

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 19/01784/FUL

**APPLICANT :** Mr Stephen Cranston

**AGENT :** Stuart Patterson Building & Timber Frame Design

**DEVELOPMENT :** Part change of use from garage/storage and alterations to form workshop and storage for joinery business

**LOCATION:** Buccleuch Hotel  
Trinity Street  
Hawick  
Scottish Borders  
TD9 9NR

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
19-673-1003	Location Plan	Refused
19-673-1001	Existing Site Plan	Refused
19-673-1002	Existing Plans & Elevations	Refused
19-673-2001	Proposed Site Plan	Refused
19-673-2002	Proposed Elevations	Refused
19-673-3002	Proposed Sections & Elevations	Refused

**NUMBER OF REPRESENTATIONS: 1**

**SUMMARY OF REPRESENTATIONS:**

One general comment has been received which raises concerns about noise impacts from the operation of the proposed workshop.

Roads Planning Section: does not object on the grounds that the proposed use, is likely to generate less vehicle movements than the previous use; while adequate parking is available in the rear courtyard area, which is accessed via the pend access.

Economic Development Section: supports the provision of new workshop space, providing it is in an appropriate location and would not unduly disturb surrounding residential uses. It agrees with the Applicant that generally the location has become an increased commercial / business area and sees no particular issue with the basement area being converted into a joiner's workshop, which, it observes, is screened from the public street side; with its own separate private access. The continuation of the hotel use in the future, seems unlikely so considers the loss of this facility to be of little concern. Economic Development notes the Applicants' future intention to convert the upper floors into flats and/or commercial retail use. Economic Development though, would question whether the provision of suitable soundproofing should be required at this stage, rather than this being retro-fitting later as and when development takes place. The other issue Economic Development identifies, is with the parking and access arrangements, specifically with the need to ensure that this facility has

controlled access and there is enough parking within the site. In addition if a retail use is allowed later on, then the premises should be able to accommodate this satisfactorily too. Finally, it advises that it is not clear whether or not a specific permission for a joiners workshop should be approved, rather than a general 5 & 6 class use, and whether or not the operating hours should be conditioned in view of the residential premises planned for above the development and across Trinity Street.

Ecology Section: seeks further information, specifically a survey for bats, ahead of the determination of the planning application.

The Community Council and Environmental Health have been consulted, but have not responded to the public consultation.

#### **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Council Local Development Plan 2016:

Policy PMD1: Sustainability  
Policy PMD2: Quality Standards  
Policy PMD5: Infill Development  
Policy ED2: Employment Uses Outwith Business and Industrial Land  
Policy ED3: Town Centres and Shopping Development  
Policy HD3: Residential Amenity  
Policy EP1: International Nature Conservation Sites and Protected Species  
Policy EP2: National Nature Conservation Sites and Protected Species  
Policy EP16: Air Quality  
Policy IS1: Public Infrastructure and Local Service Provision  
Policy IS7: Parking Provision and Standards

Householder Developments SPG (2006)

Waste Management SPG (2015)

**Recommendation by** - Stuart Herkes (Planning Officer) on 12th February 2020

This application proposes a change of use of part of a former hotel, to a joiners premises (workshop, store and yard).

#### **SITE DESCRIPTION**

The site concerned is part of the former, now vacant, Buccleuch Hotel, at No 1 Trinity Street, which lies just inside Hawick's Town Centre. The application site does not include the main hotel building, which was historically subdivided from the site over ten years ago, to be operated as a restaurant.

The application site comprises that section of the former hotel - the annex - which accommodated the former public bar, guest bedrooms and the rear car park. Neither the former annex nor the main hotel are Listed. The annex adjoins the main hotel and in common with it, fronts Trinity Street. The guest bedrooms were once accommodated on its upper two levels. Below these floors is an under-build or basement level, which is at or below street level on the front elevation, but which is more capacious to the rear, where garaging and storage were accommodated under an overhang, and which are accessible from the hotel's car park, which itself, is only accessible to vehicles from the front, through a gated pend, which lies at the building's northeastern extremity. The access therein ramps quite steeply downwards from the level of the streetscape to the front, to the level of the rear car park. The Applicant believes that the car park area was itself once roofed over, and to the boundary with Morrisons supermarket, but it is now open to the elements.

The main hotel building is not within the application site, but immediately adjoins it to the southwest. It is not currently in use, but is the subject of a current planning consent to change its use to a single dwellinghouse. It is currently vacant too, but remains in a separate ownership.

Beyond the former hotel premises, surrounding uses are mixed but include some business and commercial uses (such as an undertakers; a vets; as well as Morrisons Supermarket) and residential uses, including dwellings on the opposite side of Trinity Street from the hotel premises.

## PROPOSED DEVELOPMENT

The proposal is that the basement floor of the building - that is, the floor which previously accommodated the aforementioned hotel's garages and store - should now accommodate the operation of a joinery business' workshop and store.

It is additionally proposed that the former hotel car park, should serve as the proposed workshop's yard.

While the front elevation would remain as it is, the proposals include the infilling of the open-side of the basement floor level to the rear; that is, the elevation facing the car park; to create the workshop premises. Technically this elevation would be realised through the infilling of the space between the metal supports with timber walls.

A new fence is proposed between the two sections of the former hotel for security reasons.

## PLANNING HISTORY

The former hotel premises was originally subdivided following the approval of Planning Consent 05/00124/COU. The latter allowed the main hotel building to be operated as a restaurant. This part of the hotel is not within the current application site. Following the aforementioned subdivision, the owners' intention had been that the remainder of the site - the current application site - should be converted to residential use. It was successively made the subject of two planning consents (08/00797/FUL and 12/00321/FUL) both for change of use to three dwellinghouses. However, both of these consents are ultimately now understood to have expired unimplemented. (This is the Applicant's own understanding, as per the advice of their Supporting Statement).

The remainder of the hotel was operated as a restaurant, but following the closure of that premises, has more recently been made the subject of Planning Consent 18/01381/FUL, which on 15 March 2019, approved the change of use of this part of the former hotel to a single dwellinghouse. It is a significant material consideration within the assessment of the current application that the aforementioned consented dwellinghouse lies next door to, and adjoins, the current application site. Although the approval does not yet appear to have been implemented at the time of writing, it could still be implemented in the period to 15 March 2022. Accordingly, the Planning Authority is required to consider the residential amenity of this neighbour; having the same regard to it, as if it were an existing dwellinghouse.

## APPLICANT'S SUPPORTING CASE

The application is supported by a statement, which the Applicant has more recently augmented in response to a request from the planning officer for more details.

The supporting statement advises that the Applicant currently operates his joinery business from another premises in Hawick, but is concerned to investigate the possibility of relocating part of his operations to this site, where it is his intention to locate and operate a supplementary workshop from the basement. It is advised that he also has a longer-term intention of converting the two upper floors to residential or retail use; albeit that it is acknowledged that any such ulterior proposal(s) would themselves need to be made the subject of an ulterior planning application, or ulterior planning applications, were he to seek to progress these.

The workshop would be formed by enclosing the former garages under the annex, to create a modern workspace.

It is acknowledged that there would be potential for noise outputs from the operation of the proposed joinery workshop, but advised that since the Applicant is a sole trader, use of machinery and equipment would be limited accordingly; while operating hours, it is advised, would be 8am to 6pm. These operating hours are not related or confined to any particular days of the week, but it is advised that the facility is anticipated to be an additional facility for the business, and not a replacement premises, and therefore is not intended to be in

full time operation. It is further advised that additional sound deafening materials and construction would be employed, including non-opening windows to the north, and the implementation of sound deafening relative to the upper floors.

It is advised that the building is "in a predominantly commercial area" including Morrisons supermarket to the north; Hawick Veterinary Practice to the east; and the premises of an undertakers to the south. In a later statement, it is advised that further afield there are builders (Glen Wight & Son), electricians (Elsdon) and joiners (T. Scott); and then other named businesses even further afield.

It is acknowledged though, firstly, that there are existing dwellingflats opposite the pend access to the site; and secondly, that there may be a consented dwellinghouse within the former hotel building. With regard to the latter, it is advised that the proposals have anticipated that a residential use might be accommodated therein, and the layout and operation of the proposed workshop is such as to minimise impacts; principally by the workshop not being accommodated immediately adjacent to the common wall, but set back behind some ancillary uses (former boiler house; wc; lobby; and staff/canteen areas). It is advised, by way of comfort, that since the Applicant has future plans for the remainder of the site, he would himself be concerned not to have any unacceptable impacts upon the upper floors, were he to seek to accommodate flats or retail units in these spaces.

The supporting statement advises that while every effort is, or would be, made to minimise disruption to surrounding uses, it also considers that regard is had to the need to bring the building back into a productive use, to prevent it deteriorating further.

In response to a request for details of all noise-making machinery that would be in operation on the site, the Applicant has advised that they would only look to carry out a noise impact assessment were one requested by Environmental Health. While the latter has not clarified what details, if any, it would be concerned to review, the Applicant has not equally well, come forward with details of the actual machinery, plant and equipment that would be operating at the site. Accordingly, the potential noise impacts of this proposal remain unaccounted for, either in relation to any specific noise assessment, or even in any indicative way in relation to any actual specific machinery or equipment that the Applicant would be concerned to operate at the proposed premises.

The Applicant would be agreeable to the use of the premises being regulated under condition(s) in the event of approval, to restrict use to his specific operation.

## PLANNING PRINCIPLE

The Applicant variously advises in the supporting details that the proposal is, or could be, a 'light industrial use' and that the site itself, as part of a former hotel, should be understood to be in a 'commercial use'. However, neither of these identifications is informed by planning regulations.

There may be some dispute as to whether or not the site is still in a Class 7 hotel use, as opposed to being in a sui generis public bar use or in a Class 9 residential use (were any evidence to be produced that a previous consent for the site had in fact been implemented through works carried out on the site ahead of the expiry of these consents). However, it is definitely not in any existing or consented business or employment use; which is to say, in a Class 4, Class 5 or Class 6 use. As such, there is no permitted change of use of the site from its existing use (regardless of whether or not that existing use is, or can be shown to be, Class 7, Class 9 or sui generis) to any Class 4, Class 5 or Class 6 use. Accordingly, a planning application is certainly required to progress the current proposal. I would add to this, that while it may be that the garage or storage area within the basement of the premises, might previously have accommodated some similar activities to what would occur within the proposed use (e.g. storage), these occurred as ancillary to the main use of the premises, and are not reasonably characterised as being the main use, or even a secondary use, of the site.

With regard to the proposed use itself, a joiners workshop is a Class 5 industrial use. I would note that while the Applicant considers that the proposal might be considered a 'light industrial use' - primarily, it seems, due to the limited staff involved, and operating hours envisaged - this is not in fact the case in planning terms. It is not the number of staff or hours of operation which distinguish a 'light industrial use' from an 'industrial use'; it is the potential for operations and activities which in their character, would be liable to impact adversely the residential amenity of any surrounding dwellings. Accordingly, a joiners workshop is in

terms of its likely operation, and associated impacts upon the amenity of surrounding properties (including the potential for significant noise and air quality impacts) is unequivocally a Class 5 industrial use. It is only reasonably anticipated to involve the operation of noise-making machinery of a type and at a level/frequency, which would be above that which might be liable to occur within the operation of a residential property. A Class 4 light industrial use by contrast, and by definition, on the other hand, is a use that could be accommodated next to a residential property without it being liable to have any unacceptable noise or air quality impacts upon the amenity of that residential property. This is because it would itself not be liable to generate any impacts that would not be the same as, or equivalent to, anything that might occur within the operation of a residential context. As such, the Planning Authority is obliged to consider the proposal as the accommodation of a Class 5 industrial use on the site; not a Class 4 light industrial use.

Regardless though, when it comes to the acceptability or otherwise of the principle of this proposal, there is in the first instance anyway, no practical distinction to be made between a proposed Class 4 use, and a proposed Class 5 use, of a premises which is neither itself already in such a use or is not otherwise allocated in the Local Development Plan as business and industrial land. This is because in this circumstance, there is the same need for the Applicant to justify a proposed business or industrial use of such a site. This requirement is applied by Policy ED2: Employment Uses Outwith Business And Industrial Land, which advises that within the defined Development Boundary there will be a general presumption against industrial or business uses outwith business and industrial land, mixed use or redevelopment sites. Any proposal for such a use of a site in these circumstances, is required to: (a) justify the need for that location; (b) demonstrate significant economic and/or employment benefit; and (c) demonstrate that it can co-exist satisfactorily with adjoining uses.

These considerations have been put to the Applicant, and are noted in the summary of the supporting case above. The Applicant's primary considerations appear to be that the surrounding area is already in a mixed use, and includes some similar types of businesses to the proposal; it is an opportunity to bring a long-term vacant premises back into use to the general benefit of the amenity and environment of the surrounding area; and the precise operation proposed, would not be of a level of frequency which would be liable to have any prolonged or significant impacts upon neighbours. The Applicant is keen to stress what mitigation measures have or could be incorporated into the design and operation of the site to minimise disturbance to neighbours (such as the layout, and operation of windows etc.) It is further considered by the Applicant that less regard should be had to the conservation of the amenity of the consented dwellinghouse on the next-door site since it is not yet existing; reassurance should be taken from the Applicant's own ulterior concerns to accommodate dwellings or retail units on the upper floors of the site; and conditions might be imposed as they have been elsewhere, to restrict the use of the site to the Applicant's specific operation.

#### SITE SELECTION AND ECONOMIC/EMPLOYMENT BENEFIT

With regard to the selection of this particular site for the proposal, and the potential benefit to the local economy, it may perhaps be more reasonable to see the Applicant as proposing a small infill opportunity for his own business as an exception to planning policy, rather than as any type or scale of business or type of operation that might be seen to address the concerns of items a. and b. of Policy ED2. The Applicant is not in fact able to demonstrate any particular or positive concern to locate to this particular site, or to demonstrate that it would result in any significant economic or employment benefit directly. Regard is reasonably had to the scale of the business, and it is appreciable that the Applicant is responding to a perceived opportunity, rather than having arrived at this site after an exhaustive site selection process. However, in terms of the assessment required under Planning Policy ED2, I can find no strong or compelling reason why the Applicant could not operate from another existing or allocated business or industrial site, and the Supporting Statement does not detail any such concern or consideration, appealing instead to the specific circumstances on site and within the surrounding area, to justify it - if anything - as a potential exception to the requirements of Planning Policy ED2.

Positive regard can be had to Economic Development's support, but the latter is somewhat ambivalent vis-à-vis the use of this particular site, even actively anticipating the potential for future noise impacts on any use accommodated in the upper floors. This is a point which is considered in more detail below, with regard to amenity and environment.

Regard is reasonably had to an established business' concern to continue to operate and make use of a vacant site, but the Supporting Statement has not demonstrated any rigorous site selection or economic benefit, let alone any such need or such benefit that could not as easily, if not more readily, be met or

realised on an existing or allocated business or industrial site. With regard to criteria a. and b. of Policy ED2, the Applicant's case is if anything, more reasonably understood to be a concern that the proposal should be accommodated as an exception to planning policy on the grounds that it is a small-scale operation that would, or could, have, the Applicant anticipates, no unacceptable impacts upon the amenity of surrounding properties. This latter point though, is commensurate with criterion c. of Policy ED2 and is considered in more detail below.

## ENVIRONMENT AND AMENITY

Policy ED2 does not allow that a proposed business or employment use, could be acceptable subject only to it being demonstrated that it would have no unacceptable impacts upon adjoining uses, in so far as the Policy strictly requires that all of criteria a., b., and c. be addressed. However, as noted above, the Applicant maintains that the proposed operation, the proposed mitigation measures and the prevailing character of surrounding uses, would all mean that there would be no unacceptable impacts upon residential amenity. However, notwithstanding this advice, there has in fact been no technical demonstration of this.

Firstly, as the Applicant acknowledges, there are already residential properties within the surrounding area, and indeed, a consented one on the attached, adjoining site. This is therefore an especially sensitive context in terms of ensuring that there would be no unacceptable noise impacts, if not also air quality impacts. Further, and contrary to the Applicant's view, no lesser regard is had to the fact that the consented dwellinghouse is not yet existing. It is simply not the case that less regard can be had to the conservation of the residential amenity of the consented, but not yet existing, dwellinghouse. On the contrary, it is fully the Applicants' responsibility to ensure that the workshop could operate acceptably and without having any unacceptable impacts - noise, dust or air quality - on this neighbouring property. The consent for dwellinghouse was issued in a context in which there was no industrial use of the neighbouring property, and therefore this was not something either they or the Planning Authority could reasonably have had regard to, when that application - Planning Application 18/01381/FUL - was considered. In this sequence of events then, it is with the Applicant of the current application, to account fully for the impacts of operating an industrial use next-door to a dwellinghouse. It is the Applicant's responsibility to demonstrate that the proposed operation would in fact have no unacceptable impacts on this, in the same terms as if it were an existing dwellinghouse.

The difficulty is that the Applicant has not only not provided a Noise Impact Assessment to address these matters directly, but has also omitted any details about the proposed noise-making machinery and equipment that would be in operation. Accordingly, it has simply not been established that there would not be any unacceptable noise impacts. There may or may not be potential to have positive regard to the Applicant's advised mitigation measures, and/or any proposed measures that might be employed within the site's operation, but since there is no actual noise impact data to assess these provisions against, the effectiveness of any mitigation such as it is, has unfortunately not been demonstrated in any tangible, quantifiable way either. As it stands then, the Planning Authority would be taking a very significant - and I consider, unacceptable - risk in approving the proposal in its current form, in that the Applicant has simply not demonstrated that he could or would be able to operate in a way that would not result in unacceptable noise nuisance impacts to surrounding properties. On the contrary, the lack of even basic information about what would be operated, makes this aspect of the proposal incapable of any assessment, never mind any regulation. As such, even the Applicant's own suggestion that an approval could be issued on the condition that the use be restricted to use by the Applicant's own business or restricted to his specific proposed operation would not be based on anything substantial, and would be completely meaningless; and in practical terms, ineffective and inoperable.

There are longer-term considerations too. Even if the Applicant might have been able to demonstrate an operation that could be accommodated acceptably in noise impact terms, any generic approval of a Class 5 industrial use would always run the risk that the next industrial user might not be able to operate in any equivalent terms, and the amenity of surrounding residential properties would therefore be at risk, in the context of any such unqualified approval. The Applicant is correct that in other circumstances, it has been possible to issue consents for specific business operations, and which as such, amounted to approvals for bespoke operations. However, as noted above, in this case, there are insufficient details about what and how the Applicant would actually operate from the site, and the residential amenity of the surrounding area is as at risk of unacceptable noise impacts from the Applicant's own proposed business operation as it would be from any generic approval of a Class 5 use.

No attention has been given to the regulation of vibration and air quality impacts at the site, and these matters, which can also adversely impact the amenity of surrounding properties, would also have been appropriately assessed within the details presented in support of the planning application.

As such, and in addition to it not having been demonstrated that the proposal would not have any unacceptable impacts upon the residential amenity of surrounding dwellings, the proposal is also only reasonably assessed as not being capable of complying in principle with Policy ED2, given the latter's explicit requirement that it be demonstrated that the proposal could co-exist satisfactorily with adjoining uses.

Beyond Policy ED2, it is also material that there is potential for adverse impacts upon the residential amenity of surrounding and consented dwellings, which would also make the proposal contrary to Policy HD3 as well; and for it to have unacceptable impacts upon the character of the Town Centre as well, contrary to Policy ED3. According to the justification underpinning the latter policy, hierarchically speaking, town centres are not the most appropriate locations for industrial development due to the potential for such uses to detract from the character, vitality, viability and mixed use nature of town centres, which should remain attractive to a wide range of preferred uses.

It is unfortunate that the Council's Environmental Health Section has not been able to respond to the public consultation, but while its advice would have been appreciated to confirm that the proposal has potential to have unacceptable nuisance impacts - primarily it is anticipated due to noise - on the surrounding area, its lack of advice to this effect, is not considered to negate the potential for there to be unacceptable noise impacts, while - and for the reasons already noted above - there is in any case a wider concern that the Applicant has not addressed the requirements of Policy ED2 in any terms that would otherwise allow me to conclude that the proposal would be able to comply with any - let alone, all - of the provisions of Policy ED2. In short, while Environmental Health's confirmation would have been appreciated, it is not considered that the lack of response in this case, is, or should, itself, reasonably be taken as any tacit support or otherwise for this proposal. On the contrary, and regardless of Environmental Health's response, the Applicant is in response to the provisions of Policy ED2, fully and reasonably required to demonstrate within his supporting details that he has in any event, taken full and proper account of the noise impacts in an appropriately informed and detailed way. This however, is not the case. Mitigation in so far as it is identified, is generally only a suggestion or opinion on the part of the Applicant as to what might or could be the case; rather than any actual demonstration of the efficiency and appropriateness of any actual and specific noise mitigation scheme.

## DESIGN AND ACCESS

Given that most external alterations and developments would occur to the rear and within the car park area, the proposed alterations to the rear elevation and the new fence do not raise any concerns. In the event of approval, dark, organic and/or recessive colours would reasonably be required or sought for prior approval. There are some alterations to the front, including the installation of uPVC windows. There is no particular need or reason for the windows to be uPVC given that the windows of the remainder of the hotel frontage would be timber, but the building is not Listed or within the Conservation Area. However, in the event of approval, the matter is I consider, still reasonably regulated under an appropriately worded planning condition to ensure that any specific replacement units would be sympathetic to the established character of the building, regardless of the actual material used. In this context, the Applicant is at least reasonably encouraged to use timber-framed units, if at all possible; given the prominence of the front elevation in views from the surrounding streetscape and its contribution to the wider character of the former hotel building.

Roads Planning has no objections, and I note on-street parking to the front.

## OTHER CONCERNS

The Ecology Section has advised that further details are required with regard to bats and breeding birds, and in other circumstances, I would have considered it appropriate to draw this to the Applicant's attention, for their consideration. However, given the above noted concerns with regard to the principle of the proposal and its impacts upon residential amenity, I have not considered it reasonable to require these details of the Applicant, entailing further expense for a proposal which I have assessed as being contrary to planning policy. However, without the ecology concern having been fully investigated, and any mitigation necessary identified, the proposal is only reasonably identified as being liable to have unacceptable impacts

upon a Protected Species, and in the event of refusal, this would therefore need to be included amongst the reasons for refusal.

Given that the property appears to be vacant at present, and given the close proximity to Hawick's High Street and environs, I am content that there would be no unacceptable loss of any community facility in this case (e.g. public bar), given the close proximity of equivalent facilities and the ancillary nature of the section of the hotel premises concerned.

While it is the case that the premises is vacant, and at risk of further deterioration if it prevails as a vacant premises, this in itself does not justify an approval of the current application where the proposal is otherwise contrary in principle to planning policy and there are potential impacts upon the residential amenity of surrounding properties. In short, while positive regard can be had to the building being used and maintained, the simple fact of use and maintenance does not negate the Planning Authority's need to scrutinise the actual proposed use, and specific operation that would be accommodated therein.

With regard to the future use of the site, a further point which the Economic Development Section does note - even in its broad support for the proposal - is that an approval of the current proposal does have potential to impact how the floors above the basement level would be used, and might have potential to discourage, if not prohibit, a more sympathetic use of the premises; and/or to promote a wider industrial use of the premises, with even greater impacts upon the surrounding area. Again, the Applicant may have been able to provide some reassurance with respect to the noise impacts of their own specific proposal, but in the absence of this, the potential for approval of the current proposal to impact adversely the future use of the building cannot be ruled out.

There are no details of bin storage, and had this been the only concern, it would have been appropriate to have sought clarification from the Applicant with regard to how it was proposed that this would be operated. However, where the car park and pend were retained in use, it would appear that this would be unlikely to be a concern in principle; notwithstanding that an actual and workable arrangement would need to be identified. In the event of approval, the matter would be capable of being regulated appropriately under an appropriately worded planning condition.

## CONCLUSION

The proposal is contrary in principle to Policy ED2 and there are no other material considerations which would justify an exceptional approval. In point of fact, it is considered that the Applicant has specifically failed to demonstrate that the use could coexist satisfactorily with adjoining uses, including both existing and consented residential properties. As such, it is also contrary to Policies PMD2, HD3 and ED3, as well as ED2. Further, while it may have been a point that the Applicant might otherwise have been given an opportunity to address, the lack of any appropriate survey for bats and breeding birds, and the identification of any mitigation required to protect the same, also means that the proposal is contrary to Policy EP1: International Nature Conservation Sites and Protected Species.

## REASON FOR DECISION :

The proposal is contrary in principle to Policy ED2 of the Local Development Plan 2016, in that the need for the proposal to operate from this specific location - which is neither an existing or allocated business or industrial site nor an allocated mixed use or redevelopment site - has not been adequately justified; it has not been demonstrated that there would be any significant economic and/or employment benefit from the proposal being sited and operating as proposed; and it has not been demonstrated that the proposal is capable of co-existing satisfactorily with adjoining uses, specifically in that it has the potential to generate noise nuisance impacts that would be liable to have unacceptable impacts upon the residential amenity of existing and consented dwellings within the surrounding area contrary to Policy HD3 of the Local Development Plan 2016. Moreover, the proposal would be most appropriately accommodated on an existing or allocated business and industrial site, where provision exists to accommodate its impacts upon the amenity and environment of the site and surrounding area. There are no other material considerations that would be sufficient to outweigh this policy conflict.

Additionally, the proposal is contrary to Policy PMD2 and Policy ED3 of the Local Development Plan 2016, in that it is not compatible with, and does not respect, the character of the surrounding area and

neighbouring uses; and furthermore, the proposal is contrary to Policy EP1 of the Local Development Plan 2016, in that it has not been adequately demonstrated that it would not have any unacceptable impact upon a European Protected Species; specifically bats; or their habitat.

**Recommendation:** Refused

- 1 The proposal is contrary in principle to Policy ED2 of the Local Development Plan 2016, in that the need for the proposal to operate from this specific location - which is neither an existing or allocated business or industrial site nor an allocated mixed use or redevelopment site - has not been adequately justified; it has not been demonstrated that there would be any significant economic and/or employment benefit from the proposal being sited and operating as proposed; and it has not been demonstrated that the proposal is capable of co-existing satisfactorily with adjoining uses, specifically in that it has the potential to generate noise nuisance impacts that would be liable to have unacceptable impacts upon the residential amenity of existing and consented dwellings within the surrounding area contrary to Policy HD3 of the Local Development Plan 2016. Moreover, the proposal would be most appropriately accommodated on an existing or allocated business and industrial site, where provision exists to accommodate its impacts upon the amenity and environment of the site and surrounding area. There are no other material considerations that would be sufficient to outweigh this policy conflict.
- 2 The proposal is contrary to Policy PMD2 and Policy ED3 of the Local Development Plan 2016, in that it is not compatible with, and does not respect, the character of the surrounding area and neighbouring uses including the Town Centre.
- 3 The proposal is contrary to Policy EP1 of the Local Development Plan 2016, in that it has not been adequately demonstrated that it would not have any unacceptable impact upon a European Protected Species; specifically bats; or their habitat.

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