

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 18/00723/FUL

**APPLICANT :** D Howard

**AGENT :**

**DEVELOPMENT :** Change of use to joiners workshop and showroom; caravan repairs and sales; car valet; retail; and siting of catering unit (retrospective)

**LOCATION:** Bruce Motors Redburn Garage  
Peebles Road  
Galashiels  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status	
Amended 11 OCT 2018 (1 of 2)		Site Plan	Refused
Amended 11 OCT 2018 (2 of 2)		Site Plan	Refused
Designation of units	Site Plan	Refused	

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

Consultations

Roads Planning Service: Originally objected due to concerns that overdevelopment/proposed layout of the site would result in inadequate parking and possible conflict with traffic on the A72 at the access. Following submission of a clearer layout plan, and a proposed directional sign, the RPS now advises that they are satisfied that the principle of a sign at the entrance will ease these concerns, though the proposed sign is not clear enough as to which direction visitors for each facility have to go. The arrows and the proposed "use" will have to be clearer with "Car Parking and Sales" more aligned with the left arrow. The RPS is satisfied that vehicles associated with the joiners and caravan elements of the proposal will use the westerly access and there is room thereafter to accommodate them. Would prefer to see an amended sign, but this can be conditioned.

Community Council: No reply

Economic Development Service: No reply

Environmental Health Service: Recommend a condition on ventilation and odour control for the catering van, and an informative on the same. Also recommend a condition on noise limits and contamination, and an informative regarding food premises registration

**PLANNING CONSIDERATIONS AND POLICIES:**

Local Development Plan 2016

PMD1, PMD2, PMD4, PMD5, ED2, ED3, ED7, HD3, EP6, EP16, IS7, IS9, IS13

SPGs

Guidance on Householder Development 2006; Snack Bar Operations Guidance; Waste Management 2015; Countryside Around Towns 2011

**Recommendation by** - Carlos Clarke (Lead Planning Officer) on 15th November 2018

Site and application

This application seeks retrospective consent for five separate uses (not a single mixed use) comprising a joiner's workshop and sale/showroom; caravan sales and repairs; catering van; car wash; and retail sales of goods. The proposals include built structures to provide for various uses, including car wash attendant, retail displays and storage. The applicant submitted a supporting letter from the previous owner during the application but has chosen not to submit any further supporting information, albeit this opportunity was provided.

The site comprises a former car sales outlet at the north-west end of the town which was last operated as a sui generis mixed use with its associated repair workshop, including MOT testing building. The site comprises the main showroom and workshop, from which the joiner's workshop is now proposed. Behind that is a former MOT testing building to be occupied for caravan sales and repairs. Around the buildings are hardstanding areas with two accesses from the adjacent A72. The car wash, retail sales and catering van are sited to the east of the main building, and include a number of structures associated with them (discussed further below). The site backs onto woodland banking (within which is a caravan) and fields to the south. To its west is a separate dwellinghouse and garden.

The site layout plan was revised during the processing of the application in order to provide a clearer explanation of the site arrangements. The revised plan is clearer, though it doesn't precisely reflect what was on site at the time of my visit, nor does it include information on each new structure as regards appearance and size. My visit to the site, in combination with this plan, has been sufficient to assess the application, though if consented, it would be prudent to obtain a schedule of all the structures by condition to ensure an accurate record of all parts of the development.

This assessment considers the principle of each use in turn, before considering specific siting issues for all uses, including visual impacts, servicing and parking.

Joiner's workshop and sales:

This comprises a Class 5 General Industrial use with retail element. The particular company now operating from the premises manufactures tables, though this assessment must consider the use rather than the specific company. During the application, it was contended on behalf of the company that the use would be Class 4, since they would relocate the manufacturing element to another site, to leave just the finishing off (panting and polishing of tables) and storing until delivery. However, the proposal is for a joiner's workshop, which is Class 5 and, in any case, the considerations that apply to Class 4 are effectively the same as those for Class 5. I was also advised during my site visit that this particular company does not sell tables from the site, but principally sell on-line. That would render the retail element fundamentally incidental to the manufacturing operation and, if consent were granted, preventing retail sales on anything other than an incidental level, could be controlled by condition. General sales from this site, outside the town, would be potentially contrary to Policy ED3.

The building is within the town's settlement boundary, identified in the Local Development Plan 2016, and is not an allocated site. Policy ED2 requires that, outside allocated sites (including employment land, mixed use or redevelopment allocations - none of which apply here), there is a general presumption against Classes 4, 5 or 6 unless the location is justified; the development would provide a significant economic or employment benefit, and can co-exist with adjoining uses.

As regards co-existing, I am not aware that the current table company is in conflict with other uses, including the residential property. However, if consent were granted, this would permit any joiner's workshop (whatever the business) and, indeed, any other use within the same use class. There is always the potential for conflict between a manufacturing use and other businesses, as well as residential property. Thus partly why such a use is better located alongside similar uses in an industrial estate.

As regards justification, there appears to be no operational need to site a joiner's workshop in this location. It would be ideally suited to an allocated employment land site. In terms of significant economic or employment benefit, the proposal will clearly provide a benefit in both regards. However, these are benefits that do not rely on this location or this particular site, and the applicants have not identified any difficulties in achieving a suitable location within an allocated site that would not provide the same, or greater, opportunity for this business, or any other industrial use.

This proposal is, therefore, in conflict with Policy ED2. I note the history of the site includes a filling station, and the car sales use included a vehicle repair garage which is Class 5. However, that was clearly linked to the car sales operation, forming a composite use with it, and its location was justifiable for that reason. This proposal would, however, amount to a general industrial use with no justification for this exposed site on the edge of town, adjacent a residential property. In response to concerns, the applicant has submitted a letter on behalf of the previous owner which states that the business was on the market for a year resulting in many enquiries from outwith the retail motor trade. However, the extent of this marketing is not known. Nor is the extent to which the applicants tried to find a site within an allocated site for this use. The same letter refers to the site being a good motor trade site, which is agreed, though this does not provide strength to the case for a joiner's workshop. It also refers to table manufacturing sitting well with the concept of Borders rural craft industries. This is accepted, indeed this business should be supported in a suitable location. Table manufacturing is a general industrial use nonetheless, and if consent were granted here, it would allow any form of manufacturing, whether in the craft industry or not. Only a 'personal' permission for this particular proposal would overcome this, and there is no clear justification as to why that should be applied. I would conclude that the conflict with Policy ED2 is not overridden by other considerations. To permit this type of industrial use in this location would be at odds with the general character and amenity of the surrounding area.

#### Caravan sales and repairs:

The lawful use of the site is as a composite car sales and repair use. This is sui generis, so doesn't fall within a use class. A caravan sales and repairs use which comprises a similar mix of repairs and sales would be a non-material change. On that basis, therefore, this proposed mixed use does not require Planning Permission.

#### Car valet:

This comprises part of the existing building and existing yard. It is a Class 5 operation so, on the face of it, contrary to Policy ED2. However, it has an operational justification for being sited next to a main road and the proposal is also generally low key, and its impacts on the character and amenity of the surrounding area are minor. That said, this particular proposal appears to incorporate a larger number of structures than would be expected, the visual impacts of which are considered below.

#### Catering unit:

This would be a low key facility, taking advantage of passing trade on the A72. There is a consent for another site further west on the A72, though this is not directly affected and not close enough to suggest a cumulative impact. The site is within the CATs area outside the settlement boundary, but within the yard, so there are no implications for the designation or integrity of the settlement boundary. A three year standard approval would be recommended by condition.

#### Retail:

The applicant's plan refers to a container and cage for retail sales. The retail activity on site includes household and garden goods. On my site visit, the container and cage appeared to be in different positions. The retail use is relatively small scale and will not affect the CATs designation within which it is located, or integrity of the settlement boundary. However, it involves selling of goods which could be carried out within a

town centre. Approving retail here would be contrary to Policy ED3. There is no justification for this location, other than the advantage to be gained from passing trade. Despite the small scale of the proposal, in the absence of evidence that the use could not find a town centre location, or would not draw trade from the town centre, this proposal's conflict with Policy ED3 is overriding.

#### Visual impacts

The joiner's workshop is sited within the building, and no alterations are proposed to it, so there are no visual implications of note. A storage container for the caravan sales/repair outlet is tucked between the buildings, so will have no visual impact of note, albeit it should be granted a temporary consent given the type of construction.

The car wash is a hand wash, so has no visual impact of note in itself. However, during the course of the application the applicant confirmed a total of six structures for car wash storage the attendant's hut. Some of these are to the rear (one rather awkwardly so behind the joiner's workshop according to the plan), and the layout plan does not reflect the arrangement as it was during my site visit. The number of built structures is excessive for such a small use and, if consent were granted, it would be recommended that a condition be imposed which allows for a rationalisation of the structures proposed; applying dark finishes to bright exposed structures; and applying temporary consents for metal containers, as these aren't suitable for permanent consents.

The catering van is visible from the road, but of a standard form and scale. Its colour is rather conspicuous, and a less obvious colour would be recommended for such an exposed location. This could be sought by condition.

The retail use is exposed to view, comprising an open cage and container, with goods liberally placed (at the time of my visit) on site. It would be visually discordant with this edge of town/countryside location, and its visual impacts would be unsympathetic to the setting, contrary to Policy PMD2.

#### Amenity

A joiner's workshop has the potential to adversely affect neighbouring amenity by way of noise and dust particularly. The site benefits from being somewhat detached from general residential areas, albeit it is relatively close to the house to the west. The precise use of the caravan to the east is unclear. The previous use operated a vehicle repair garage which clearly also would have had similar implications for neighbouring amenity. A conditional consent controlling noise limits could be applied, though this could be a limitation that has the potential to constrain operation of any manufacturing business to some extent. Again, siting such a use in an industrial area would minimise the potential for noise impacts to cause nuisance. There are no known air quality issues with this particular proposal though, again, another joiner's or other business operating within Class 5 may need to manage any emissions to avoid adverse effects on the neighbouring house particularly.

The car wash has the potential to cause noise and water spray. A condition can limit noise levels. The car wash is away from residential property, and is more likely to conflict with other uses here, including affecting retail displays, than it will affect the nearby house. There is a caravan behind, but the consequences of amenity impacts on the caravan are not known as there has been no input from the affected proprietor. The use has been in place for some time, and if there were implications, I would have expected these to have been made known.

Since the caravan sales and repairs use does not require consent, any risk of amenity impacts is not reasonably controlled by condition. It will be for the operators to ensure no nuisance occurs and this would be capable of regulation under separate environmental protection powers.

The catering van can be regulated in terms of noise, and a ventilation and odour control scheme. I note the EHS raise no concerns with the general location.

#### Neighbouring amenity

Aside from noise etc, noted above, impacts on daylight, sunlight, outlook and privacy have been considered. I have some concern with structures directly next to the caravan but, as noted above, I am not able to

conclusively establish if those impacts are determinative, given the actual effects on the amenity of this caravan are unclear. Other neighbouring properties should not be adversely affected in these regards.

### Services

The application refers to the public mains for the water supply, and a condition can ensure this is in place. As regards foul drainage, it is expected that this should also be from the mains, unless a connection is not possible. Again, a condition can secure this. As regards surface water drainage, the key issue here is the car wash. The application refers to drainage to a septic tank then mains sewer, and the site layout plan shows a septic tank, though no specification or link to the mains. This may be a feasible arrangement, but it is ultimately up to the applicants to ensure compliance with SEPA requirements. A condition could secure compliance with SEPA's guidance note PPG13 which applies to drainage from car wash facilities.

### Waste

No information on bin storage is provided. There was a yellow skip at the time of my site visit. This would be an inappropriate arrangement, so visible from the road, if that is for permanent waste storage. A condition of consent, if granted, could require a scheme, demonstrating that all uses are catered for and that bins can be discretely sited away from public view, and away from access and parking areas.

### Access and parking

The site is distant from the town centre, but has existing accesses, and is accessible by foot and cycle, albeit at the far end of the town. The RPS initially raised concerns regarding the access and parking arrangements, which appeared to be somewhat confusing. In response to a revised layout plan, which identifies car parking and a directional sign, the RPS is content, subject to a clearer sign. If consented, a condition should secure this and ensure that the areas allocated for parking on the site plan are left free for this purpose.

### Contaminated land

I note the EHS's request for a contaminated land assessment. I have discussed the requirement for a condition with the Contaminated Land Officer, given the types of uses and structures proposed, and he has confirmed that it would be necessary to impose this requirement, given its previous use as a filling station and vehicle repair garage, both of which have the potential to be contaminative. The redevelopment of the site presents potential risks to occupants and the water environment, the latter potentially exacerbated by drainage from the car wash. In the event that consent were granted, therefore, a condition would be necessary. The timescale set out in any condition would need tightly controlled since this application is retrospective.

### Conclusion

Aspects of the development are acceptable, subject to conditions, particularly to rationalise the number and appearance of the various small structures proposed. However, the joiner's workshop and retail sales would be contrary to the Local Development Plan 2016 and this conflict is not overridden by other considerations. As these elements form a significant part of the development proposal, it would not be appropriate to delete them from a prospective consent by condition. Ultimately, therefore, the application should be refused because of the proposed retail and joiner's workshop's conflicts with the LDP.

### **REASON FOR DECISION :**

The proposed joiner's workshop would be contrary to Policy ED2 of the Local Development Plan 2016 in that there is inadequate justification for the proposed use on this site which is not located within an allocated employment, mixed-use or redevelopment area, and would be potentially detrimental to the character and amenity of the surrounding area. Other material considerations do not outweigh this conflict

The proposed retail use would be contrary to Policies PMD2 and ED3 of the Local Development Plan 2016 in that the site is not within the town centre and it is not been demonstrated that there are no sequentially preferable sites closer to or within the town centre or that the proposed development would not detract from

the vitality and viability of the town centre, and because the visual impact of the retail use proposed would be detrimental to the character of the surrounding area. Other material considerations do not outweigh this conflict

**Recommendation:** Refused

- 1 The proposed joiner's workshop would be contrary to Policy ED2 of the Local Development Plan 2016 in that there is inadequate justification for the proposed use on this site which is not located within an allocated employment, mixed-use or redevelopment area, and would be potentially detrimental to the character and amenity of the surrounding area. Other material considerations do not outweigh this conflict
- 2 The proposed retail use would be contrary to Policies PMD2 and ED3 of the Local Development Plan 2016 in that the site is not within the town centre and it is not been demonstrated that there are no sequentially preferable sites closer to or within the town centre or that the proposed development would not detract from the vitality and viability of the town centre, and because the visual impact of the retail use proposed would be detrimental to the character of the surrounding area. Other material considerations do not outweigh this conflict

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