

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 18/01229/FUL

APPLICANT : Wilson G Jamieson

AGENT : Gain Planning Services

DEVELOPMENT : Extension to provide an additional 7 No workshop units (Class 5/6), 1 No unit to provide dog daycare facility and change of use of paddock to dog exercise area

LOCATION: Storage Units
Farknowes
Langshaw Road
Galashiels
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
01E	Location Plan General	Refused Refused

NUMBER OF REPRESENTATIONS: 1
SUMMARY OF REPRESENTATIONS:

One objection has been submitted in which concerns are raised regarding traffic and resulting danger; lack of detail on the dog daycare proposal, noting that an application for a similar operation included an explanation that an industrial site is not suitable for a dog day care facility, which is better suited to a rural environment; impact on wildlife; and noise pollution, given the expanding residential area of Easter Langlee.

Consultations

Roads Planning Service: Are generally supportive of the dog day centre proposal. This type of proposal has to be away from residential properties, but at the same time the site benefits from being close to the town and to the main road network. The supporting statement confirms the dogs will generally be delivered at the start of the day and picked up at the end of the day. There are no figures included indicating how many dogs per day they anticipate. This information would have been helpful to have a better understanding of traffic movements associated with that element of the application. That said, they are satisfied that the C77 between the B6374 and the site entrance has the capacity to accommodate the traffic associated with the dog day care centre. Furthermore the site junction with the C77 is of a standard suitable for accommodating the additional traffic.

They have concerns over the workshop unit part (7 No.) of this proposal from a sustainable transport perspective. This appears to be at odds with Policy PMD1 on Sustainability which seeks to promote the most sustainable means of travel, giving priority to walking, cycling and public transport in

preference to travel by car. A Class 5 General industry use in this location would do little to encourage sustainable transport means with a heavy reliance on travel by car. They are less concerned about a Class 6 Storage or Distribution use for the units which would be more compatible with the existing storage use on the site. Storage/distribution use inevitably relies on vehicular use so that sustainable travel issues are less relevant. That said, if a Class 6 use was to be approved for the 7 smaller units it would have to be on the basis that the permitted change of use to Class 4 Business under the Use Class Order did not apply. Again, in line with my comments earlier for the dog day care centre proposal, they are satisfied that the surrounding road network and site junction are of a standard suitable for accommodating the additional traffic associated with these relatively small units. It is likely associated traffic would be generated outwith normal peak times. The traffic is also likely to be standard sized vehicles, rather than HGV/articulated vehicles. They would have a degree of sympathy for a General Industry or Business use on the site if it was related to rural activities, but they are not sure how this can be controlled especially as the units are being provided on a speculative basis. As the application stands the RPS recommends against the application over sustainable transport concerns on the Class 5 General Industry aspect of the proposal, and contend it is not in compliance with Policy PMD1 as a Class 5 use would not promote sustainable travel with heavy reliance on car use.

There is no parking area indicated, either for staff or visitors to any of the units. Whilst there is ample room available in the vicinity, they would like to have seen a dedicated area marked out for parking and servicing. Based on the submitted details, if vehicles were to park in front of the units they may block access to the units further down the line. Based on SEStrans Parking Guidelines, this proposal would require parking for approximately 20 vehicles.

Economic Development Service: Generally they are supportive of the provision of new business premises to support business use. The proposed facilities appear, however, to be designed for use only as stores since they have no employee facilities shown such as toilets, are not planned to be insulated, with no evidence of heating indicated, and therefore do not appear to be planned for proper Class 5 business use. They would prefer to support the creation of new business premises which are to an appropriate and expected modern standard. They refer to the Building Regulations and The Workplace (Health, Safety and Welfare) Regulations 1992 which lay down particular requirements for most aspects of the working environment and suggest the applicant therefore seeks guidance on compliance.

The application site is situated within generally, what appears to be, a former agricultural farm operation. As the proposal is for a business use, rather than an agricultural operation, then they would have concerns about new premises being allowed to be used for general Class 5 or Class 6 uses, unless the development is satisfactory on all other planning aspects, such as vehicular access and turning, parking, waste collection, landscaping/screening, etc. They would have reservations about a general Class 5-6 use being established unless it can be demonstrated to comply with Policy ED2 and would expect it to comply with policies PMD1 & PMD2. This appears to be an intensification of development that was previously approved under application 16/00356/FUL, but despite applied planning conditions, does not appear to be complying and was to be for forestry operations. Until there is some clarity on how the site is to be used, to avoid conflicts between different users, it is difficult to support the current proposals which are becoming a private uncontrolled industrial estate/business park outwith the settlement boundary.

Have no objections to the change of use to paddock for dog exercising and the specific building

Environmental Health Service: The application includes proposals to include a dog day care facility and change of use of paddock as an outside dog exercise area. These establishments have the potential to cause annoyance to nearby occupiers. They recommend a condition requiring a management plan for control of nuisance, including noise and odour. Refer to an informative regarding boarding license, albeit dog day care facilities do not require a licence.

Scotland Gas Networks: Refer to an on-line utility search website

Forward Planning Service: No reply

Health and Safety Executive: Do not advise against permission

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD1, PMD2, ED7, HD3, EP1, EP6, EP16, IS7, IS9, IS12

SPGs Placemaking and Design 2010; Landscape and Development 2008; Waste Management 2015; Countryside Around Towns 2011

Recommendation by - Carlos Clarke (Lead Planning Officer) on 23rd November 2018

Site and application

This application seeks consent for an extension to an existing wood storage building to provide seven workshops for uses within Class 5 (General Industrial) and 6 (Storage and Distribution) of the Use Classes (S) Order 1997. Also proposed in the same extension is a unit to provide for a dog day care facility. Associated with that is a proposal to use land to the south-east as a dog exercise area.

The site is alongside the C77, approximately 425m from the settlement boundary of the town near the Langlee and Coopersknowe area. The site includes two sheds which have consent for fencing and forestry uses under 16/00356/FUL. That to the south was approved as a wood storage building, and is the subject of the proposed extension. The building to the north was extended under the same consent to its west and east to provide for fencing and forestry business use. To the east of the buildings are storage containers used for commercial lettings. The first 42 were granted by the Local Review Body under 16/00397/FUL on a temporary basis until 19.09.19. The next 40 were subsequently approved for the same period under 17/00199/FUL. The site has existing access from the C77 to the north, and there are agricultural buildings outside the site to the north-west.

Building Standards and Health and Safety Regulations are not material to this planning application. It is quite possible to install insulation, toilet and other employee facilities without the need for Planning Permission, and also potentially add window openings to the rear. The workshop units are proposed for Class 5 and 6, and that is how the application must be assessed.

Principle

The sites are within countryside, distant from the settlement boundary. Policy ED7 applies. They are also within the Countryside Towns Area, within which Policy EP6 applies. Taking these policies in turn:

Policy ED7

This supports agricultural and related uses appropriate to a rural location, or recreation, leisure or tourism uses. Neither of the workshop development types proposed here comply. ED7 allows for consideration of other uses provided they can demonstrate an operational or employment need, and cannot be accommodated in a settlement. The applicant's supporting case identifies a number of points in support of the application for the workshop units, including the success of existing commercial containers; high demand for small business workshops; they will be let by the applicants from the existing premises; each unit will have its own staffing, likely no more than one person per unit; they will diversify the existing business; they will make use of available land, where capacity is available; and have existing access and all the necessary infrastructure; it makes sense to combine them with the existing businesses; there are apparently limited locations in the town for such a mix of uses; these will be small, low rent units; and, they will be sited close to the town.

These factors all point to the availability of the land, infrastructure and the convenience of developing on this site. However, they do not amount to an operational or economic need for this particular location, rather a speculative and opportunistic development (albeit, understandably so) with no identified end-user businesses. I note the Economic Development Service do not generally support the proposal, and that the proposal is not supported by empirical evidence that they will meet a need for specific Class 5 or Class 6 units in this location. The existing buildings are approved for fencing and forestry operations, which are (at

least, as regards forestry) suited to a rural location. These proposals are for materially different uses, and will add to the increasingly industrialised nature of this rural site. The proposal fails Policy ED7 since there is inadequate justification for the workshops, and the resulting industrialisation of this area outside the town will be to the detriment of its original rural character. The other material considerations in support of the development do not outweigh this conflict and resulting harm to rural character. The storage containers are subject to temporary consents, and are removable structures. If anything, adding more industrial and commercial development in the form of permanent workshop units simply exacerbates the effect of the existing development, resulting in a private industrial estate/business park in a countryside location.

The applicant's agent refers to Charlesfield by comparison, though that is currently an allocated employment land site in the Local Development Plan and is not comparable when considering current development plan policies. If the Council, as Planning Authority, wish to promote and safeguard a similar estate in the application site's location, then that should be through the LDP process. The LDP does not currently support this development type in this location.

As regards the dog day care centre, this does not essentially require a rural location. However, a position divorced from residential neighbours (subject to accessibility issues and visual and other impacts), is certainly desirable. Industrial locations within settlements for such uses are also not ideal, usually due to potential conflict with other businesses and lack of activity space (unless they are advantaged by being close to existing facilities). A dog day care centre, if managed appropriately, will also not depart significantly from the rural character of the area, particularly in this location given the level of existing development. Here, therefore, while the proposal is not supported by a conclusive case, I would suggest its particular implications on rural character are limited such that they override any direct conflict with Policy ED7.

Other ED7 criteria regarding siting and design, including visual impacts, are considered later.

Policy EP6

Policy EP6 is designed to safeguard the high quality environment of rural areas around towns. It allows for uses that would essentially require a rural location and other developments, such as conversion of traditional buildings, and none of these provisions apply here. The proposed workshops are, therefore, in conflict with Policy EP6. The exceptions in the CATs SPG don't apply either.

It is material, however, that whilst the proposal will contribute to the industrialisation of the area, as noted above, and further erode its rural character (contrary to ED7), the landscape and recreational value of this specific site to the countryside environment is relatively limited given its location and past and current uses. The effect of the proposed uses on the countryside environment will be negative, as noted above under Policy EP6, but because of the relatively limited attributes of the site in terms of environmental quality (when considered against the purpose of the CATs designation), I would conclude that the effects of the proposed uses on the designation will also be relatively limited. As a result, I would suggest this consideration overrides conflict with EP6

The dog day care centre would also not have any serious implications for the designation in terms of the proposed use and, indeed, a dog exercise area will take advantage of the site in terms of providing secure open space for exercising dogs.

Landscape and visual impacts

The workshop and dog day care extension would be on a yard, away from the road, with materials to match existing. There are no long range views of the site due to its position in the landscape. Its visibility from the road would be significantly obstructed by the many storage containers that exist, and potentially by planting that has been apparently planted and yet to develop. However, the storage containers are temporary, so may potentially be removed in the future. Their screening of the development can only be regarded as such at this stage. Also, planting has been provided alongside the road, though precisely what, and to what extent, as well as under what maintenance scheme, would need clarified if consent were granted. The extension has an obviously industrial character, with seven workshop doors in a row. These would add to the four already on the building (which was not originally consented to have four doors, but was approved as an open-fronted shed) and seven workshop doors on the building to the north (which was to be reduced by planning condition which has not been satisfied).

The dog day centre element is also two-storey, which would result in an awkward arrangement somewhat at odds with the remainder of the building. All of the proposed built development would be out of character with the rural setting.

Ultimately, these elements reinforce the incongruity of the development in this rural setting. The mitigating factors, including set-back position and screening, do assist in reducing the visual harm, but the partial means of achieving such screening (i.e. 82 temporary storage containers) is, in itself, seriously at odds with the context. The visual effect of this development simply adds to the inappropriateness of it when judged against the rural character that Policy ED7 and PMD2 (which seeks to ensure developments respond to the area's character) would aim to conserve. When considering both the use and visual presentation together, the proposed extension and workshop uses appear seriously at odds with this setting. The applicant would be willing to reduce the end section to match the rest of the single-storey extension, though this will not overcome the industrial appearance of the development.

Green mesh fencing for the dog exercise area (which does not appear to involve any other development works) will be relatively innocuous, subject to its route being guided by existing and proposed screen planting.

Access and parking

The RPS is content the road network can support the uses. However, no parking plan has been submitted, and would need to be agreed. There appears room available and, therefore, a condition should be capable of securing an appropriate scheme.

The accessibility of the development is, however, a key issue, when tested against the requirement of Policy PMD1 to ensure that developments promote non-car modes of transport. (Policy ED7 also refers to accessibility, and cross-references Policy IS4, but this refers to 'significant' travel generators, and this proposal would not fall into that category). Due to the location of this site (accessed by the C77 which is a difficult route for both pedestrians and cyclists and has no bus transport), the developments will inevitably rely on the car for travel. This would, in essence, mean that all owners and staff, as well as customers and clients, will have little option but to travel to and from the site by car.

This concern is least applicable to the dog day care centre, since clients will wish to use their car to drop off and pick up their dogs, regardless of location. As regards the Class 5 and 6 workshops, however, these could allow for a whole range of businesses, all of which would be reliant on operators and staff to various degrees, and potentially have clients or customers on site. The nature of some uses may mean motor vehicle transport is essential in any case. However, the question here is the degree to which all users would be reliant on car transport.

As the RPS notes, there is a serious concern that developing Class 5 workshops in this location basically promotes unsustainable forms of transport whereby everyone involved, including staff, will have little option but to travel by car. However, the RPS is less concerned about the transport options for Class 6 uses, given they involve storage and distribution and will, by their nature, be largely be dependent on motor vehicles too. However, small storage units are increasingly attractive to e-commerce businesses, which are reliant on small workshop units within which they can store, package and distribute goods. Unlike containerised storage (generally speaking), there is a significant potential for such workshops to have staff on site throughout the day, packing and sorting goods etc. In effect, those Class 6 operators and their staff will likely have to travel to this site by car, given that the site is not easily accessible by other means. This runs contrary to Policy PMD1.

During the day, staff and operators will also not have amenities nearby, such as shops and food outlets, that would (depending on site location) be more likely to be accessible to them from an industrial estate or business park within a settlement. Ultimately, this proposal would create a private business park in an unsustainable location, where reliance on car travel is likely to be substantial for all those associated with the businesses operating from the proposed workshops. This conflict with Policy PMD1 is not overridden by other material considerations.

Waste

No waste storage is proposed. The application refers to the units being very small and that existing waste collection and recycling will continue. Regardless, a scheme is necessary to ensure no added visual impact, or impacts on parking or access, from large waste storage bins in visible locations. This, however, could be addressed by a condition of consent, if granted.

Amenity

There are no nearby residential uses. No representations have been received on behalf of the adjacent agricultural users. The EHS raise no concerns regarding workshops, though it would be appropriate to apply a noise limit condition to the Class 5 uses. Air quality impacts are unknown, but given the location away from residential property, and lack of flues etc proposed within the development, there do not appear likely to be implications as a result of the development as currently proposed.

The EHS recommend a nuisance plan for the dog day care centre, albeit the main issue will likely be noise. Given the location distant from residential properties, it would be reasonably anticipated that a well operated business would not give rise to nuisance impacts, though that is a matter for any operator to ensure is the case.

However, the suitability of a dog day care centre next to fencing and forestry businesses and the proposed Class 5 uses in particular, may potentially lead to conflict between the two. Siting this proposal directly alongside Class 5 uses would be a concern as to how these businesses would function comfortably alongside one another, and this issue adds to concerns regarding the suitability of the Class 5 uses to this location, particularly. The applicant has advised that further information on the dog day care centre could be provided as regards numbers and a fenced passage across the yard. However, this emphasises the potential for conflict between the uses, and won't overcome noise from one use potentially affecting the other.

The development should not affect neighbouring property by way of privacy, daylight, outlook or sunlight loss.

Services

A public water supply is proposed, and a condition can secure evidence this will be provided. No foul drainage proposal has been submitted. If it is required, however, it is ultimately a matter that the applicants can address via the Building Standards and accounting for SEPA requirements. The development is not likely to have surface water drainage implications, (given it fundamentally comprises buildings on an existing yard) that cannot also be addressed by the Building Standards.

Ecology

There are no natural heritage designations on or nearby the site, no buildings to be removed or trees to be felled. Industrial development in the countryside may potentially indirectly affect wildlife generally, and this concern adds to the case above that Class 5 and 6 workshops should be sited within industrial estates, not within a rural setting such as this.

Pipeline

The Health and Safety Executive have been consulted as regards a nearby major hazard pipeline and have raised no issues. Scotland Gas Networks refer to an on-line search facility. However, given the HSE raise no concerns, this is the limit of the planning considerations that need applied. The applicant must ensure no risk to SGN's infrastructure and comply with their requirements, quite apart from the planning application process. An informative would usefully draw the applicant's attention to the pipeline, if consent were granted.

REASON FOR DECISION :

The development of Class 5 and 6 workshops would be contrary to Policy ED7 of the Local Development Plan 2016 in that insufficient justification has been provided to demonstrate an economic or operational need for this particular countryside location and the development would have a significantly adverse impact on the rural character of the surrounding area. Other material considerations do not outweigh this conflict

The development would be contrary to Policies ED7 and PMD2 of the Local Development Plan 2016 in that the visual appearance of the proposed extension would not be compatible with the rural character of the surrounding area. Other material considerations do not outweigh this conflict

The development of Class 5 and Class 6 workshops would be contrary to Policy PMD1 of the Local Development Plan 2016 in that the location of the site and types of uses would mean that there would be significant reliance on the private car, with limited potential for the development to be accessed by other transport modes, ultimately amounting to unsustainable development. Other material considerations do not outweigh this conflict

Recommendation: Refused

- 1 The development of Class 5 and 6 workshops would be contrary to Policy ED7 of the Local Development Plan 2016 in that insufficient justification has been provided to demonstrate an economic or operational need for this particular countryside location and the development would have a significantly adverse impact on the rural character of the surrounding area. Other material considerations do not outweigh this conflict
- 2 The development would be contrary to Policies ED7 and PMD2 of the Local Development Plan 2016 in that the visual appearance of the proposed extension would not be compatible with the rural character of the surrounding area. Other material considerations do not outweigh this conflict
- 3 The development of Class 5 and Class 6 workshops would be contrary to Policy PMD1 of the Local Development Plan 2016 in that the location of the site and types of uses would mean that there would be significant reliance on the private car, with limited potential for the development to be accessed by other transport modes, ultimately amounting to unsustainable development. Other material considerations do not outweigh this conflict

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