

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 18/01071/FUL

APPLICANT : Mr Keith Redpath

AGENT : R G Licence Architect

DEVELOPMENT : Part change of use from agricultural barn to vehicle body repair and paint shop with associated parking (retrospective)

LOCATION: Agricultural Barn Mid Softlaw Farm
Kelso
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
11	Location Plan	Refused
21	Existing Layout	Refused
31	Existing Elevations	Refused
41	Planning Layout	Refused
51	Sections	Refused
61	Elevations	Refused
71	Sections	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Two neighbours were notified and adverts placed in the Southern Reporter and on tellmescotland.gov.uk. There have been no representations.

Consultations as follows:

Roads Planning: Object. The proposal does not comply with policies PMD1 of the Local Development Plan 2016 in that it would be more reasonably accommodated within the Development Boundary of a settlement to encourage uptake of sustainable transport methods. The proposal would lead to the over-dependence on the private car.

Economic development: Concerns unless it is further demonstrated to comply with ED2. The proposal is sited on an agriculture farm. If the proposal is to formalise business (class 4,5 and 6) use there are concerns about principle and compliance with building regs. for such use in terms of PMD1 and 2. Items identified include no employee facilities (toilets, insulation, no windows, no evidence of heating indicated, Creation of new business premises are to an appropriate and expected to be modern standard.

Environmental Health; Plant and operations in the bodyshop have the potential to affect nearby amenity. Vehicle paint spraying can impact local air quality and may require a permit from SEPA.

Vehicle repair operations can be noisy and further information is required prior to determination including;

- o A list of all noisy equipment
- o The noise expected from the equipment as per manufacturers specifications
- o Expected use of equipment, everyday/occasionally, etc.
- o Location of noisy equipment when site is operational (inside/outside)
- o Hours and days of operation
- o The expected number of large vehicle movements every day to and from the development
- o The location of the nearest properties to the site (including any owned by the applicant)
- o How noise from the site will be managed

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016:

Policy PMD1: Sustainability

Policy PMD2: Quality Standards

Policy ED7: Business, Tourism and Leisure Development in the Countryside

Policy HD3: Residential Amenity

Policy EP13: Trees, Woodlands and Hedgerows

Policy EP16: Air Quality

Policy IS7: Parking Provision and Standards

Policy IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Recommendation by - Euan Calvert (Assistant Planning Officer) on 4th October 2018

This report of handling considers an identical application for full planning permission to partially change the use of this agricultural barn to a vehicle body repair and paint shop with associated parking. The application is retrospective.

Site description

Mid Softlaw Farm is situated to the south of Kelso accessed by a minor public road. It comprises of a large farmhouse and a number of agricultural buildings.

It is a rural site adjacent to a minor road, on a rolling hilltop, 2.5km from Kelso. The minor road links the B6436 (Kelso to Morebattle) and the B6352 (Kelso to Yetholm). Midsoftlaw is a working farm steading midway between the B class roads comprising a farmhouse, three contemporary detached dwellinghouses, interspersed by a terrace of five traditional farm cottages (1.5 storey).

Policy

There has been no change in Policy since decision of refusal was issued in December 2017, 17/01411/FUL. There is no supporting statement or Design and Access Statement.

09/01228/FUL Erection of agricultural building (amendment to previous consent 09/00741/FUL). Approved 26.10.09.

Local Development Plan Policy ED7 (Business, Tourism and Leisure Development in the Countryside) requires that a development that is to be used for other business or employment generating uses should only be supported where the Council is satisfied that there is an economic and/or operational need for the particular countryside location and that the development cannot reasonably be accommodated within the Development Boundary of a settlement.

Proposal

This building was functioning as a vehicle repair workshop on the day of my site visit, 24 August 2018. A shipping container fronts the western gable. This is an application to formalise this business. The 3 western bays of this steel portal framed shed would be partitioned from the remaining 4-bays to form a workshop with spray booth and associated parking. A red line boundary encloses curtilage on land to the west and south of the shed, which is laid to a hardcore surface, and would be Parking. There are no proposals for

boundary treatments and the building is within 10m of the adopted road. The only discernible proposed changes to the exterior would be provision of a pedestrian fire exit on the south elevation and a 450mm extract fan hole in the western gable wall. Otherwise the building would remain appearing with 2.4m high block walls and asbestos cement corrugated upperwalls/ corrugated roof.

Assessment

Principle

In appearance and function, this proposed partial reuse of an agricultural steel portal framed shed appears ideally suited to the requirements of a motor vehicle workshop, spray booth and associated parking. There is abundant space to manoeuvre and to park vehicles in the surrounding area and a large open span shed is ideally suited for repairs. The shed itself would be partitioned to give working area of 14m x 11.6m, with a spray booth partition 4m x 7m.

Sustainability and quality standards

The Economic Development Officer however highlights significant issues with quality standards, as the shed would not comply with Regulations for normal business use in Class 4, 5 or 6. For example, there is no proposal for provision of toilet facilities, staff welfare rooms or office space. The building is not insulated nor is it proposed to have windows. There is no mention as to waste water treatment or water sources. On this basis alone, the proposal does not comply with sustainability and quality standards requirements of Policy PMD1 and PMD2 in that the long term adaptability has not been demonstrated.

Economic Development further add that a vehicle workshop should be sited within a development boundary, and ideally on a land allocation specifically safeguarded for business and industrial use, Policy ED1. Policy ED2 presumes refusal on non-allocated land (within Development boundaries) unless certain criteria are fulfilled and demonstrated. In the countryside, this proposal would only be considered under the criteria of Policy ED7:

Economic/ operational requirement

Policy ED7 requires that the Council is satisfied that there is an economic and/or operational need for the proposal to be located in the particular countryside location identified, and that the business could not more reasonably be accommodated within the Development Boundary.

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

Amenity and character

Policy ED7 requires assessment of additional criteria which consider potential impacts of the specific proposal. This includes impacts upon the amenity and character of the surrounding area. I anticipate discernible changes to character and amenity through potential for increased parking of cars, increased hours of operation and increased noise arising from this proposed change of use.

While current agriculture use presents its own amenity issues, this use is largely seasonal and this use is an accepted norm (by neighbours) for this rural area. The character and appearance of these buildings is synonymise of modern agriculture however potential changes to the frequency and intensity of use proposed by this application would be harmful to the rural character of the surrounding area, which is not in compliance with ED7. For example, there is no projection given as to the increase in traffic movements. No proposals are given for signage, which presumably would be required to direct new clientele to this rural site.

The Environment Health Officer requires further studies demonstrating potential noise impacts of the proposal and requires details of proposed hours of operation of the motor vehicle workshop. There remains potential for nuisance and, as a consequence, significantly adverse impact on neighbouring residents' amenity.

Given the proximity of the nearest residential neighbour (20m), and further requirements by our Environmental Health Officer, I find that the applicant does not adequately demonstrate compliance with policies PMD1 or HD3, which seek to protect residential amenity and protect public health and safety.

Access

The Roads Planning Officer objects to the proposal on the basis that location and siting would not promote sustainable transport. Again, the case is made that a vehicle repair/ MOT facility should be within a Development Boundary. Good pedestrian links and public transport should be available for drop off and return of customer vehicles and I agree to this. This proposal would not align with the aims of Policy PMD1 and IS7, which encourage use of sustainable transport means over the dependence on the private car. Car parking requirements or means of sustainable transport for this proposal have not been demonstrated.

Precedence

My overriding concern is that approval of this proposal, which appears to be largely operational, would be in itself tantamount to an acceptance of the principle that a general industrial use, critically one without any substantiated need to operate from this particular countryside location, could be sited and operated in this countryside site.

There can be no meaningful distinction made between this Class 5 use and any alternative (or successor) Class 5 or other business operation. I would be concerned that, in this context, any condition(s) imposed to restrict the industrial use and users of the premises in the long-term, would be unreasonable and unnecessary. Any approval in this circumstance risks setting a dangerous precedent at this locality given the size of the associated sheds and site.

There has been no supporting case offered and I find no material considerations that would outweigh the need to determine the application in strict accordance with planning policy ED7. The proposal is demonstrated to recourse to character and residential amenity, policies PMD2 and HD3. The site does not lend itself to sustainable transport modes. The long term adaptability of the building has not been demonstrated, policies PMD1 and PMD2, concerning sustainability and quality standards.

REASON FOR DECISION :

The proposal does not comply with Local Development Plan 2016 policies PMD1, PMD2, ED7, HD3 or IS7 in that the proposal would more reasonably be accommodated within the Development Boundary of a settlement rather than in this particular rural location. Further, the Applicant has not demonstrated any overriding economic and/or operational need for this particular countryside location and the use is harmful to the amenity of the area and residential amenities.

Recommendation: Refused with informatives

- 1 The use of the agricultural building as a motor vehicle workshop does not comply with policy ED7 of the Local Development Plan 2016 as the use does not require this particular rural location and is not appropriate to the rural character of the area. Such a use would be more reasonably accommodated within the Development Boundary of a settlement rather than in this particular rural location. Increased frequency and intensification of the use of this building for Class 5: Industry would be harmful to the amenity and character of the surrounding area and to residential amenities. Further, the applicant has not demonstrated any overriding economic and/or operational need for this particular countryside location.
- 2 The proposal does not comply with policies PMD1 and IS7 of the Local Development Plan 2016 in that it would be more reasonably accommodated within the Development Boundary of a settlement to encourage uptake of sustainable transport methods. The proposal would lead to the over-dependence of the private car. Car parking requirements or means of sustainable transport for this proposal have not been demonstrated.
- 3 The proposal does not comply with policies PMD1 and PMD2 of the Local Development Plan 2016 in that the long term adaptability of the building has not been demonstrated. No proposals have been made for provision of toilet facilities, staff welfare rooms or office space, waste water treatment or water sources to comply with sustainability and quality standards.

Informatives

It should be noted that:

- 1 The Environmental Health Officer notes requirements;
Plant and operations in the bodyshop have the potential to affect nearby amenity. Vehicle paint spraying can impact local air quality and may require a permit from SEPA. Vehicle repair operations can be noisy and further information is required prior to determination including;
 - o A list of all noisy equipment
 - o The noise expected from the equipment as per manufacturers specifications
 - o Expected use of equipment, everyday/occasionally, etc.
 - o Location of noisy equipment when site is operational (inside/outside)
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- o The location of the nearest properties to the site (including any owned by the applicant)
- o How noise from the site will be managed

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