the facilities for uses which would have included those of a commercial or non-private character and materiality. This part of the proposal has since been dropped and the facilities would now be for private use by the applicant and her family only.

SITE/ PLANNING HISTORY

Historic mapping indicates that a substantial mansion was located in this field in 1855 with what appears to have been a stables building to the north. By the 1920s little remained of the mansion house. In 2002, outline planning permission was granted for the rebuilding of a mansion house (planning reference 02/00775/OUT). In 2006 full planning permission was granted for the erection of a mansion house (05/01875/FUL). This would see a substantial L-shaped detached dwellinghouse with neo-classical design references erected to the south-east of the riding arena. This permission is considered to have been implemented and it therefore remains valid. The permission is subject to conditions requiring the formation of two passing places and a suitable vehicular access. Various changes to the approved design have since been agreed by non-material variation. None are in conflict with the development now being considered by this application.

REPRESENTATION SUMMARY

11 objections have been submitted in response to this application from 11 separate households. Copies of this correspondence can be viewed in full on the *Public Access Portal*. The concerns raised were received when the proposal was for the original, more intensive commercial use.

The objector concerns can be summarised as follows:

- Increased traffic
- Large vehicles accessing site
- Impact on surface of the road and deterioration thereof
- Inadequate provision of passing places on the road
- Danger to pedestrians/ cyclists and other road users from increased traffic
- Young children use the road as part of their journey to school
- Noise impact of increased traffic
- Pollution resulting from increased traffic
- Commercial use of this site is not within the Local Plan
- Measures to slow the speed of traffic should be considered

6 comments in support of the application were received from 6 separate households. These comments appeared to be received from users of the facility and the comments were made when the proposal was for the original, more intensive commercial use. Copies of this correspondence can be viewed in full at the *Public Access Portal*.

The comments of those in support of the proposals can be summarised as follows:

- The arena is a valuable local resource
- The proximity of the facility saves significant levels of travel time to nearest alternative facility
- The farm road is used by much larger, heavier machinery than trailers
- Lessons are timed to minimise the likelihood of horse boxes meeting each other in the road

APPLICANT'S SUPPORTING INFORMATION

The applicant submitted photos of the development along with a site plan and floorplan of the stable block. A supporting statement was also submitted which outlines in broad terms the original range of uses proposed. It is of limited relevance to the revised proposals for private use of the facility.

This information is available on the Council's website via the *Public Access Portal*.

DEVELOPMENT PLAN POLICIES:

Local Development Plan 2016

PMD1: Sustainability

PMD2: Quality Standards

ED7: Business, Tourism and Leisure Development in the Countryside

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

HD3: Protection of Residential Amenity

EP1: International Nature Conservation Sites and Protected Species

EP2: National Nature Conservation and Protected Species

EP3: Local Biodiversity

EP7: Listed Buildings

IS5: Protection of Access Routes

IS7: Parking Provision and Standards

IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Other Considerations:

Biodiversity Supplementary Planning Guidance

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service (first response): No objection, subject to conditions. The minor public road leading to the site from the B6461 is primarily single track though some passing places have been installed. The passing places are not signed which means they are difficult to identify, especially for drivers unfamiliar with the road. The road in its current form is not suitable for the traffic that is likely to be associated with this proposal. To mitigate the impact of the proposal and to gain my support additional passing places are required and all of the passing places (existing and new) need to be properly signed to ensure they are used to their best potential. Similarly the private access road leading to the site needs adequate passing provision installed. Furthermore, the stone track part of the private access road (beyond the concrete section) needs to be upgraded to provide a smooth free-draining surface capable of taking a 14 tonne axle loading.

Roads Planning Service (second response): No objection. Provided the development is conditioned for private/ ancillary use the Roads Planning Service would not be looking for any of the road improvements highlighted in our consultation response.

Environmental Health Service: No objection. Informatives are proposed to address the management of stable waste and the need for a license should they be used for a commercial purpose now or in the future.

KEY PLANNING ISSUES:

The key determining factor is whether the proposed development would comply with development plan policies and guidance, with particular regard to policies relating to road safety; residential amenity; landscape and visual impacts; and whether, if not, any material considerations outweigh any potential conflict with development plan policies and guidance.

ASSESSMENT OF APPLICATION:

Principle

The principle of the proposed development can be assessed against Local Development Plan policy ED7 (Business, Tourism and Leisure Development in the Countryside). This policy aims to protect the environment and ensuring business, tourism and leisure related developments are appropriate for their location. Policy ED7 applies to private leisure developments as well as leisure developments of a commercial nature. The provisions of policy ED7 would therefore be applicable for either the original proposed commercial/non-private use or the revised private use. Policy ED7 would also be relevant were the approved dwellinghouse built and occupied.

Policy ED7 requires that rural leisure development is appropriate for a countryside location and, where relevant, accords with the Scottish Borders Tourism Strategy and Action Plan. Given the proposed private use, alignment with the tourism strategy is not necessary in this particular instance. The proposed development is inherently appropriate for a rural location, and a horse riding arena would be consistent with the character of this particular rural site which, whilst well outwith the confines of the Fishwick Mains building group, would utilise the existing access tracks to and from the building group and nearby farm buildings, rather than requiring new roads and access tracks. The development would also have a strong relationship with the as yet unbuilt consented dwellinghouse on the site. It is concluded that the scale or form of the development would therefore be compatible with the character of this part of Fishwick, which is already host to a mix of development types and uses.

Taking the above into account, the principle of the proposed development is considered to be acceptable. Policy ED7 sets out further criteria which, where relevant, are considered below.

Road safety and parking

The primary concern of objectors was the impact associated with vehicular access to and from the site. At the time the application was submitted the development was used by members of Berwickshire Pony Club. The applicant also expressed an interest in providing horse-riding lessons at the site. The vehicle trips associated with this more intensive use were a significant concern for local residents, who stated that increased traffic levels to and from the site had been observed, often involving large vehicles such as horse boxes and trailers. Concerns were raised with respect to the safety of pedestrians, including children who use the minor public road as part of their journey to school, and cyclists and other road users. The Roads Planning team originally assessed the proposals on the basis of this wider public/commercial use. An extensive suite of road improvement measures was required to mitigate the impact of the additional vehicles trips and types of vehicles associated with such a use. This would have included new passing places, new passing place signage and an upgrade of the private track.

Ultimately, the applicant has chosen not to pursue the original proposed part-commercial/public use, and the Roads Planning team have re-assessed the proposals on the basis that the development would be for private use only. Provided the use of the development is suitably controlled to that effect, the Roads Planning team are satisfied that mitigation will not be required, given the much more limited additional vehicle trips associated with private use. Whilst vehicle trips to and from the site will be necessary, these will be low in volume. A condition to that effect is therefore recommended. The applicant has agreed in writing to the use of the proposed condition and its wording.

Objectors also raised concerns that the additional vehicle trips associated with the development would affect the quality of the public road and result in noise and air pollution. The latter considerations are assessed further below, under the 'residential amenity' section. It is not clear whether concerns regarding damage to the public road would remain a concern for objectors given the revised proposal for private use. Ultimately any damage to the public road would be addressed via the Council's roads maintenance programme and would not be a reasonable reason to refuse this application. The Roads Planning team have not identified any need resulting from this development for measures to slow the speed of traffic.

Local Development Plan policy IS7 (Parking Provision and Standards) is used to assess the suitability of parking arrangements associated with new development proposals. There is ample provision for parking within the site and the Roads Planning Service has raised no concerns in this regard.

Residential amenity

Local Development Plan policy HD3 (Protection of Residential Amenity) seeks to ensure the amenity of existing and proposed new housing developments are protected from new development.

The proposed development is located at a distance of over 300m from the nearest existing dwellinghouse. At such a distance no direct residential amenity impacts should arise from these proposals. Objectors raised concerns regarding the potential impact on residential amenity arising from additional vehicle trips associated with the development, although these concerns appeared to relate mainly to the original commercial use of the development. Noise and air pollution were both raised as concerns. It is not anticipated that any such impacts shall arise to any significant degree from the modest proposals under consideration, either in local or wider amenity terms.

As noted above, Policy HD3 also applies to new housing developments. In this instance an implementable planning permission exists for a dwellinghouse to the immediate south of the proposed site (05/01875/FUL). This site is owned by the applicant who intends to erect a house under that permission. As outlined above, the use and ownership of the development under consideration will be tied to this dwellinghouse to ensure the use of the stable and horse arena is adequately controlled. This is for road safety reasons, but in any event, no significant residential amenity impacts would be anticipated from the proposals under consideration.

Siting, design and visual impact

Local Development Plan PMD2 (Quality Standards) requires all new development to integrate with its landscape surroundings. There are no landscape designations applicable within this part of Berwickshire, so other landscape policies do not apply. The main public visual receptors would be users of right of way/ farm track which provides access to the Tweed. The site may also be visible at a distance from areas to the east of the site or from the south side of the River Tweed, but the development would not be prominent.

To provide a flat surface, the riding arena has been partially cut into the site by roughly 1m, and is therefore set below the level of the road. This has aided the visual integration of the development into the surrounding landscape and reduced visibility from the key public visual receptor location. The surface of the arena has been lined with dark recycled car interior fabric, but this is not overly prominent from outwith the site. Various moveable items of show jumping equipment are normally found within riding arenas of this kind and were noted when the site was visited. Whilst these items do not constitute development, they can be bright in

colour and at more sensitive and prominent sites can contribute to effects on character and landscape quality. Any visibility in this instance will be partially mitigated by intermittent boundary hedging and the cut into the site, but regardless, visibility will not result in significant harm to landscape character or quality in this instance. A simple timber post and rail fence encloses the arena. The stables block is clad in timber and of a modest scale and massing which ensures it sits comfortably in the landscape.

In summary, the surrounding landscape is well capable of absorbing development of this scale and character – be that individually or cumulatively with the dwellinghouse approved and implemented – and no adverse impact landscape or visual impact will arise from this development.

Ecology

The River Tweed is designated as a Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) and flows to the south of the site at a distance of less than 200m. Local Development Plan policy EP1 (International Nature Conservation Sites and Protected Species) aims to give protection to internationally important designated sites including SACs. Local Development Plan policy EP2 (National Nature Conservation and Protected Species) aims to protect nationally important designated conservation sites such as SSSIs. The proposed development is located at a significant distance from these designated sites and no direct or indirect adverse effects are anticipated.

Prime Agricultural Land

Local Development Plan policy ED10 (Protection of Prime Quality Agricultural Land and Carbon Rich Soils) recognises that prime quality agricultural land is a valuable and finite resource which should be retained for farming and food production. The proposed site is classified by the James Hutton Institute as prime agricultural land. The site is no longer used for agricultural purposes and the approval for the erection of a dwellinghouse on the wider plot has accepted, in principle, that this prime agricultural land can receive development without an unacceptable impact on the wider prime agricultural land resource. On that basis, these proposals are considered to be in line with the aims of policy ED10.

Other matters

The Council's Environmental Health Section has proposed an informative be added to advise the applicant on how to manage stable waste. Whilst the nearest dwellinghouse is located at a significant distance from the development it is appropriate to provide Environmental Health's advice. A further proposed informative regarding the need for a license should the applicant wish to use the stables for a commercial purpose is not now necessary and could cause confusion. It is not recommended that this be attached.

Local Development Plan policy IS9 (Waste Water Treatment Standards and SUDS) seeks to avoid direct discharge of surface water into watercourses, which can cause pollution and flooding. Sitting the arena below the existing level of the nearby farm track will prevent any impact on it. The riding arena is surfaced with recycled fabric, laid over drainage stone and pipe drains. The aims of policy IS9 are considered to be satisfied.

The Council wishes to encourage walking and cycling as modes of travel and Local Development Plan policy IS5 (Protection of Access Routes) aims to protect and keep open any route with access rights. Right of Way HUPA/BB180/1 passes the site along the private farm track to the north of the site. The Right of Way will not be directly affected by these proposals.

CONCLUSION

The proposed development of this site for the formation of a riding arena and the erection of a block of 3no stables will accord with the Local Development Plan 2016 as regards the principle of development, and other matters such as neighbouring amenity impacts; landscape and visual impacts; and access and parking, subject to one condition.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application is approved subject to the following condition and informative.

Conditions

1. The riding arena and stable block hereby approved shall be used for private use only and shall not be used for any commercial purposes without a further application (for a change of use of land) first being submitted to and approved by the planning authority.

Reason: to restrict the use of the development hereby approved to ensure the approved development does not cause an unacceptable increase in traffic levels to and from the site.

Informative

1. Stable Waste: During the use of the stable block, it is likely that refuse/waste materials (i.e. manure/soiled hay) will be produced on the site as a consequence. Therefore, it must be ensured that all such waste materials are not stored on site or disposed of in any manner (for example, burning) which would give rise to Statutory Nuisance conditions developing at neighbouring properties to the site.

DRAWING NUMBERS

Type	Reference	Received date
Site Plan	4427BSP 1473	1 November 2018
Photo		5 July 2018
Photo		5 July 2018
Photo		5 July 2018

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Paul Duncan	Assistant Planning Officer



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Fishwick Mains
Berwick Upon Tweed

