

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations
2013**

Application for Planning Permission

Reference : 16/00356/FUL

**To : Wilson G Jamieson Ltd per Peter MacLeod 122 Scott Street Galashiels Scottish Borders
TD1 1DX**

With reference to your application validated on **23rd March 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Extension to existing agricultural building (retrospective), change of use of agricultural building and extension to form forestry contractor business premises and erection of timber storage building

at : Land East Of Langlee Mains Farmhouse Galashiels Galashiels Scottish Borders

The Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997, subject to the following direction:

- That the development to which this permission relates must be commenced within three years of the date of this permission.

And subject to the conditions on the attached schedule imposed by the Council for the reasons stated

**Dated 2nd June 2016
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**



Signed

.....
Chief Planning Officer

APPLICATION REFERENCE : 16/00356/FUL**Schedule of Plans and Drawings Approved:**

| Plan Ref | Plan Type | Plan Status |
|-----------------|------------------|--------------------|
| 001 | Location Plan | Approved |
| 101 | Existing Layout | Approved |
| 102 | Site Plan | Approved |
| 301 | Elevations | Approved |
| 201 | Floor Plans | Approved |
| 202 | Elevations | Approved |

REASON FOR DECISION

The proposals do not comply with Scottish Borders Council Local Development Plan Policies ED7 and EP6, but material considerations relating to the type of operations and the type of vehicles, plant, materials and equipment that would be operated and stored on the site, are found to be sufficiently overriding in this case, to allow the application to be supported subject to compliance with the identified schedule of conditions. This is because the operational appearance of the forestry and fencing contractor business premises would not be substantially different from what might reasonably occur at a farm or other rural land holding, either in direct relationship to the management of such holding and/or in relationship to the operation of a farm or estate-based diversification business enterprise.

Subject to compliance with the identified schedule of conditions, the proposals will accord with Scottish Borders Council Local Development Plan Policies PMD1, PMD2, HD3, IS7, IS9 and IS12.

SCHEDULE OF CONDITIONS

- 1 Notwithstanding the details submitted in support of the planning application, the curtilage of the forestry and fencing contractor business premises hereby approved, shall be (and shall at all future times be held to be) in perpetuity: only that area of the site that corresponds to the area shaded in red on Approved Site Plan Drawing 102 (and including both 'Building A' and 'Building B'). The remainder of the land within the site boundary (specifically the area that is shaded in orange on the aforementioned drawing) shall be held to be agricultural land, and shall at no time be incorporated into the forestry and fencing contractor business premises hereby approved, nor shall it otherwise be used to accommodate any of the forestry and fencing contractor business's Class 5 (general industrial) and/or Class 6 (storage) operations unless a planning application in that behalf has first been submitted to, and approved in writing by the Planning Authority.
Reason: To retain effective control over the development and approved operations, and in the interests of conserving the environment and amenity (including visual amenity) of the site and surrounding area by ensuring that the forestry and fencing contractor business operations are appropriately contained within the perimeter of the existing yard. The Planning Authority considers that the area of land within the site boundary that lies between the existing yard perimeter and the public road, provides an appropriate physical separation between the business operations and the public road, and setting for the site, and that this space should be conserved in perpetuity entirely out with the curtilage of the business premises and the site of the business' operations.

- 2 Notwithstanding the details submitted in support of the planning application, the area of the site that corresponds to the area shaded in red on Approved Site Plan Drawing 102 (including the existing and new buildings contained within this same area) shall be, and shall at all future times be held to be, in perpetuity in a mixed use forestry and fencing contractor business use, encompassing only the following uses and operations:
- (a) the processing of timber, including the sawing, splitting and chipping of timber;
 - (b) the storage of timber for processing on-site and for distribution subsequent to its processing on-site; and
 - (c) the storage of vehicles, machinery, plant, materials and equipment used off-site in the provision of the forestry and fencing contractor business' forestry, fencing, tree works, ground works and/or landscaping services; with no permitted change(s) of use of the site, or any part thereof, to any other use(s) - including all and any uses within Classes 4, 5 and/or 6 of the Town and Country Planning (Use Classes) (Scotland) Amendment Order 1997 (as amended) - unless an application for planning permission to change the use of the premises contrary to the directions noted above, has first been submitted to, and approved in writing by, the Planning Authority.
- Reason: To retain effective control over the use of the premises in the interests of ensuring that the operation of the site is, and remains, appropriate to this countryside location, and does not have any unacceptable impacts upon the amenity and environment of the surrounding area, and including upon the amenity of neighbouring residential properties and businesses.
- 3 Noise levels emitted by any equipment, plant and/or machinery used on the premises in connection with the operations of the forestry and fencing contractor business use hereby consented, shall not exceed Noise Rating Curve NR20 between the hours of 2300 and 0700, and NR30 at all other times, when measured within the nearest noise sensitive dwelling (even when windows at the noise sensitive dwelling are open for ventilation). Further, the noise emanating from any equipment, plant and/or machinery used on the premises in connection with the forestry and fencing contractor business use, shall not contain any discernible tonal component. (Tonality for the purposes of monitoring and assessment being determined with reference to BS 7445-2).
- Reason: To prevent noise generated by any equipment, plant and/or machinery used on the premises in connection with the forestry and fencing contractor business use, from causing noise nuisance to the occupiers of any neighbouring premises.
- 4 Notwithstanding the details submitted in support of the planning application, no development shall commence on the extension to the East Elevation of the existing shed ('Building A') hereby consented, until:
- (a) revised versions of Approved Drawings 201 and 301, which takes full account of the requirements of Informative Note 4; and
 - (b) details of the finished colour of the roller shutters and doors, which takes full account of the requirements of Informative Note 5, have all first been submitted to, and approved in writing by, the Planning Authority. Thereafter the development shall only be implemented and operated in accordance with the approved details.

Reason: To retain effective control over the development; to ensure agreement between the Applicant's written advice and drawn descriptions of the layout of the extension; and in the interests of conserving the visual amenities of the site and surrounding area.

With respect to the latter, specifically the design of the extension - and principally the appearance of its East Elevation - requires to be revised, and its finished appearance regulated, in order to ensure that this highly visible structure does not have the character of a row of industrial units, which is an appearance that is not substantiated by the operational requirements of the proposal, and which would not be sympathetic to the countryside and farmyard setting of the site.

- 5 Excepting only the finished appearance of the roller shutters and doors (regulated by Planning Condition No 4 above), and unless otherwise agreed in writing by the Planning Authority and in advance of the commencement of development, the finished appearance (materials and finishes) of the external surfaces of the extension to the East Elevation of the existing shed building ('Building A') hereby approved, shall match precisely the appearance (materials and finishes) of the external surfaces of the existing building ('Building A').

Reason: To ensure a satisfactory finished appearance for the new extension in the interests of conserving the visual amenities of the site and surrounding area.

- 6 The profiled sheeting to be used on the roof and walls of the log store building ('Building B') hereby approved, and the orientation of the same building, shall match details (including details of the proposed material and proposed finished external colour) that shall first have been submitted to, and approved in writing by, the Planning Authority.

Reason: To retain effective control over aspects of the development that were inadequately described within the supporting details and to ensure a satisfactory finished appearance for the new building in the interests of conserving the visual amenities of the site and surrounding area.

- 7 Within no more than 2 months from the date of issue of this planning consent, a scheme of details describing the planting of a new hedge within the area shaded in orange on Approved Site Plan Drawing 102, shall be submitted to the Planning Authority for its prior written approval. These details shall include the following:

- (i) a site plan showing the proposed form and layout of the new hedge;
- (ii) a planting schedule detailing the types and numbers of species to be used; and
- (iii) a maintenance schedule covering the first two years following the original planting.

Following the Planning Authority's written approval of these details, the landscaping proposals shall then be carried out in full accordance with the approved details. Unless otherwise agreed in writing and in advance by the Planning Authority, the new hedge shall have been planted in full, by no later than the end of the first full planting season following the date of the Planning Authority's written approval. It shall thereafter be maintained in full accordance with the approved details.

Reason: To retain effective control over the form and delivery of the landscaping treatment described in the supporting details to ensure that an appropriate and effective boundary treatment is created to mitigate both the appearance of the perimeter fence and the appearance of forestry and fencing yard operations within views from the public road which lies to the east of the site.

- 8 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any subsequent provisions amending or re-enacting that Order), no new security or perimeter fencing shall be erected at, within or around the site, until full details of the position, height, design and finished appearance of that same fencing have first been submitted to, and approved in writing by the Planning Authority. Thereafter this fencing shall only be erected and maintained in accordance with the approved details.

Reason: To retain effective control of this aspect of the development which is insufficiently described within the supporting details in the interests of conserving the visual amenities of the site and surrounding area.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

- 1 Notwithstanding the Applicant's explicit advice that part of the premises is being let to another forestry business, no details have been presented to the Planning Authority to substantiate whether or not that business (or any other business that might be letting units from Wilson G Jamieson at the site) is in fact operating, or is capable of operating, within the mixed forestry and fencing contractor business use hereby consented. Ultimately however, it is the responsibility of all occupiers of the site to operate in full accordance with this planning consent, including all of the requirements of the planning conditions attached to this same planning consent. This includes any and all parties who let units, or any other part of the premises.
- 2 All structures and uses within the site that are not directly related to the forestry and fencing contractor business operation's timber processing operations and/or its forestry, fencing, tree works, ground works and/or landscaping services, require to be removed from the site at the Applicant's earliest opportunity. This includes the stored caravans which the Applicant has identified for removal.

While it is reasonable to allow sufficient time for the Applicant to make alternative arrangements for the removal and disposal of all structures and uses that are not in accordance with this planning approval, the Planning Authority reserves its right to inspect the site subsequent to this planning approval to ensure that the site is being operated in full accordance with the requirements of this planning approval, and if necessary, to pursue enforcement action against any observed breaches of this same planning consent.

- 3 The Applicant, Owner and Operator(s) of the site should liaise with the utilities operators responsible for the electricity powerlines and gas pipeline which traverse the site for the purpose of ensuring that the developments and operations hereby consented, do not raise any concerns for these utilities operators with respect to the maintenance of their infrastructures.
- 4 The East Elevation of the extension to the existing shed building ('Building A') has the appearance and character of a row of industrial units within the descriptions of both Drawings 301 and 201. This is primarily manifest within the number and even spacing of the seven roller shutter doors which are featured within these same descriptions.

While it is accepted that the Applicant has a reasonable requirement for roller shutter doors in this elevation to facilitate the operation of its fencing and forestry services' storage needs, the specific need for seven roller shutter doors has not been substantiated. This is particularly so, given the Applicant's explicit written advice that it has no intention of installing partitions internally within the same structure. Accordingly there appears to be a reasonable opportunity for the Applicant to minimise the number of roller shutter doors needed to serve the single unit that would be accommodated within the extension. And for that matter, there is also an opportunity to reduce the number of associated pedestrian doors.

Accordingly the revised versions of Drawings 201 and 301 required by Planning Condition No 4 should feature a reduced number of roller shutters and doors, specifically the minimum number of doors actually required to facilitate the premises' operation in support of the mixed use hereby consented.

The revised version of Drawing 201 is also required to describe the omission of all the internal partitions (to accord with the written advice of the Applicant's own "Addendum to Planning Statement") and should agree with the description of the revised version of Drawing 301 with respect to the numbers and positions of the roller shutters and doors featured.

Please note that it is not considered that the forestry and fencing operation would require more than three or four doors to service access to the extension on the East Elevation as a single unit. Accordingly if a greater number of roller shutters is required, the Applicant should expect to justify this with further details about the specific operational need for this number of accesses.

- 5 Regardless of the revision required to the design of the East Elevation of the extension to the existing shed building ('Building A'), the roller shutters and doors should be coloured, or finished, to be as visually non-intrusive as possible. The details provided to address the information requirements of Planning Condition No 4, item (b) should therefore describe a matt dark and/or matt organic colour, which is visually recessive.

While other options can be considered, a dark blue or dark green colour as might feature on a farm building, would be liable to be acceptable, albeit that the precise details would still need to be supplied to address the information requirements of item b. The critical concern with respect to the finished appearance of the roller shutters is that any appearance of shiny, metallic and/or brightly coloured roller shutters as might be liable to feature on an industrial estate, should be avoided.

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Notice of Initiation of Development

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is enclosed with this decision notice for this purpose.

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 16/00356/FUL

APPLICANT : Wilson G Jamieson Ltd

AGENT : Peter MacLeod

DEVELOPMENT : Extension to existing agricultural building (retrospective), change of use of agricultural building and extension to form forestry contractor business premises and erection of timber storage building

LOCATION: Land East Of Langlee Mains Farmhouse Galashiels
Galashiels
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

| Plan Ref | Plan Type | Plan Status |
|-----------------|------------------|--------------------|
| 001 | Location Plan | Approved |
| 101 | Existing Layout | Approved |
| 102 | Site Plan | Approved |
| 301 | Elevations | Approved |
| 201 | Floor Plans | Approved |
| 202 | Elevations | Approved |

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

No representations have been received.

Roads Planning Section: has not responded to the public consultation.

Environmental Health (Amenity and Pollution): Equipment used in the operation of a forestry and fencing business can cause noise. While the application is supported in principle, a planning condition is recommended to require that any noise emitted by plant and machinery used on the premises should not exceed identified noise limits. This is to protect the residential amenity of nearby properties. It is further sought that plant and machinery should be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.

Environmental Health (Contaminated Land): has advised that it has no comments to make.

Flood Prevention: As this site is not anticipated to be at risk of flooding at a 1 in 200 year flood event, no objections on the grounds of flood risk.

Economic Development: advises that it could support this specific use in this specific location. Its assessment, largely positive with respect to the principle, details some concerns behind what is ultimately an expression of conditional support. On the one hand, it is content that this company is a well-established specialist forestry contractors which offers a comprehensive range of services and consultancy to national utility clients, local authorities and others; and is supportive of its expansion. Further, it finds it reasonable that a business employed in mainly forestry and fencing work would be best placed in a rural location rather than on an industrial estate. It adds that while the proposal is not for a sawmill, sawmills tend to be found in locations such as farms, and considers that the operations carried out by this company fall within the same general operation of working with timber. However, while it is supportive of the principle, it also raises a few points of concern. Firstly, and notwithstanding the agent's advice to the contrary, it considers that the proposed extensions appear designed for sub-letting due to the large number of loading doors. It remains particularly concerned that if the doors are only intended to allow ease of access and egress for large machines then there would be no need for the incorporation of the additional adjacent personnel doors. It is recommended that these should be deleted. Secondly, given that the site is an existing agricultural farm operation and the proposal is for a business use, it has concerns about the establishment of any general Class 4, 5, or 6, uses of the site. Thirdly, it notes that the premises were constructed for use as a farm shed, and in its current form may not comply with Regulations for a normal business use.

SEPA: has no objection on flood risk grounds.

Scottish Gas Networks (SGN): initially objected (as a holding position) but has since advised that it has an interest in the development due to the presence and proximity of a High Pressure Gas Transmission Pipeline. It seeks a meeting to safeguard the pipeline.

HSE: Does not advise against.

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 EP6: Countryside Around Towns

Policy IS7: Parking Provision and Standards

Policy IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Policy IS12: Development Within Exclusion Zones

Other Planning Considerations:

National Planning Framework 3

Scottish Planning Policy (2014)

PAN 73 - Rural Diversification (2005)

SBC Supplementary Planning Guidance: Countryside Around Towns (approved January 2011)

Recommendation by - Stuart Herkes (Planning Officer) on 31st May 2016

SITE DESCRIPTION

The site is part of the farmyard at Langlee Mains, around half a kilometre to the north of Galashiels. In planning policy terms, it lies out with the Development Boundary, and within the designated Countryside Around Towns Area.

Within the northern part of the site is an existing large building ('Building A'). This was originally erected as a cattle shed, but has since been significantly altered and extended into its present form. This includes works for which there is no planning record.

The remainder of the site is open land (an agricultural stackyard), some of which is currently, and unlawfully, in use for non-agricultural storage purposes, principally the accommodation of 42 dark green-coloured shipping containers, as well as some caravans. The eastern extremity is traversed by a gas main (Newhouses to Calfhill pipeline).

The site access, which is essentially that for the wider farmyard, is not included within the site boundary. It lies to the immediate northeast. The public road lies downslope, to the immediate east. Otherwise adjacent land is all within the farmyard at Langlee Mains. This includes two existing and operational agricultural buildings to the immediate west of the site.

With respect to the site's wider environs, the land to the east, on the opposite side of the public road, was formerly a municipal landfill. This is no longer in service for refuse disposal, and has now been landscaped. It does however accommodate an operational landfill gas electricity generating station. This lies within approximately 25m of the site. Land to the south of the landfill site, accommodates an operational recycling facility. This lies at a distance of approximately 500m from the site. Further north and east of the application site, is a golf driving range, which lies at a distance of more than 1.5km.

PLANNING PROPOSALS

The Applicant, 'Wilson G Jamieson Ltd Fencing and Forestry', is an established fencing and forestry contractor, which seeks retrospective planning approval to operate the site as its main depot and centre of operations, principally for: (i) the storage of the vehicles, plant, equipment and materials, which it uses off-site in the provision of its forestry and fencing services (and which it also leases to local farms and estates); and (ii) for the processing of timber recovered from the Applicant's off-site forestry and tree work operations. Timber processing operations are advised to include the splitting of large pieces of timber; the cutting of logs; and wood chipping.

Retrospective planning consent is sought for an extension to the west elevation of the existing farm building, which accommodates two storage units.

Planning consent is further sought for two new structures: firstly, for a new second offshoot to accommodate seven more storage units, this time on the east elevation of the farm building; and secondly, for a new free-standing log store building.

Both the proposed structures, and the existing offshoot, are sought to accommodate the fencing and forestry contractor business operation.

SUPPORTING CASE

In 2012 the Applicant required to relocate their base of operations from its previous premises at Botany Mill, Roxburgh Street, Galashiels. Based on its own understanding that its operations were forestry, it did not identify that it had any requirement to secure planning approval to change the use of the site to accommodate its operations.

With respect to the selection of the site as its new base of operations, the Applicant considers/considered the following to be salient: (1) the business required to be located in the Galashiels area, its established base of operations; (2) there was an existing building on-site for secure storage; (3) the business' on-site operations and the particular types and sizes of vehicles and plant operated, are considered not to be appropriately accommodated within an industrial estate or settlement; (4) the site has good road access and services (power and water supply); (5) it is a well-drained site due to an efficient soak-away system; and (6) the existing building was understood to be already in a commercial use.

The Applicant currently has 10 full time employees. Its vehicles, plant and machinery include tractors, wood chippers, lifting equipment, trailers, land rovers, tree-cutting and handling machinery, amongst others as well as spare parts and maintenance for the same. Its depot currently operates from 0700 to 1800 Monday to Friday, and until 1300 on Saturdays.

The 42 storage containers were introduced as a side-line to the forestry and fencing contractor business, to diversify the business' activities, and are the subject of a separate planning application seeking retrospective

planning consent (16/00397/FUL) for their operation in the service of a proposed commercial storage business use.

With respect to the caravans on the site, it is advised that these are to be removed over the next few months. Their retention does not form part of the current proposals.

It is advised that a third party business is currently sub-letting one of the existing units within the converted farm building. The Applicant advises that this is another forestry business.

PLANNING HISTORY

The site is land within the farmyard at Langlee Mains, an established agricultural holding.

The existing building on the site was originally consented as a cattle shed (Planning Consent 02/01163/FUL). Following its construction, Forth Meat Supplies Ltd obtained a further consent (05/02107/FUL) for a part change of use of the same building to accommodate a meat processing facility. The latter would have been a Class 5 industrial use, but there is no evidence that this use of the site was ever implemented. The Applicant does not challenge this understanding. It does allege that besides agricultural uses, Forth Meat Supplies Ltd also used the site for storing refrigerator lorries, but has provided no documentary evidence to substantiate this; nor any details about the extent to which this was ever a main use of the site (or any part thereof); nor the length of time that any such commercial vehicle storage use was in operation. The Planning Authority has no record of the site ever having been used for any non-agricultural uses by Forth Meat Supplies Ltd. Accordingly, and contrary to the Applicant's own advice and understanding, it is not accepted that Forth Meat Supplies Ltd's operations established any commercial use at the site. There is neither express nor deemed planning approval for Class 5 general industrial and/or Class 6 storage use(s).

Planning Consent 10/00249/FUL gave a temporary permission for the siting of four storage containers, seven office units, one security office and a heras boundary fence at the site in connection with a specific and short-term temporary proposal. This related to service works then being carried out there by a gas pipeline operator. This permission was subject to a condition that all approved structures and fencing should be removed from the site at the end of the temporary period of consent. This expired at 31 December 2010.

The Applicant acquired the site in 2012. At some point in the period post-dating June 2011 (the time of Google Streetview's most recent recorded images of the site) alterations were made to the structure of the farm building. These works include the unlawful construction of an offshoot to the west elevation, which now accommodates two workshop units. According to information from Scottish Assessors (dated to August and November 2015), both of these units are now operating as business premises. One ('Unit 3') is identified as the premises of Gareth Cook; another ('Unit 4') as that of Dick Brothers Ltd. The latter is identified on its own website as a 'Timber Harvesting Contractors' business. No planning applications have been received in relation to the operation of either of these recently installed businesses.

At the end of last year, the Applicant, of its own accord, made a planning application (15/01451/FUL) seeking approval, not for any change of use of the site, but for broadly the same developments as are now being proposed by current Planning Application 16/00356/FUL; specifically the existing and proposed extensions to the farm building, and the erection of the proposed new wood storage building. However, unlike the current application, both the existing and proposed extensions, were explicitly identified as general storage units, to be capable of being let as commercial storage space. The application was refused on the basis that the Applicant had not demonstrated any need for any general storage facility to be accommodated in this rural location, and additionally also on the basis that the industrial character of development (appearance and operation) would be unsympathetic to the rural character of the site and surrounding area.

An informative attached to the Decision Notice for Planning Application 15/01451/FUL advised that the Applicant was operating unlawfully at the site and that this situation required to be resolved in order to prevent enforcement action. This advice and follow-up discussions have directly prompted the current planning applications.

PLANNING POLICY

The site is agricultural land out with the Development Boundary. It is not allocated for employment or any other uses. The Applicant has not substantiated its advice that part of the site is already within a commercial, non-agricultural use. Accordingly all the evidence is that the established use of the entire site is only reasonably considered to be agriculture.

The Applicant's forestry and fencing contractor business is well-established, with credible long-term prospects of operating and sustaining the business operation described.

The on-site operations of the forestry and fencing contractor business fall within Use Class 5 (general industrial) and Use Class 6 (storage or warehousing), and therefore within a mixed use.

Notwithstanding the Applicant's provision of forestry services off-site, its operations on-site do not include the growing and management of any forest or woodland. These are therefore not reasonably characterised as 'forestry' in land use planning terms.

Scottish Borders Council Local Development Plan Policies ED7 and EP6 serve to test the acceptability or otherwise of the principle of the proposals. However, no specific aspect of the proposals should otherwise have any unacceptable impacts upon the amenity or environment of the site and surrounding area.

PLANNING PRINCIPLE

Policy ED7's item c. specifically requires that a business or employment generating use in the countryside should be supported where the Council is satisfied, firstly, that there is an economic and/or operational need for the particular identified countryside location, and secondly, that this use cannot reasonably be accommodated within the Development Boundary of a settlement.

In its specific application to the regulation of land that is within the identified Countryside Around Towns Area, Policy EP6's item a., also requires the Council to be satisfied that there is an essential requirement for a proposal's rural location and that the use should be appropriate to a countryside setting. Policy EP6's items b., c. and e., are not reasonably applied in principle to the assessment of the current proposals. It is conceivable that the proposals, or an aspect of them, might in principle satisfy Policy EP6's item d's requirement for a landscape/trees/woodland/natural heritage/cultural heritage/access and/or recreational enhancement. However, even if this were considered to be the case, this would not negate the need for the principle of the proposals to be assessed against Policy ED7.

Ultimately then, support for the principle of the proposals, comes down to whether or not the Council is satisfied that there is, firstly, a need for them to be accommodated at this particular countryside location; and secondly, that it is accepted that they cannot more reasonably be accommodated within the Development Boundary; as opposed to in the countryside more generally; or within the Countryside Around Towns Area more specifically.

With respect to the first point, and given the extensive geographical (even regional) sphere of the Applicant's off-site operations, there is no operational need for the business to be located at this specific countryside location. The need for a central location, with good access to the local road network, would if anything, appear to indicate a site within the Development Boundary at Galashiels.

With respect to the second point, the Applicant essentially asks that it is accepted that the nature of its storage and industrial operations is such as to make its operation incompatible with a site within the Development Boundary. It is appreciable that some of the types of vehicles, plant and machinery used (or now used) by the business might not be readily accommodated in their size, movement and/or operation on a site within the Development Boundary. These would also be liable to impact neighbouring businesses and properties adversely, principally through noise nuisance and disruption to traffic flow. However, since the Applicant was formerly accommodated at premises in Roxburgh Street Galashiels up until 2012, it is unclear whether or not there is any inherent reason why the forestry and fencing contractor business could not (or could not now) be accommodated within the Development Boundary.

The Applicant gives some details with respect to its site selection considerations but these are very generic, and do not attest any specific or actual effort to be re-accommodated on an existing Class 5 or Class 6 business premises, whether within or outwith the Development Boundary. There is ultimately something of a 'grey area' as to whether or not all operations (particularly the timber processing operations) were

previously accommodated in Roxburgh Street, or whether the Applicant has been able to use the opportunity of the new site to centralise and/or expand its timber processing activities. While it may be reasonable to accept that the timber processing operations could only (now) be accommodated in the countryside, it does not reasonably follow that the Applicant's main business' storage depot should follow this offshoot business enterprise into the countryside as well. The Applicant might reasonably have considered operating the uses from two or more sites. At least the supporting statement does not show that this option has been appropriately considered and discarded.

I have assessed the Applicant's supporting case and conclude that the Applicant has not demonstrated that there is an economic and/or operational need for the forestry and fencing contractor business to be based in this particular countryside location. More details with respect to the Applicant's site selection considerations may have helped address some of the above noted concerns, but I am ultimately not persuaded that the forestry and fencing contractor business' operations could not, substantially at least, have been accommodated within the Development Boundary as they were before. Accordingly I am unable to conclude that the proposal does comply with the strict requirements of item 'c)' of Policy ED7.

Notwithstanding this, I consider that account can reasonably be taken of the character of the site (an existing farmyard); the nature of the vehicles and plants liable to be operated by this specific business (which are the same or similar to those liable to be operating at an agricultural holding); and the extent to which its business activities either resemble farmyard and estate management operations (e.g. agricultural vehicle storage) or farm/rural estate business diversification activities (e.g. fencing, timber processing, landscaping and ground works business enterprises). Factoring in all of these considerations, I am content that the principle of the accommodation of the proposed forestry and fencing contractor business uses at this site can reasonably be supported, albeit contrary to the strict requirements of both Policy ED7 and item a. of Policy EP6. There are however a number of factors to be considered with respect to how the use of the site would be regulated in practice.

LAND USE AND OPERATION

Economic Development observes that there would be potential for any unqualified approval of a Class 5 and/or Class 6 use of the site to then make the site generally available for uptake by any business and commercial use thereafter. It therefore seeks the imposition of planning conditions to require that the land should not go into general business use without express planning consent first having been sought and secured. However, the proposed forestry and fencing contractor business use is, I consider, more appropriately and reasonably identified as being a mixed use, comprising both Class 5 and Class 6 operations. On a practical level, this allows for the site, including the yard and the existing and proposed buildings, to be used interchangeably for industrial and storage uses, as the Applicant's operation requires. I consider that this is justifiable in both environmental and amenity terms, given the set back of the site from surrounding residential properties (albeit that there is a need to consider specific amenity concerns in more detail below).

Theoretically at least, the explicit identification of the proposed forestry and fencing contractor business use of the site as a mixed use, and therefore a sui generis land use, would mean that there would not be any requirement to impose planning conditions to prohibit any permitted change of use of land at the site to general Class 4, Class 5 and/or Class 6 use(s). In practice however, this would require to be reconciled with certain 'facts on the ground' with respect to what is proposed here, and what is occurring on the site at present. Firstly, there is known to be at least one third party business already operating from part of the site, about whose operations the Applicant has not provided any details at all beyond its advice that this other business is a 'forestry' operation. The Applicant appears to include explicitly this sub-let within the proposed forestry and fencing operation. Secondly, the Applicant has previously been concerned to lease the proposed new units to be attached to the farm building to third party business operators (Planning Application 15/01451/FUL). Thirdly, the Applicant is now currently seeking retrospective planning approval (Planning Application 16/00397/FUL) to operate a commercial storage facility based on the 42 shipping containers already in situ on a site that is entirely contained within the boundary of the current application site.

The proposal that is the subject of Planning Application 16/00397/FUL can be considered on its own planning merits, but the existing use of the land for commercial storage and general leasing cannot be ignored either. The Applicant has a concern (reasonably understood to be still current) to operate at least a part of the premises as general commercial storage land. A clear distinction therefore needs to be made

between the operations that are the subject of the current proposal and any other uses within Class 4, Class 5 and Class 6 which are not, but which might be liable to benefit from any more general and unqualified approval of Class 5 and Class 6 uses at the site in connection with the operation of the mixed forestry and fencing contractor business use of the land. It would therefore be appropriate to seek to restrict the Class 5 and Class 6 operations to those activities which are explicitly described within the details presented in support of this application (specifically the proposed timber processing operations, related storage, and the proposed storage of the vehicles, equipment, materials and plant of the forestry and fencing services business). In this way, it would be possible to ensure that the site, or any part of it, might not be used for general Class 4, Class 5 and/or Class 6 uses ostensibly within the approved mixed forestry and fencing contractor business use.

With respect to the accommodation of the third party business(es) already operating from the site which are advised by the Applicant to be forestry operations, the position is more ambivalent. The Applicant has not provided any details about this other operation/these other operations it sub-lets premises to. Therefore it is not actually clear whether or not these third party businesses would be capable of operating in accordance with any planning approval, including conditions, issued to regulate the proposal described by Planning Application 16/00356/FUL. However, there is reasonably no concern in principle if the business(es) concerned were indeed other forestry and/or fencing contractor businesses. They would in this circumstance, be reasonably capable of operation in full compliance with the overall mixed forestry and fencing business contractor use of the site. The wording of any conditions might reasonably allow for this possibility, but an informative should also be attached to advise that all business(es) accommodated at the site will be required to comply in full with the planning approval and all planning conditions attached to it.

Subject to the imposition of conditions and informatives to address the above highlighted matters, I am content that the proposed forestry and fencing business' operations would have no unacceptable impacts in principle upon the amenity or environment of the site; or upon those of the surrounding area; and allow these proposals to be made the subject of an approval that is exceptional to the strict requirements of planning policy.

DESIGN

The proposed appearance of the proposed new forestry contractor business' storage accommodation raises no concerns in principle. Some regard would however reasonably be had to the finished colour of the profiled metal sheeting on the proposed new log store shed building, and to the need to ascertain this same building's precise orientation.

A drawing of the North Elevation of the existing unlawfully established extension has been omitted from the Proposal Drawings, but since the structure is existing, it was inspected on site. I am content that no new elevation drawing is required. Similarly, the orientation of the elevations of the proposed new extension to the same building is not denoted on the drawings, but is reasonably understood based on the main building.

The proposed new offshoot to the East Elevation of the existing shed would reasonably be required by condition to match the appearance of the existing building. There is however a concern - raised by, and shared with, Economic Development - with respect to the industrial character of the proposed East Elevation of the proposed new eastern extension. This principally relates to the number of roller shutter doors featured, which are evenly spaced along the length of this elevation, giving it the appearance of a row of industrial units. The appearance is in fact the same as that proposed at the time of Planning Application 15/01451/FUL, when the proposal was that this eastern extension should be, or be capable of, accommodating separate industrial units for general commercial leasing. The Council's Economic Development Section notes its concern that the units within the proposed new extension to the East Elevation of the farm building would be readily capable of independent operation if designed and laid out as fully separate units, as is described on the Proposal Drawings. The Applicant has provided some somewhat unusual and confusing advice within an addendum document with respect to these same proposed new units. This advises that contrary to what is described on the drawings, there would in fact be no internal partitions within the extension. However, it is still concerned to retain all of the proposed external doors for ease of access to the building.

While the business' need for separate roller shutter doors along the length of the offshoot to allow easy access to vehicles, equipment and plant is appreciable, I would concur with Economic Development's assessment that it is not clear precisely why this number and configuration of roller shutters is necessary for

the business' operations (particularly in fact, if there were no internal partitions) or why each of these roller shutters would in turn, also have to be served by its own separate pedestrian door. Economic Development considers that the potential to omit all unnecessary doors should be required by planning condition. This would help counteract the appearance of what would otherwise be liable to look like a row of separate industrial units, clearly visible within views from the public road. Such an appearance would detract from any sense of the business premises inhabiting a farmyard and converted farm buildings.

At one level, it is reasonable that no issues should be taken where the Applicant has specifically advised that its forestry and fencing services' business has an operational requirement for this number and configuration of roller shutters. However, at another, its advice with respect to the omission of internal partitions would indicate that some potential must exist to rationalise the number of roller shutters and pedestrian doors required since all doors lead to the same space. On balance, I do not consider that the Applicant has substantiated its requirement for this number of doors and that it would reasonably be required to reduce the number of these to, at most, three or four.

The appearance of the same elevation would also be greatly improved if the roller shutters, even in reduced numbers, could be made as visually recessive as possible, principally by being matt dark and/or organic coloured. Dark green or dark blue are often seen in the countryside in association with modern farm buildings and, I consider, might also be appropriately used here.

The Applicant's maintenance of a site layout drawing describing internal partitions within the eastern extension is also something of a loose-end in that internal partitions, if featured, would in themselves justify separate accesses to separate units or garages of the business premises. However, since the Applicant has explicitly advised that it does not have any requirement for internal partitions, it follows that a revised floor plan drawing is also required to agree with the revised external appearance once a reduced number of roller shutters is allowed for.

Notwithstanding the Applicant's earlier interest (Planning Application 15/01451/FUL) in operating the eastern extension as commercial storage premises, the use of the extension is reasonably controlled by planning conditions along the lines already noted above, to exclude their use for any other purposes (including general commercial storage).

LAYOUT

Excepting the identification of the two proposed new-build elements which are identified as being for storage use, the Applicant does not otherwise provide any explicit advice with respect to where the timber processing operations would be accommodated. However, I am not inclined to consider that there is ultimately any particular environmental or amenity concerns with respect to where and how specifically the Class 5 operations would be accommodated within the existing farmyard area. As noted above, I consider it reasonable to identify the forestry and fencing contractor business use as a mixed use without the need to identify particular areas of the site for particular operations. This should give the Applicant full provision to organise and configure its on-site activities as it requires.

The Applicant has included within the site boundary an area of land (a small field), which is shaded orange on the site plan, and which lies beyond the existing farmyard area to the immediate east. It is not shown to accommodate any of the business' operations and otherwise has no requirement to be within the area of operations of the forestry and fencing contractor business. The Applicant may have included it specifically to accommodate its landscaping proposals (which are considered in their own right below). However, although no Class 5 and/or Class 6 operations are indicated to occur within the field, any unqualified approval of the current proposal with this area within the site boundary, would be liable to apply just as readily to it, making it capable of subsequent occupation and use by the forestry and fencing business operations at the Applicant's own discretion. Accordingly, and given that there is a landscape benefit to retaining a degree of separation of the business' yard from the public road, it would be reasonable to explicitly exclude by planning condition, the use of this field as the site of any forestry or fencing business operations.

OTHER CONCERNS

The site access to the public road is excluded from the site. The Roads Planning Section has not responded on this particular proposal, but given that it is served by an existing farm access, I would reason

that no useful or meaningful distinction is to be made between equivalent types and sizes of vehicles and plant as liable to be in use for forestry as for farming. I therefore accept that there would be no unacceptable impacts upon the junction or local road network as a consequence of the operation of the proposed forestry and fencing contractor business use.

Due to the distance of set back from surrounding residential properties, the Applicant is content that its on-site operations (it specifically notes wood chipping) would have any unacceptable impacts upon residential amenity. The Environmental Health Section has reviewed the proposals and seeks conditions to regulate noise impacts. Subject to the imposition of such noise conditions, the proposed forestry contractor business' industrial operations would have no unacceptable noise impacts. However, there is no need to impose Environmental Health's proposed condition to require maintenance of noise-making equipment and machinery in accordance with manufacturers' instructions. The operators should reasonably be doing this in any case, and the misuse of equipment etc. is not reasonably assumed or allowed for within the planning conditions.

The Applicant advises, and it is accepted, that its operations have, or would have, no unacceptable impacts upon the qualifying interests of any natural heritage or cultural heritage designations within the surrounding area.

The Applicant's proposed new hedge boundary between the site and the road would make a positive contribution to the appearance of the site, and would therefore be appropriately regulated by planning condition. A hedge would soften (if not necessarily screen) views of a yard area and buildings including the industrial character of the proposed eastern extension to the existing farm building.

Mention is made within the supporting statement with respect to boundary fencing and gates being of an agricultural type. No specific proposed new boundary fencing is indicated within the Proposal Drawings, but the matter is in any event reasonably regulated by a condition, worded to prevent fencing being installed until appropriate details have first been agreed by the Planning Authority. There is a non-agricultural security fence in place already. This is a relatively transparent structure and in association with the operation of the forestry and fencing business at least, is not, I consider, objectionable in this context. The proposed hedge would also help mitigate (soften) the current appearance.

An informative would be appropriately attached to advise that the pipeline operator may have concerns with respect to the proposed operations.

An informative should be attached to advise that the caravans now require to be removed at the earliest opportunity since these are not the subject of either of the applications. The resolution of the position with respect to the shipping containers is appropriately addressed through the determination of Planning Application 16/00397/FUL.

CONCLUSION

Subject to the imposition of planning conditions and informatives to address the above highlighted concerns, Planning Application 16/00356/FUL for the accommodation of the forestry and fencing contractor business at the site, within the existing and proposed building and extensions, is considered permissible, albeit as the subject of an exceptional approval, specifically as an exception to the requirements of both Policy ED7 and Policy EP6.

REASON FOR DECISION :

The proposals do not comply with Scottish Borders Council Local Development Plan Policies ED7 and EP6, but material considerations relating to the type of operations and the type of vehicles, plant, materials and equipment that would be operated and stored on the site, are found to be sufficiently overriding in this case, to allow the application to be supported subject to compliance with the identified schedule of conditions. This is because the operational appearance of the forestry and fencing contractor business premises would not be substantially different from what might reasonably occur at a farm or other rural land holding, either in direct relationship to the management of such holding and/or in relationship to the operation of a farm or estate-based diversification business enterprise.

Subject to compliance with the identified schedule of conditions, the proposals will accord with Scottish Borders Council Local Development Plan Policies PMD1, PMD2, HD3, IS7, IS9 and IS12.

Recommendation: Approved - conditions & informatives

- 1 Notwithstanding the details submitted in support of the planning application, the curtilage of the forestry and fencing contractor business premises hereby approved, shall be (and shall at all future times be held to be) in perpetuity: only that area of the site that corresponds to the area shaded in red on Approved Site Plan Drawing 102 (and including both 'Building A' and 'Building B'). The remainder of the land within the site boundary (specifically the area that is shaded in orange on the aforementioned drawing) shall be held to be agricultural land, and shall at no time be incorporated into the forestry and fencing contractor business premises hereby approved, nor shall it otherwise be used to accommodate any of the forestry and fencing contractor business's Class 5 (general industrial) and/or Class 6 (storage) operations unless a planning application in that behalf has first been submitted to, and approved in writing by the Planning Authority.
Reason: To retain effective control over the development and approved operations, and in the interests of conserving the environment and amenity (including visual amenity) of the site and surrounding area by ensuring that the forestry and fencing contractor business operations are appropriately contained within the perimeter of the existing yard. The Planning Authority considers that the area of land within the site boundary that lies between the existing yard perimeter and the public road, provides an appropriate physical separation between the business operations and the public road, and setting for the site, and that this space should be conserved in perpetuity entirely out with the curtilage of the business premises and the site of the business' operations.
- 2 Notwithstanding the details submitted in support of the planning application, the area of the site that corresponds to the area shaded in red on Approved Site Plan Drawing 102 (including the existing and new buildings contained within this same area) shall be, and shall at all future times be held to be, in perpetuity in a mixed use forestry and fencing contractor business use, encompassing only the following uses and operations:
(a) the processing of timber, including the sawing, splitting and chipping of timber;
(b) the storage of timber for processing on-site and for distribution subsequent to its processing on-site; and
(c) the storage of vehicles, machinery, plant, materials and equipment used off-site in the provision of the forestry and fencing contractor business' forestry, fencing, tree works, ground works and/or landscaping services; with no permitted change(s) of use of the site, or any part thereof, to any other use(s) - including all and any uses within Classes 4, 5 and/or 6 of the Town and Country Planning (Use Classes) (Scotland) Amendment Order 1997 (as amended) - unless an application for planning permission to change the use of the premises contrary to the directions noted above, has first been submitted to, and approved in writing by, the Planning Authority.
Reason: To retain effective control over the use of the premises in the interests of ensuring that the operation of the site is, and remains, appropriate to this countryside location, and does not have any unacceptable impacts upon the amenity and environment of the surrounding area, and including upon the amenity of neighbouring residential properties and businesses.
- 3 Noise levels emitted by any equipment, plant and/or machinery used on the premises in connection with the operations of the forestry and fencing contractor business use hereby consented, shall not exceed Noise Rating Curve NR20 between the hours of 2300 and 0700, and NR30 at all other times, when measured within the nearest noise sensitive dwelling (even when windows at the noise sensitive dwelling are open for ventilation). Further, the noise emanating from any equipment, plant and/or machinery used on the premises in connection with the forestry and fencing contractor business use, shall not contain any discernible tonal component. (Tonality for the purposes of monitoring and assessment being determined with reference to BS 7445-2).
Reason: To prevent noise generated by any equipment, plant and/or machinery used on the premises in connection with the forestry and fencing contractor business use, from causing noise nuisance to the occupiers of any neighbouring premises.

- 4 Notwithstanding the details submitted in support of the planning application, no development shall commence on the extension to the East Elevation of the existing shed ('Building A') hereby consented, until:
- (a) revised versions of Approved Drawings 201 and 301, which takes full account of the requirements of Informative Note 4; and
 - (b) details of the finished colour of the roller shutters and doors, which takes full account of the requirements of Informative Note 5,
- have all first been submitted to, and approved in writing by, the Planning Authority. Thereafter the development shall only be implemented and operated in accordance with the approved details.
Reason: To retain effective control over the development; to ensure agreement between the Applicant's written advice and drawn descriptions of the layout of the extension; and in the interests of conserving the visual amenities of the site and surrounding area. With respect to the latter, specifically the design of the extension - and principally the appearance of its East Elevation - requires to be revised, and its finished appearance regulated, in order to ensure that this highly visible structure does not have the character of a row of industrial units, which is an appearance that is not substantiated by the operational requirements of the proposal, and which would not be sympathetic to the countryside and farmyard setting of the site.
- 5 Excepting only the finished appearance of the roller shutters and doors (regulated by Planning Condition No 4 above), and unless otherwise agreed in writing by the Planning Authority and in advance of the commencement of development, the finished appearance (materials and finishes) of the external surfaces of the extension to the East Elevation of the existing shed building ('Building A') hereby approved, shall match precisely the appearance (materials and finishes) of the external surfaces of the existing building ('Building A').
Reason: To ensure a satisfactory finished appearance for the new extension in the interests of conserving the visual amenities of the site and surrounding area.
- 6 The profiled sheeting to be used on the roof and walls of the log store building ('Building B') hereby approved, and the orientation of the same building, shall match details (including details of the proposed material and proposed finished external colour) that shall first have been submitted to, and approved in writing by, the Planning Authority.
Reason: To retain effective control over aspects of the development that were inadequately described within the supporting details and to ensure a satisfactory finished appearance for the new building in the interests of conserving the visual amenities of the site and surrounding area.
- 7 Within no more than 2 months from the date of issue of this planning consent, a scheme of details describing the planting of a new hedge within the area shaded in orange on Approved Site Plan Drawing 102, shall be submitted to the Planning Authority for its prior written approval. These details shall include the following:
- (i) a site plan showing the proposed form and layout of the new hedge;
 - (ii) a planting schedule detailing the types and numbers of species to be used; and
 - (iii) a maintenance schedule covering the first two years following the original planting.
- Following the Planning Authority's written approval of these details, the landscaping proposals shall then be carried out in full accordance with the approved details. Unless otherwise agreed in writing and in advance by the Planning Authority, the new hedge shall have been planted in full, by no later than the end of the first full planting season following the date of the Planning Authority's written approval. It shall thereafter be maintained in full accordance with the approved details.
Reason: To retain effective control over the form and delivery of the landscaping treatment described in the supporting details to ensure that an appropriate and effective boundary treatment is created to mitigate both the appearance of the perimeter fence and the appearance of forestry and fencing yard operations within views from the public road which lies to the east of the site.
- 8 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any subsequent provisions amending or re-enacting that Order), no new security or perimeter fencing shall be erected at, within or around the site, until full details of the position, height, design and finished appearance of that same fencing have first been submitted to, and approved in writing by the Planning Authority. Thereafter this fencing shall only be erected and maintained in accordance with the approved details.

Reason: To retain effective control of this aspect of the development which is insufficiently described within the supporting details in the interests of conserving the visual amenities of the site and surrounding area.

Informatives

It should be noted that:

1 INFORMATIVE NOTE 1:

Notwithstanding the Applicant's explicit advice that part of the premises is being let to another forestry business, no details have been presented to the Planning Authority to substantiate whether or not that business (or any other business that might be letting units from Wilson G Jamieson at the site) is in fact operating, or is capable of operating, within the mixed forestry and fencing contractor business use hereby consented. Ultimately however, it is the responsibility of all occupiers of the site to operate in full accordance with this planning consent, including all of the requirements of the planning conditions attached to this same planning consent. This includes any and all parties who let units, or any other part of the premises.

2 INFORMATIVE NOTE 2:

All structures and uses within the site that are not directly related to the forestry and fencing contractor business operation's timber processing operations and/or its forestry, fencing, tree works, ground works and/or landscaping services, require to be removed from the site at the Applicant's earliest opportunity. This includes the stored caravans which the Applicant has identified for removal.

While it is reasonable to allow sufficient time for the Applicant to make alternative arrangements for the removal and disposal of all structures and uses that are not in accordance with this planning approval, the Planning Authority reserves its right to inspect the site subsequent to this planning approval to ensure that the site is being operated in full accordance with the requirements of this planning approval, and if necessary, to pursue enforcement action against any observed breaches of this same planning consent.

3 INFORMATIVE NOTE 3:

The Applicant, Owner and Operator(s) of the site should liaise with the utilities operators responsible for the electricity powerlines and gas pipeline which traverse the site for the purpose of ensuring that the developments and operations hereby consented, do not raise any concerns for these utilities operators with respect to the maintenance of their infrastructures.

4 INFORMATIVE NOTE 4:

The East Elevation of the extension to the existing shed building ('Building A') has the appearance and character of a row of industrial units within the descriptions of both Drawings 301 and 201. This is primarily manifest within the number and even spacing of the seven roller shutter doors which are featured within these same descriptions.

While it is accepted that the Applicant has a reasonable requirement for roller shutter doors in this elevation to facilitate the operation of its fencing and forestry services' storage needs, the specific need for seven roller shutter doors has not been substantiated. This is particularly so, given the Applicant's explicit written advice that it has no intention of installing partitions internally within the same structure. Accordingly there appears to be a reasonable opportunity for the Applicant to minimise the number of roller shutter doors needed to serve the single unit that would be accommodated within the extension. And for that matter, there is also an opportunity to reduce the number of associated pedestrian doors.

Accordingly the revised versions of Drawings 201 and 301 required by Planning Condition No 4 should feature a reduced number of roller shutters and doors, specifically the minimum number of doors actually required to facilitate the premises' operation in support of the mixed use hereby consented.

The revised version of Drawing 201 is also required to describe the omission of all the internal partitions (to accord with the written advice of the Applicant's own "Addendum to Planning Statement") and should agree with the description of the revised version of Drawing 301 with respect to the numbers and positions of the roller shutters and doors featured.

Please note that it is not considered that the forestry and fencing operation would require more than three or four doors to service access to the extension on the East Elevation as a single unit. Accordingly if a greater number of roller shutters is required, the Applicant should expect to justify this with further details about the specific operational need for this number of accesses.

5 INFORMATIVE NOTE 5:

Regardless of the revision required to the design of the East Elevation of the extension to the existing shed building ('Building A'), the roller shutters and doors should be coloured, or finished, to be as visually non-intrusive as possible. The details provided to address the information requirements of Planning Condition No 4, item (b) should therefore describe a matt dark and/or matt organic colour, which is visually recessive.

While other options can be considered, a dark blue or dark green colour as might feature on a farm building, would be liable to be acceptable, albeit that the precise details would still need to be supplied to address the information requirements of item b. The critical concern with respect to the finished appearance of the roller shutters is that any appearance of shiny, metallic and/or brightly coloured roller shutters as might be liable to feature on an industrial estate, should be avoided.

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

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference : 16/00397/FUL

**To : Wilson G Jamieson Ltd per Peter Macleoad 122 Scott Street Galashiels Scottish Borders
TD1 1DX**

With reference to your application validated on **5th April 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Change of use of land to commercial storage and siting of 42 No storage containers
(retrospective)**

at : Land East Of Langlee Mains Farmhouse Galashiels Scottish Borders

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s)** stated on the attached schedule.

**Dated 2nd June 2016
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 16/00397/FUL
Schedule of Plans and Drawings Refused:

| Plan Ref | Plan Type | Plan Status |
|-----------------------|---------------|-------------|
| 001 | Location Plan | Refused |
| 101 | Site Plan | Refused |
| 102 | Site Plan | Refused |
| GP Dimensions | Elevations | Refused |
| GP Roof | Roof Plan | Refused |
| GP Door End | Elevations | Refused |
| GP End Wall | Elevations | Refused |
| GP Side Wall | Elevations | Refused |
| Bottom Side Rail | Other | Refused |
| Side Wall Panels | Elevations | Refused |
| Container Floor Sheet | Other | Refused |
| | Photos | Refused |
| Rear End Wall | Elevations | Refused |
| GP Wall Section | Sections | Refused |
| GP Underfloor | Elevations | Refused |

REASON FOR REFUSAL

- The proposal does not comply with Scottish Borders Council Local Development Plan Policies ED7, EP6 and PMD2 in that there is no overriding economic and/or operational need for the proposal to be sited in this particular countryside location; the proposal would more reasonably be accommodated within the Development Boundary; and the siting and operation of a commercial storage facility would be highly unsympathetic to the rural character and amenity of this site and the surrounding area, principally through the landscape and visual impacts that would result from such an industrial type and scale of operation being accommodated at this highly visible countryside location.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

- All shipping containers require to be removed from the site at the Applicant's earliest opportunity. While it is reasonable to allow sufficient time for the Applicant to make alternative arrangements for the removal and disposal of all shipping containers, the Planning Authority reserves its right to inspect the site subsequent to this planning decision to ensure that the site is being operated in accordance with planning regulations, and if necessary, to pursue enforcement action against any observed breaches of these regulations if the containers, or any part thereof, are found to be still in situ.

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 16/00397/FUL

APPLICANT : Wilson G Jamieson Ltd

AGENT : Peter Macleoad

DEVELOPMENT : Change of use of land to commercial storage and siting of 42 No storage
containers (retrospective)

LOCATION: Land East Of Langlee Mains Farmhouse
Galashiels
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

| Plan Ref | Plan Type | Plan Status |
|------------------------|------------------|--------------------|
| 001 | Location Plan | Refused |
| 101 | Site Plan | Refused |
| 102 | Site Plan | Refused |
| GP DIMENSIONS | Elevations | Refused |
| GP ROOF | Roof Plan | Refused |
| GP DOOR END | Elevations | Refused |
| GP END WALL | Elevations | Refused |
| GP SIDE WALL | Elevations | Refused |
| BOTTOM SIDE RAIL | Other | Refused |
| SIDE WALL PANELS | Elevations | Refused |
| CONTAINER FLOOR SHEETS | Other | Refused |
| | Photos | Refused |
| REAR END WALL | Elevations | Refused |
| GP WALL SECTION | Sections | Refused |
| GP UNDERFLOOR | Elevations | Refused |

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

No representations.

Roads Planning Section: No objections. This proposal would create some additional traffic onto the C77 Langshaw public road. However, the increase is anticipated to be relatively low, and these vehicles would be generally spread out evenly throughout the working day. This would have little adverse effect on the current usage and free flow of traffic on the C77. It is noted that this is a retrospective application, and to date, Roads is unaware of any issues arising with the traffic generated with this development.

Environmental Health (Contaminated Land): no comments.

Environmental Health (Amenity and Pollution): There is potential for annoyance if exterior lighting is used. An informative is recommended to advise the Applicant with respect to potential light nuisance considerations.

Economic Development: would generally support facilities that support rural businesses and this form of rented storage would appear to provide this facility. It assumes that the Applicant must have determined that there was a market for renting these containers prior to incurring such high expense. Whilst container storage sometimes is contained within industrial estates, they are a poor use of serviced employment land, which is extremely expensive to create and does not generate many jobs in proportion to the expenditure incurred. Economic Development therefore supports this use, on what appears to be marginal land, which generally may be sterilised for other uses, due to the location of the gas main and overhead electricity cables. It considers that this use does not need public utility services. While the Applicant has tried to ensure that the containers blend in, they are generally quite urban in nature and would benefit from some form of screening. It is not clear exactly where the intended screen hedge is to be located, but as the containers are 2.6m high it would be some time before the hedge would have the desired effect. Planting adjacent to the public road verge may achieve screening much sooner than to the rear of the containers. In addition some woodland planting that would also screen the rest of the site may help, but its location would be restricted by services. It is suggested that the Council's landscape architect would be consulted for its views in this regard. However, it would not support the site being granted for Class 4, 5 & 6 uses, as this is perhaps not an ideal location for other types of businesses and that perhaps a section 75 agreement should be considered to restrict the site to only be used for rural business uses.

Forward Planning Section: This application must be assessed against Policy ED7 - Business, Tourism and Leisure in the Countryside of the Scottish Borders Local Development Plan 2016. Where a proposal comes forward for the creation of a new business including that of a tourism proposal, a business case that supports the proposal will be required to be submitted as part of the application process. Particular attention needs to be given in the consideration of this application to criteria C in respect of the economic and/or operational need for the containers to be at this particular location. Due consideration needs to be given to the visual appearance of the proposed storage containers and whether appropriate landscaping could be considered.

Scottish Gas Networks: notes that there are high pressure pipelines in the area of the proposed works. It has sent correspondence to its local engineer to assess but in the meantime, formally objects to this planning application until such time as a detailed consultation has taken place.

HSE: Does not advise against.

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 EP6: Countryside Around Towns

Policy IS7: Parking Provision and Standards

Policy IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Policy IS12: Development Within Exclusion Zones

Other Planning Considerations:

National Planning Framework 3

Scottish Planning Policy (2014)

PAN 73 - Rural Diversification (2005)

SBC Supplementary Planning Guidance: Countryside Around Towns (approved January 2011)

Recommendation by - Stuart Herkes (Planning Officer) on 31st May 2016

SITE DESCRIPTION AND PROPOSED DEVELOPMENT

This application seeks retrospective approval for a change of use of land within the farmyard at Langlee Mains, around half a kilometre to the north of Galashiels, to accommodate the siting and operation of 42 shipping containers as a commercial storage facility.

The Applicant, 'Wilson G Jamieson Ltd Fencing and Forestry', is a fencing and forestry contractor, which is currently also seeking retrospective approval (Planning Application 16/00356/FUL) for the relocation of its forestry and fencing contractor business services and timber processing activities to the same site but also a wider area of adjacent land. This wider site (16/00356/FUL) includes an existing agricultural building to the immediate west.

In planning policy terms, the site lies out with the Development Boundary, and within the designated Countryside Around Towns Area.

The proposed commercial storage facility is explicitly identified within the Applicant's supporting statement as being a side-line to the forestry and fencing contractor business, to diversify that business' activities. The supporting statement advises that its customers are anticipated to be rural businesses or businesses serving rural customers.

The eastern extremity of the site is traversed by a gas main (Newhouses to Calhill pipeline). The Applicant advises that due to the need not to develop land around the pipeline, this area would be converted back to use as a paddock. A new hedge of native species is proposed along the eastern side of the yard, to soften views of the site from the public road.

The site access, which is essentially that for the wider farmyard, is not included within the site boundary. It lies to the immediate northeast. The public road lies downslope, to the immediate east. Otherwise, adjacent land is all within the farmyard at Langlee Mains. This includes two existing and operational agricultural buildings to the immediate west of the site.

With respect to the site's wider environs, the land to the east, on the opposite side of the public road, was formerly a municipal landfill. This is no longer in service for refuse disposal, and has now been landscaped. It does however accommodate an operational landfill gas electricity generating station. This lies within approximately 25m of the site. Land to the south of the landfill site, accommodates an operational recycling facility. This lies at a distance of approximately 500m from the site. Further north and east of the application site, is a golf driving range, which lies at a distance of more than 1.5km.

PLANNING HISTORY

The site is land within the farmyard at Langlee Mains, an established agricultural holding.

The existing building to the west of the site was originally consented as a cattle shed (Planning Consent 02/01163/FUL). Following its construction, Forth Meat Supplies Ltd obtained a further consent (05/02107/FUL) for a part change of use of the same building to accommodate a meat processing facility. The latter would have been a Class 5 industrial use, but there is no evidence that this use of the site was ever actually implemented. The Applicant does not challenge this understanding. It does allege that besides agricultural uses, Forth Meat Supplies Ltd also used the site for storing refrigerator lorries. However, it has provided no documentary evidence to substantiate the operation of any commercial storage use at the site. It also does not provide any details about the extent to which this was ever a main use of the site (or any part thereof); and no details about the length of time that any such commercial vehicle storage use was in operation. The Planning Authority has no record of the site ever having been used for any non-agricultural uses by Forth Meat Supplies Ltd. Accordingly, it is not accepted that Forth Meat Supplies Ltd's operations established any commercial use at the site. There is in short, neither express nor deemed planning approval for any Class 5 general industrial and/or Class 6 storage use(s) at the site.

Planning Consent 10/00249/FUL gave a temporary permission for the siting of four storage containers, seven office units, one security office and a heras boundary fence at the site in connection with a specific

and short-term temporary proposal. This related to service works then being carried out there by a gas pipeline operator. This permission was subject to a condition that all approved structures and fencing should be removed from the site at the end of the temporary period of consent. This expired at 31 December 2010.

The Applicant acquired the site in 2012. At the end of last year, the Applicant, of its own accord, made a planning application (15/01451/FUL) seeking approval for new commercial storage buildings at the farmyard, and without making any proposal to change the use of the site. The application did not include the 42 shipping containers, but these were observed to be in situ on the occasion of the Planning Officer's site visit.

Planning Application 15/01451/FUL was refused on the basis that the Applicant had not demonstrated any need for any general storage facility to be accommodated in this rural location, and additionally, also on the basis that the industrial character of development (appearance and operation) would be unsympathetic to the rural character of the site and surrounding area. An informative attached to the Decision Notice advised that the Applicant was operating unlawfully at the site, and that this situation required to be resolved in order to prevent enforcement action. This advice and follow-up discussions have directly prompted Planning Application 16/00356/FUL and Planning Application 16/00397/FUL.

PLANNING POLICY

The site is agricultural land out with the Development Boundary. It is not allocated for employment or any other uses. The Applicant has not substantiated its advice that part of the site is already within a commercial, non-agricultural use. Accordingly all the evidence is that the established use of the entire site is only reasonably considered to be agriculture.

The proposed commercial storage business use based on the leasing of the 42 shipping containers, also falls within Use Class 6 (storage or warehousing).

Scottish Borders Council Local Development Plan Policies ED7 and EP6 serve to test the acceptability or otherwise of the principle of the proposals in this case.

Specifically Policy ED7's item c. requires that a business or employment generating use in the countryside should be supported where the Council is satisfied, firstly, that there is an economic and/or operational need for the particular identified countryside location, and secondly, that this use cannot reasonably be accommodated within the Development Boundary of a settlement.

In its specific application to land that is within the identified Countryside Around Towns Area, Policy EP6's item a. also requires the Council to be satisfied that there is an essential requirement for a proposal's rural location and that the use would be appropriate to a countryside setting. Policy EP6's items b., c. and e., are not reasonably applied in principle to the assessment of the current proposals. It is conceivable that the proposals, or an aspect of them, might satisfy Policy EP6's item d's requirement for a landscape/trees/woodland/natural heritage/cultural heritage/access and/or recreational enhancement. However, were this to be the case, this would not negate the need for the principle of the proposals to be assessed against Policy ED7 (which does not include any equivalent provision to Policy EP6's item d).

Ultimately then, support for the principle of the proposal, comes down to whether or not the Council is satisfied that there is, firstly, a need for it to be accommodated at this particular countryside location; and secondly, that it cannot more reasonably be accommodated within the Development Boundary, rather than within the countryside more generally, or within the Countryside Around Towns Area more specifically.

PLANNING PRINCIPLE

The Applicant has provided a supporting statement which presents the proposed commercial storage use, and retrospective siting of 42 shipping containers, as a side-line or offshoot business from the fencing and forestry contractor business, which it is advised, needed to diversify its business activities. There is however no inherent link between the two operations. Nor are there any details of the business' concern or efforts to secure premises that would have been more acceptable in planning terms to accommodate this part of its business operations. No site selection process is in fact detailed at all beyond the considerations which informed the Applicant's original need and decision to relocate its forestry and fencing contractor operations to the site in 2012.

I have reviewed that the supporting statement but do not consider that it demonstrates that there is an economic and/or operational need for the proposed commercial storage use to be accommodated at this particular countryside location, nor that it has demonstrated that the proposal cannot more reasonably be accommodated within the Development Boundary of a settlement. On the contrary, I would observe that this proposal is of a decidedly general industrial character which would in fact more reasonably be anticipated to be sited within an industrial estate within the Development Boundary, where its appearance and operation would be more sympathetically accommodated. It is, I consider, only reasonably concluded that this proposal is contrary in principle to both Policy ED7 and Policy EP6 item a.

In its supporting case however, the Applicant explicitly appeals to mitigating or "redeeming" circumstances which it considers justify the proposal being made the subject of an exceptional approval. In addition to this, the Council's own Economic Development Section has identified other considerations which it advises, justify the proposal being made the subject of an exceptional approval. The material considerations identified by the Applicant and Economic Development principally relate to economic, land use and landscape considerations. I consider these in turn, below:

ECONOMIC CONSIDERATIONS

In its supporting case, the Applicant advises that there is "a demand for this type and location of storage unit". However, this assertion is non-specific, and is not substantiated or justified by any documentary evidence; and critically, not in any terms which explain or justify operation from this or any other countryside location.

Economic Development is satisfied on the basis of the Applicant's considerable investment in this business venture to date that such demand must reasonably be understood to exist. However, this is somewhat axiomatic and is ultimately not a planning consideration when the need for the particular site and countryside location cannot be justified in planning terms. At least in planning terms, it is reasonable to ask whether the demand could not more appropriately be met at a site within the Development Boundary. Within land use planning, a wider consideration of the proposal's impacts upon the environment and amenity of the site and surrounding area requires to be balanced with economic considerations. Such a balance is substantially enshrined within the considerations required by Policy ED7, with which, as noted above, the proposal does not comply. There is no basis for setting aside the need for this wider consideration with respect to this or any other planning proposal that may be able to deliver an economic benefit. The proposal is unexceptional in this respect.

Further details (specifically with respect to who it is that is generating this demand, and why it cannot be met within the Development Boundary, including within existing storage facilities) might have been helpful to the Applicant's case. However, I would anticipate, firstly, that the Applicant would be unable to demonstrate that its proposed facility actually fulfils any requirements or needs which in planning terms, are not more reasonably and appropriately met at a storage facility within the Development Boundary. Secondly, I would anticipate that the advised demand for the facility is liable to be less of a direct response to the site's countryside location (specific or general) than a direct response to an economic advantage that the Applicant can hand on to its customers from having secured a larger area of land in the countryside more cheaply than it would have done within the Development Boundary. Since the Applicant has proceeded to this position without first having secured planning approval, its advantage over potential competitors in the provision of commercial storage in the area, appears to have been wrought directly through a planning breach. The case that there is a demand for the facility appears to rest somewhat precariously upon the Applicant operating, and being allowed to continue operating, in circumstances that are contrary to planning policy. Were this allowed, this circumstance in itself, would serve to protect the Applicant's advantage from rival operators of commercial storage facilities, who are required to base their operations within the Development Boundary.

The Applicant advises that its concern is to limit the lease of its containers to rural-based businesses or businesses that service rural customers. However, there is no inherent need for any business whose storage needs can be met off-site in a shipping container to have to have that shipping container accommodated at a location in the countryside. This becomes even more untenable when it is considered that the site in question is not within any particularly remote rural area, at distance from a main settlement. On the contrary, it lies in close proximity to Galashiels, where there is employment land, and business premises, which are both actually and potentially available for this purpose, and within only a relatively short

distance. It is therefore unclear how the facility is in any locational sense, meeting any need or demand that cannot be met within the Development Boundary. The latter is liable to offer a more accessible and sustainable base for such an operation without having any unacceptable impacts upon the rural environment and amenity of the site and surrounding area. The Applicant's concern to vet or screen the facility's users is in any event unworkable in theirs or the Planning Authority's terms. Ultimately this is of no substantial consequence or relevance to the decision before the Planning Authority. Leasing in this situation would, and could, only practically be left to the Applicant's own discretion.

The Council has through its Forward Planning processes, and in consultation with statutory consultees and the public, carefully assessed the optimum locations for employment land, and where this can be accommodated most effectively and sustainably. Planning Application 16/00397/FUL effectively seeks to circumvent this process, proposing what is effectively a new industrial estate without the planning need for this facility, let alone the need for it to be in this location, first having been appropriately demonstrated. It would be a very ad hoc way for general employment land, including commercial storage space, to be delivered, were this proposal to be supported in the absence of any planning justification at all. It is a unilateral initiative whose success appears heavily, if not directly, dependent upon the operation being allowed to continue in circumstances that are directly contrary to planning policy. The latter would thereafter be liable to serve to protect its 'advantage' from its potential competitors - although, if the application were supported contrary to the requirements of planning policy, it might also be liable to encourage other similar proposals to accommodate general employment uses on farm land. Support for the current application would be liable to be perceived by others, as setting a precedent for exceptional approvals of general industrial and storage proposals on agricultural land in the countryside.

LAND USE CONSIDERATIONS

The Applicant cites the fact that the surrounding area already accommodates a number of land uses which are not so much countryside uses in their character, but peripheral, municipal, edge-of-settlement uses. Principally, it notes the former landfill (which still powers a generator) and recycling plant to the east and south. These however are confined to the opposite side of the road from the site, and there is no logical or reasonable requirement for a land use that would more readily be accommodated within the Development Boundary, to now be permitted to spread this municipal, quasi-industrial character of development any further north and west; at least not without it first having been demonstrated that the need could not be more reasonably met within the Development Boundary. (No regard can or should be had to the proposal that was the subject of a recent Screening Opinion Request which relates to land to the north and west of the site. A Screening Opinion Request is not a planning application, let alone a planning approval, and therefore that proposal, which has not been subject to the full scrutiny of the planning application process, does not reasonably inform the context in which the current proposals must be assessed).

The Council's own Economic Development Section supports the shipping container installation on the grounds that this is a use of a site that might not otherwise be put to productive economic use. However, the land is agricultural land (or if Planning Application 16/00356/FUL is approved, a fencing and forestry contractor business premises). It does not reasonably fall to be acceptably characterised as marginal or unproductive land in need of any new land use in the terms that Economic Development appears to anticipate. At least, I do not consider that the site's circumstances are particularly notable or exceptional. It is a farmyard and not an area of waste ground. A great deal of farm land throughout the region lies within the vicinity of settlements, pipelines, and other utilities, and any view that such a setting might render land unproductive for agriculture or other uses, risks encouraging the view that consideration should be given to other non-agricultural proposals for other areas of land still within agriculture, notwithstanding that the latter is a productive economic use of land in its own right. Again, the admission of any such consideration, without the need for the specific facility in this specific rural location first having been properly established in planning terms, is at risk of promoting a view, or sense, of an ad hoc, evolving approach to land use planning, which contradicts the careful and reasoned considerations that have informed the formulation of the plans and policies of the statutory development plan. Ultimately, I do not consider that there is reasonably any compulsion to accept any view that the Applicant is somehow making use of, and recovering, land that is in any way lost, or at risk of being lost, to farming and the wider rural economy.

Economic Development's support for a long-established and successful local business is entirely understandable, but the identification and achievement of the most productive economic use of any isolated piece of land is not an overarching planning consideration. Land use planning exists to ensure that all land uses are appropriately accommodated within the context of wider local, strategic and national level planning

aims, and are appropriate to their specific site and surroundings. This requires that appropriate consideration should be given in the public interest more widely, to amenity and environmental considerations, as well as to the accommodation of economic requirements.

LANDSCAPE CONSIDERATIONS

The shipping containers would appear alien to a farmyard, and more generally to a rural and agricultural context. Shipping containers, particularly in such numbers, have an unequivocally industrial character. The appearance is incongruous and completely unlike anything that might be expected to result as a consequence of normal farming and/or rural land management operations. Indeed in its character, the facility is more reminiscent of a dockland or haulage yard than a Borders farm. I consider that this appearance and character of development, unmitigated as it is, is in itself objectionable, and contrary both to Policy ED7 and Policy PMD2 of the Local Development Plan.

While some modest new landscaping proposals are identified by the Applicant by way of mitigation, these would not be sufficient to address, or counteract the currently unmitigated view of rows of shipping containers which are within full view of the public road. The site is not visually well-contained within the surrounding landscape, and the proposal therefore does not reasonably benefit from characterisation as being discreet or unobtrusive in the terms the Applicant anticipates should apply. On the contrary it is highly visible, and particularly in views from the adjacent public road. There is, I consider, an unacceptable landscape and visual impact, which would be further exaggerated by the appearance of business vehicles and cars which would only consolidate the appearance of an industrial estate, undermining any sense of an agricultural context. There is then nothing within the character of the operations, or the screening of the site, which actually mitigates the appearance of the proposed operation in the way the Applicant considers applies.

The commercial storage facility does not comply with any of the exceptions allowed by Policy EP6, including that policy's 'item d.' The latter allows for the principle of a development to be supported where it otherwise delivers an enhancement at the site, including in terms of landscape and ecology, however the land that the Applicant proposes to 'restore' to a field or paddock is already agricultural land and therefore is not dependent upon the approval of this, or any other proposal, for the deliverance of its 'restoration' to open field and agricultural use. This is not reasonably an enhancement in planning terms. Similarly a new agricultural hedge is similarly not reasonably an enhancement that requires 'enabling development', and is a particularly modest and underwhelming response in landscaping terms to the starkly industrial appearance of the shipping containers.

OTHER MATERIAL CONSIDERATIONS

I note the Applicant's appeal to national level planning policy and guidance including National Planning Framework 3, SPP and PAN 73. However, while these documents are supportive of rural economic growth, including redevelopment of brownfield land, and opportunities for business in rural areas, this support is generic, and does not outweigh the need to assess the potential impacts upon the environment and amenity of the specific site and surrounding area as a consequence of the specific proposals.

All in all, the Applicant's supporting case does not provide any advice, or demonstrate any case that might reasonably be seen to override the need to determine this application in accordance with the requirements of planning policy. The proposal is unexceptional and I consider, is only appropriately refused in the circumstances.

ACCESS AND ROAD SAFETY

The Roads Planning Section has noted with specific reference to the operation of the shipping containers that there is potential for some additional traffic onto the C77 Langshaw public road. It does not however anticipate any unacceptable impacts, and takes some comfort from the facility already being in place and operational.

Ultimately, I would not challenge Roads' consideration of these matters, but I am unaware from the Applicant's supporting details of what the existing level of operation of these containers actually is. They appear to have been installed relatively recently. I am not reassured that the absence of concerns raised to date with respect to traffic impacts is a fair reflection of the level of operation that the facility might be

capable of generating, particularly if the numbers of containers were to be increased within the site boundary.

Moreover, I would note that the site access would be shared between the farm and the Applicant's businesses. There would be potential for conflicts between farm traffic, forestry contractor business traffic and any and all users of the proposed commercial storage facility (potentially business vehicles, vans and vehicles of members of the public). While it may not be objectionable, I would still note that there is clearly potential for farm and forestry contractor business traffic to conflict with more general vehicles liable to be generated by the shipping containers' operation in and around the road junction and shared access road.

Going forward, I would also be concerned that the Applicant does not appear to own or control the site access it shares with the farm. The access would be liable to be maintained by its owners at a level sufficient to accommodate farm traffic (which would also be liable to serve the needs of the forestry and fencing contractor vehicles). However, this does not factor in what would be required in the long-term to serve commercial and private vehicles requiring to access the shipping containers.

The Applicant, concerned to demonstrate sustainability, considers that regular bus services accessible at Melrose Gait, 900m from the site, gives the opportunity to travel by bus and walk to the site. However, the links between the site and the wider public transport network are patently poor and do not recommend the site as a location to which the public in particular, should be appropriately encouraged or directed. This is all the more so when the mix of traffic operating at and within the near vicinity of the site is considered.

Ultimately I accept Roads Planning's assessment, and would not consider any of the above concerns in themselves, to be objectionable.

OTHER CONCERNS

Environmental Health notes the potential for lighting to be installed in relation to the yard and storage container use. No lighting is proposed. In the event of approval, an informative might be included to advise that any future proposals for lighting (even in relation to the yard operations of the forestry and fencing contractor business) should be discussed with the Planning Authority to establish the planning requirements in advance.

The Applicant advises, and it is accepted, that its operations have, or would have, no unacceptable impacts upon the qualifying interests of any natural heritage or cultural heritage designations within the surrounding area.

In the event that the storage facility proposal were supported, it would be reasonable to require by condition that the proposed new hedge at least - if not actually a new woodland or tree belt - should be established on the Applicant's land to the east of the site; that is, on the 'paddock' the Applicant proposes to restore between the yard and the public road.

Scottish Gas Networks has issued a conditional objection which is to stand until such time as it has assessed the impacts upon the pipeline. In the event of approval, an informative would be appropriately attached to advise that the pipeline operator may have concerns with respect to the operation of the shipping containers. Notwithstanding that this is nominally an objection, SGN's advice does not reasonably justify refusal of the proposal as being contrary to Policy IS12 since the proposal could still be found to be acceptable further to SGN's assessment. Moreover, this consultee has not provided any further advice to this point to update its provisional advice.

In the event that the shipping containers application is refused, an informative should be attached to the Decision Notice issued in that case, to advise that these containers should now be removed from the site at the Applicant's earliest opportunity. In this case however, the advice requires to allow that the Applicant might wish to exercise its right to appeal, and accordingly the timetable needs to allow for this.

The Applicant has provided a lot of drawings with respect to the appearance of the shipping containers but these are already in situ, and the application is first and foremost for the use of the land to site and operate the shipping containers as a commercial storage facility. Were the proposal supported, it would be appropriate to rationalise these details on the decision notice to the minimum and most salient descriptions, omitting details of "bottom side rail" and "container floor sheets" etc.

CONCLUSION

The proposed commercial storage use does not comply in principle with Adopted Local Plan Policy ED7 in that the Applicant has not demonstrated any overriding economic and/or operational need for this particular countryside location, and the proposal would more reasonably be accommodated within the Development Boundary of a settlement rather than in this particular countryside location. Nor does it satisfy any of the five exceptions allowed by Policy EP6. The proposals are contrary in principle to both of these policies. There are no material considerations which are so significant in isolation, or indeed in culmination, as to justify any contrary decision.

Further, and taking account of the agricultural character of the site, its still predominantly rural setting, and exposure to public view, the proposal does not comply with Adopted Local Plan Policies ED7 and PMD2 in that the operation of the business, including the siting and operation of the proposed shipping containers, would be highly 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.

REASON FOR DECISION :

The proposal does not comply with Scottish Borders Council Local Development Plan Policies ED7, EP6 and PMD2 in that there is no overriding economic and/or operational need for the proposal to be sited in this particular countryside location; the proposal would more reasonably be accommodated within the Development Boundary; and the siting and operation of a commercial storage facility would be highly unsympathetic to the rural character and amenity of this site and the surrounding area, principally through the landscape and visual impacts that would result from such an industrial type and scale of operation being accommodated at this highly visible countryside location.

Recommendation: Refused with informatives

- 1 The proposal does not comply with Scottish Borders Council Local Development Plan Policies ED7, EP6 and PMD2 in that there is no overriding economic and/or operational need for the proposal to be sited in this particular countryside location; the proposal would more reasonably be accommodated within the Development Boundary; and the siting and operation of a commercial storage facility would be highly unsympathetic to the rural character and amenity of this site and the surrounding area, principally through the landscape and visual impacts that would result from such an industrial type and scale of operation being accommodated at this highly visible countryside location.

Informatives

It should be noted that:

1 INFORMATIVE NOTE 1:

All shipping containers require to be removed from the site at the Applicant's earliest opportunity. While it is reasonable to allow sufficient time for the Applicant to make alternative arrangements for the removal and disposal of all shipping containers, the Planning Authority reserves its right to inspect the site subsequent to this planning decision to ensure that the site is being operated in accordance with planning regulations, and if necessary, to pursue enforcement action against any observed breaches of these regulations if the containers, or any part thereof, are found to be still in situ.

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

**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY DECISION NOTICE**

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Local Review Reference: 16/00025/RREF

Planning Application Reference: 16/00397/FUL

Development Proposal: Change of use to commercial storage and siting of 42no storage containers

Location: Land East of Langlee Mains Farmhouse, Galashiels

Applicant: Wilson G Jamieson Ltd

DECISION

The Local Review Body (LRB) reverses the decision of the appointed planning officer and grants planning permission as set out in the decision notice.

DEVELOPMENT PROPOSAL

The retrospective application relates to the Change of use to commercial storage and siting of 42no storage containers. The application drawings consist of the following :

| Plan Type | Plan Reference No. |
|------------------|---------------------------|
| Location Plan | 001 |
| Site Plan | 101 |
| Site plan | 102 |
| Elevations | GP Dimensions |
| Roof plan | GP roof |
| Elevations | GP Door End |
| Elevations | GP side Wall |
| Elevations | GP End Door |
| Other | Bottom side rail |
| Elevations | Side Wall Panels |
| Other | Container Floor Sheets |
| Photos | |
| Elevations | Rear End Wall |

PRELIMINARY MATTERS

The LRB considered at its meeting on 19th September 2016, that the review had competently been made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation at that meeting, which included a) the Decision Notice; b) Notice of Review; c) Officer's Report; d) Applications referred to in Report; e) Consultations and f) List of Policies, the LRB considered they had enough information to determine the review and proceeded to consider the case. In coming to the conclusion, the LRB noted the request from the appellant for a site inspection and one or more hearing sessions.

REASONING

The determining issues in this review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan 2013 and the adopted Local Development Plan 2016. The LRB considered that the most relevant of the listed policies of the LDP 2016 were :

- Local Development Plan policies : PMD2, ED7 & EP6

New material had been submitted as part of LRB submission. This related to questionnaires sent out by the applicant to users of the containers in order to give support to the proposal. Members considered whether they could properly have regard to this material in light of the statutory test set out in section 43B of the 1997 Act.

While acknowledging that items were new material which could have been prepared earlier, it was prepared in direct response to the reasons for refusal and it was further considered that this was useful information in order to gauge how well used the facility was and its value to small local businesses. Consequently members agreed to have regard to the new material.

Members noted this was a retrospective application. The proposed commercial storage facility is identified within the applicant's supporting statement as being a side-line to his forestry and fencing contractor business. The proposal will diversify that business' activities. The proposal falls within Class 6 (Storage and Distribution) of the Town and Country Planning (Use Classes) (Scotland) Order 1997. The supporting statement advises that its customers are anticipated to be rural businesses or businesses serving rural customers. The applicant operates his fencing and forestry business from the site where he recently was granted retrospective planning consent.

Members noted adopted Local Development Plan policy tests. In particular these related to policies PMD2, ED7 & EP6 which in essence seek to ensure this was an appropriate proposal in this rural location in terms of its use. They gave consideration to the appearance and number of containers and whether an alternative location within a settlement boundary would be available and a preferable location.

Members noted that the proposal was close to the Council's recycling centre so there is already some industrial activity in the area. It was not considered there were many realistic opportunities for operating this business within the settlement boundary of any nearby built up area and it was further noted that Economic Development had raised the question as to whether such storage proposals were in actual fact a good use of industrial land. It was agreed that this type of proposal did provide benefit to other small businesses in the vicinity.

In terms of visual appearance it was considered that the containers were neither particularly tall nor prominent and therefore if hedge screening was to be carried out along the roadside boundary it would be sufficient to give adequate screening to the proposal.

It was agreed the site had not been used for agricultural purposes for some time and given the current condition of the land and the recently approved use for the applicant's business it was most unlikely the use of the site would ever revert back to agricultural use. Members noted the appellants suggestion that a 3 year temporary consent could be considered. This would allow activities from the site to be monitored and at the expiry of the temp period an application could be made for an extension or a permanent approval.

CONCLUSION

After considering all relevant information, the Local Review Body considered that the containers were not unduly prominent on the site and that adequate screening would further lessen any visual impact into the landscape. It was considered the proposed use of the site was appropriate in this location and alternative site options were very limited. However as there was potential for negative impact on the road network to arise from the use, it was further agreed that any permission should be for a limited period of time to monitor that impact.

DIRECTION

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006

CONDITIONS

1. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Local Planning Authority, and shall include

- i. schedule of plants to comprise species, plant sizes and proposed numbers/density
- ii. programme for completion and subsequent maintenance

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.

2. Hard surface within the site to be upgraded to the specification of the Local Planning Authority and at all times properly maintained thereafter.

Reason: To ensure that adequate access within the site for pedestrians and vehicles.

3. The use hereby permitted shall be discontinued, the containers shall be removed and the land restored to its former condition on or before 19th September 2019 unless a further permission is obtained.

Reason: To enable the Local Planning Authority to monitor the impacts and suitability of the approved temporary use within this rural location

4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997, (or in any equivalent provision in any statutory instrument revoking and re-enacting that Order) the use of this site shall be restricted to Class 6 Use (Storage and distribution) only and shall be used for no other purpose

Reason: To ensure that the use remains compatible within the site.

Informative

Any lighting installation used on the premises should be designed in accordance with the guidance produced by The Institution of Lighting Engineers. If necessary, suitable shuttering should be provided for each lamp to prevent unwanted light affecting the occupiers of properties off site.

For the information of the applicant the comments from Scotia Gas Networks Ltd are attached for the applicant's consideration and action.

Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Signed.....Councillor R. Smith
Chairman of the Local Review Body

Date..... 29 September 2016

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations
2013**

Application for Planning Permission

Reference : 17/00199/FUL

To: Wilson G Jamieson Ltd per Peter Macleod 122 Scott Street Galashiels Scottish Borders TD1 1DX

With reference to your application validated on **9th February 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Change of use of land to commercial storage and siting of 40 No additional storage containers

At : Land East Of Langlee Mains Farmhouse Galashiels Scottish Borders

The Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997, subject to the following direction:

- That the development to which this permission relates must be commenced within three years of the date of this permission.

And subject to the conditions on the attached schedule imposed by the Council for the reasons stated

**Dated 15th March 2017
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 17/00199/FUL**Schedule of Plans and Drawings Approved:**

| Plan Ref | Plan Type | Plan Status |
|---------------------------------|------------------|--------------------|
| 001 | Location Plan | Approved |
| 101 | Site Plan | Approved |
| "NOT TO SCALE" CONTAINER LAYOUT | Site Plan | Approved |
| | Site Plan | Approved |

REASON FOR DECISION

Subject to compliance with the schedule of conditions, the development is acceptable, having principally had regard to the relevant provisions of the Local Development Plan 2016 but also having had regard to overriding material considerations in this case which are as set out in the Report of Handling

SCHEDULE OF CONDITIONS

- 1 The use hereby permitted shall be discontinued, the containers shall be removed and the land restored to its former condition on or before 19th September 2019 unless a further permission is obtained.
Reason: To enable the Local Planning Authority to monitor the impacts and suitability of the approved temporary use within this rural location
- 2 Notwithstanding any apparent variations in the approved drawings regarding site layout, the number of containers shall be limited to forty (40), to be sited within the application site boundary. All units shall be dark green in external colour, and of the size and specification to match the containers approved under planning consent 16/00397/FUL (Local Review Body decision)
Reason: To minimise the visual impact of the development
- 3 Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and General Permitted Development (Scotland) Order 1992 as amended (or in any equivalent provision in any statutory instrument revoking and re-enacting these Orders) the use of this site shall be restricted to Class 6 Use (Storage and distribution) only and shall be used for no other purpose
Reason: To ensure that the use remains compatible within the site

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

- 1 External lighting is not approved under this consent. Lighting may require Planning Permission. Any proposed lighting should be designed in accordance with the guidance produced by The Institution of Lighting Engineers. If necessary, suitable shuttering should be provided for each lamp to prevent unwanted light affecting the occupiers of properties off site.
- 2 The development affects a high pressure gas pipeline operated by Scotia Gas Networks. The applicant **MUST** contact SGN to arrange a site meeting and discuss how to protect the security of the pipeline before carrying out any works. This should be arranged with local Pipeline Engineer Mark Anderson 07837648446 or Jim Owens 07990564201
- 3 Conditions on previous consents for the containers (16/00397/FUL) and fencing and forestry development (16/00356/FUL) remain applicable. It is for the current owner to ensure compliance with the schedules of conditions.

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Notice of Initiation of Development

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is enclosed with this decision notice for this purpose.

Notice of Completion of Development

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA

Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH
THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD
Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Meirose TD8 OSA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/00199/FUL

APPLICANT : Wilson G Jamieson Ltd

AGENT : Peter Macleod

DEVELOPMENT : Change of use of land to commercial storage and siting of 40 No additional storage containers

LOCATION: Land East Of Langlee Mains Farmhouse
Galashiels
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

| Plan Ref | Plan Type | Plan Status |
|---------------------------------|------------------|--------------------|
| 001 | Location Plan | Approved |
| 101 | Site Plan | Approved |
| "NOT TO SCALE" CONTAINER LAYOUT | Site Plan | Approved |
| | Site Plan | Approved |

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Consultations

Health and Safety Executive: Do not advise against

Scotia Gas Networks: A high pressure gas pipeline will be affected. A site meeting must be arranged to identify its location and discuss measures to safeguard the security of the pipeline. They object in the meantime. The pipeline is protected by a Deed of Servitude.

Roads Planning Service: Note the containers appear to be already in place. There has been a lot of pressure for development in recent years served by the C77 (Langshaw Road) and so the impact of each development proposal has to be considered carefully in terms of impact on the operation of the road. There have been a number of road improvements undertaken on the C77 in recent years and more are proposed in respect of the Persimmon development currently being rolled out. As far as this development proposal is concerned each container will not generate traffic on a daily basis and some of the storage uses may result in infrequent trips. Furthermore the traffic generation will not necessarily clash with peak hour traffic flow. As far as they are aware, there have been no issues relating to traffic associated with the existing business. The junction of the access serving the site with the C77 is formed to a satisfactory standard. All matters considered, they are minded to support

Forward Planning: This application must be assessed against Policy ED7. The previous planning application for the change of use of the adjoining land to the east for commercial storage and the siting of 42 no storage containers (16/00397/FUL) was initially refused by Development Management but was later overturned by the Local Review Body. Consequently it must be accepted that the proposed use has been established in this area and the question must be whether or not the proposed extension

of the use is acceptable at this location predominantly in terms of visual appearance/prominence and whether appropriate landscaping could be considered

Economic Development: The principle seems fine and has the potential to provide a service to local business and households. No objections

Environmental Health: Artificial lighting in rural locations has the potential to affect the amenity of other nearby occupiers. Recommend conditions on lighting specifications.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD2, ED7, HD3, EP6, IS7, IS9, IS12

SPG Countryside Around Towns 2011

Recommendation by - Carlos Clarke (Lead Planning Officer) on 13th March 2017

Site and application description

This application seeks consent for a commercial storage facility on land outside Galashiels alongside the C77 public road. It comprises land within a yard for which consent has been granted for a fencing and forestry contractor business (16/00356/FUL). Alongside it are forty-two containers granted consent by the Local Review Body which overturned this service's refusal of a planning application for the original storage facility under 16/00397/FUL. This application seeks consent to expand the commercial storage into the adjacent yard by providing forty additional containers.

Principle

The previous application was refused, in part, because of conflict with Policy EP6 (Countryside Around Towns) and ED7 (covering development in the countryside), due to the apparent lack of justification for a rural location. The LRB considered otherwise. In this case, this proposal would expand the consented use. I still consider it contrary to these policies but, given the LRB's decision to grant the existing facility, this is a material consideration which is overriding in this case. This proposal will not extend the use into open countryside, but rather into the area already contained by the storage facility and fencing/forestry business. A condition on the use is proposed to tally with the LRB's decision, though have added reference to the GPDO for it to have any effect, notwithstanding the resulting inconsistency with the LRB's wording.

Visual impacts

The previous application was also refused due to its unsympathetic visual impact as a result of its prominent location and industrial appearance. The LRB disagreed, though required planting alongside the road (which appears to have been undertaken). This proposal does not specify the containers, but presumably they are sized and specified to match the consented versions (a condition can require this). They are specified green as with the existing units. The plans are ambiguous and inconsistent as regards the layout of the containers. However, by my reckoning, 22 of those applied for have already been installed. Whatever plan is used, they will not seriously change the visual impact of the approved containers, and will avail of the same landscaping along the roadside. Most will be sited behind the approved containers, with only 4 or 5 (depending on the plan) extending the length of the row facing the road. Visually, I do not see the change as significant. The LRB have accepted the visual impact of the original development and, accounting for that (though I consider the overall visual impact to be out of sorts with the context) this proposal is acceptable.

Neighbouring amenity will not be affected

Traffic

The RPS is content as noted above

Service

The applicant advised that existing surface water drainage is to be used. I don't see a particular reason to scrutinise this in this case.

Lighting

No lighting is proposed, so there is no need to control its specification. An informative is noted, however, for the applicant should lighting be proposed in future

Gas pipeline

The site is nearby a high pressure gas pipeline. HSE raise no issue. The operator, SGN, require the applicant to contact them. This is a matter for the applicants since it is covered by the deed of servitude. An informative note is recommended

Period of consent

The LRB applied Condition 3 to the original consent that restricted the use until 19.09.19, to enable the Planning Authority to "monitor the impacts and suitability of the approved temporary use within this rural location". The report elaborates on this by stating that "as there was potential for negative impact on the road network to arise from the use, it was further agreed that any permission should be for a limited period of time to monitor that impact". The report also states that it was to "allow activities from the site to be monitored and at the expiry of the temp period an application could be made for an extension or a permanent approval". It is, ultimately, unclear, whether the purpose is to monitor effects on the road, or the development generally. However, I note the RPS raises no issue. On the other hand, storage containers are not appropriate for a permanent approval generally, since they deteriorate with time unless maintained. Also, not all containers sought under this consent have been implemented, so there remain another 20 to be installed, and, therefore, potential effects on the road network to still arise.

It would seem to me that applying a temporary approval, to coincide with the 'principal' consent issued by the LRB would seem the most practical approach. It would allow the visual impact of approving a further time extension (or permanent approval with a maintenance scheme covered by condition), and the impact on the road network, to be reviewed at that time for the entire development.

REASON FOR DECISION :

Subject to compliance with the schedule of conditions, the development is acceptable, having principally had regard to the relevant provisions of the Local Development Plan 2016 but also having had regard to overriding material considerations in this case which are as set out in the Report of Handling

Recommendation: Approved - conditions & informatives

- 1 The use hereby permitted shall be discontinued, the containers shall be removed and the land restored to its former condition on or before 19th September 2019 unless a further permission is obtained.
Reason: To enable the Local Planning Authority to monitor the impacts and suitability of the approved temporary use within this rural location
- 2 Notwithstanding any apparent variations in the approved drawings regarding site layout, the number of containers shall be limited to forty (40), to be sited within the application site boundary. All units shall be dark green in external colour, and of the size and specification to match the containers approved under planning consent 16/00397/FUL (Local Review Body decision)
Reason: To minimise the visual impact of the development
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provision in any statutory instrument revoking and re-enacting these Orders) the use of this site shall be restricted to Class 6 Use (Storage and distribution) only and shall be used for no other purpose
Reason: To ensure that the use remains compatible within the site

Informatives

It should be noted that:

- 1 External lighting is not approved under this consent. Lighting may require Planning Permission. Any proposed lighting should be designed in accordance with the guidance produced by The Institution of Lighting Engineers. If necessary, suitable shuttering should be provided for each lamp to prevent unwanted light affecting the occupiers of properties off site.
- 2 The development affects a high pressure gas pipeline operated by Scotia Gas Networks. The applicant MUST contact SGN to arrange a site meeting and discuss how to protect the security of the pipeline before carrying out any works. This should be arranged with local Pipeline Engineer Mark Anderson 07837648446 or Jim Owens 07990564201
- 3 Conditions on previous consents for the containers (16/00397/FUL) and fencing and forestry development (16/00356/FUL) remain applicable. It is for the current owner to ensure compliance with the schedules of conditions.

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