

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**7 DECEMBER 2020**

**APPLICATION FOR PLANNING PERMISSION**

<b>ITEM:</b>	<b>REFERENCE NUMBER:</b> 20/00769/FUL
<b>OFFICER:</b>	Paul Duncan
<b>WARD:</b>	East Berwickshire
<b>PROPOSAL:</b>	Change of use to allow commercial equestrian use at existing equestrian site to facilitate the relocation of established equestrian business and erection of 2 No storage buildings, 1 No office and 1 No toilet block
<b>SITE:</b>	Land At Quarry Farm, Lamberton, Scottish Borders
<b>APPLICANT:</b>	Eat Sleep Ride
<b>AGENT:</b>	Brownshore Management Ltd

**PLANNING PROCESSING AGREEMENT:** A PPA is in place to Monday 7 December 2020.

**SITE DESCRIPTION**

The proposed site is located between the old A1 and the new A1 around a mile north of the Scotland/ England border in the Lamberton area. Lamberton consists of a series of dispersed building groups and smallholdings west of the new A1. The proposed site is located between two of these. A small building group lying at the foot of the Lamberton Moor Road is located to the south of the site, and Lamberton Shiels lies to the north.

The proposed site consists of a long, steeply-sloping access track down from an existing gated junction with the old A1 (now a minor public road), down to a flatter parcel of land overlooking the new A1 and coast to the east. This portion of the site hosts a moderately sized timber-clad agricultural style shed which is visible from the new A1, and a flat area of land evidently formed by a cut into the hillside and partly occupied by abandoned vehicles. Arable farmland lies to the north, open fields within the same ownership of the site lie to the south.

The nearest dwellinghouse to the north is Glen More House, around 400m from the site. The nearest dwellinghouse to the south is Five Acres, set within a substantial woodland. Five Acres itself lies around 300m south of the proposed site, but the associated woodland extends to within 200m of the site. Whilst the proposed site is distant from Five Acres, land within the same ownership of the proposed site extends to the boundary of the Five Acres woodland. Although this land is out with the red line boundary of the proposed site and proposed development.

The Berwickshire Coast Special Landscape Area (SLA) bounds the A1 to the east, but the proposed site is wholly out with this area. Three designated sites roughly follow the coastline, also out with the site (the Burnmouth Coast Site of Special Scientific Interest (SSSI), the Berwickshire Coast Intertidal SSSI and the Berwickshire and North Northumberland Coast Special Area of Conservation).

## **PROPOSED DEVELOPMENT**

The proposed development comprises:-

- The change of use of the site to commercial equestrian use
- The formation of a riding arena
- The siting of a tack room storage container, a portaloos, and a portacabin office
- Refurbishment of the existing shed building and the addition of two lean to stores
- Hardstanding for parking of vehicles
- Formation of two passing places on existing access track
- Upgrades to the access track/ public road junction

The adjoining paddocks to the south are not within the proposed site but would also be used by the development. The grazing, keeping and riding of horses within fields does not generally require planning permission.

## **PLANNING HISTORY**

There is a complex planning history at this site. In the early 1990s the land was acquired and used for the grazing of cattle and horses. The purchaser subsequently erected a shed and a retrospective application for a private riding arena was refused and dismissed on appeal. The riding arena appears to have been removed from the site but the land was not reinstated to its previous condition. The associated engineering works comprising a significant cut into the hillside remain visible despite the land becoming naturalised.

In 1993 the land was sold to the operator of a small pig farm unit near Berwick. Following investigation by the Scottish Office Agriculture and Fisheries Department at the time it was concluded that a viable unit could be established at this location and outline consent was granted for a dwelling subject conditions and a legal agreement requiring the dwelling and the land to be sold jointly/ no further dwellings to be erected/ and with restriction on the method of farming. The permission has since lapsed.

Later, in 2003, an application was submitted for the erection of a dwellinghouse and office on the site (03/00845/OUT), though this was withdrawn later that year.

Also noteworthy is the following planning history out with the proposed site, but nearby:

- 03/00717/OUT - Erection of dwellinghouse and boarding kennels – Refused 2003
- 05/00234/FUL - Erection of dwellinghouse and garage and boarding kennels and cattery – Approved 2007, also since lapsed

## **REPRESENTATION SUMMARY**

15 comments objecting to the proposals were received from 14 separate households. The comments raised in objection are summarised below:

- Out of character with the surrounding area
- The applicant's goals appear far reaching and well beyond those actually stated in this planning application
- The application refers to 'multi-use sports facility' and 'shared community space' which signifies expansion beyond what is being applied for
- Planning statement light in detail on future intentions
- Not clear how business can grow at this site as business plan outlines
- Not clear how "major investment in the Borders" will be achieved

- Why did applicant need to move from previous site
- No demand
- No business plan
- Access track inadequate
- Access junction/ visibility inadequate
- Access for fire and emergency services
- Traffic
- Parking/ parking on roadside
- Proposed parking unclear if spaces are for trailers/ horse boxes, staff, deliveries, visitors or all of these
- Lack of safe hacking locally/ this is an unsafe environment to take out groups of horses with inexperienced riders
- Boundary fencing/ safety to A1/ escaping horses to A1
- Lighting, if used, will impact A1
- Activities on the site would be a distraction to drivers
- A separate funding application stated an intention to provide overnight accommodation on site in the form of yurts. What other future intentions does the applicant have?
- The applicant has already approached neighbours locally looking for extra grazing for the horses included in this venture. This would indicate that from the outset that the site at Quarry farm is inadequate and unsuitable for the applicant's needs.
- Noise pollution (shouting above noise from the A1)
- Light pollution
- Landscape and visual impact
- Containers have been turned down at Lamberton in the past
- Litter
- Water supply for fire service
- Foul drainage run-off to coastal waters
- Availability of power, water and telephone supplies is strongly contested
- What if power is insufficient/ concern that generators may be needed
- Fields are ragwort filled/ ragwort makes the site unsuitable for grazing horses
- Hedgerow will have to be removed/ loss of wildlife corridor
- Flood risk
- No notification received
- Impact on property value [*not a material planning consideration*]
- Loss of view [*not a material planning consideration*]
- No privacy for proposed yurts [*no yurts are proposed*]

All the representations can be viewed in full on *Public Access*.

## **APPLICANT'S SUPPORTING INFORMATION**

Supporting information submitted with the application includes:

- Planning Statement
- Letters in support of the principle of relocating the business elsewhere.
- Business Plan [marked confidential and not available to view on *Public Access*]

## **DEVELOPMENT PLAN POLICIES:**

### **Local Development Plan 2016**

- PMD1: Sustainability
- PMD2: Quality Standards

- ED7: Business, Tourism and Leisure Development in the Countryside
- HD3: Protection of Residential Amenity
- EP1: International Nature Conservation Sites and Protected Species
- EP2: National Nature Conservation Sites and Protected Species
- EP3: Local Biodiversity
- EP5: Special Landscape Areas
- EP13: Trees, Woodlands and Hedgerows
- EP14: Coastline
- EP15: Development Affecting the Water Environment
- IS7: Parking Provision and Standards
- IS8: Flooding
- IS9: Waste Water Treatment and SUDS
- IS13: Contaminated Land

#### **OTHER PLANNING CONSIDERATIONS:**

- Biodiversity Supplementary Planning Guidance 2005
- Contaminated Land Inspection Strategy Supplementary Planning Guidance 2001
- Landscape and Development Supplementary Planning Guidance 2008
- Local Biodiversity Action Plan Supplementary Planning Guidance 2001
- Local Landscape Designations Supplementary Planning Guidance 2012
- Sustainable Urban Drainage Systems Supplementary Planning Guidance 2020
- Waste Management Supplementary Guidance 2015
- Planning Circular 4/1998: The Use of Conditions in Planning Permissions
- Scottish Planning Policy 2014

#### **CONSULTATION RESPONSES:**

##### Scottish Borders Council Consultees

**Economic Development:** No response.

**Environmental Health:** There are outstanding considerations in relation to the use of external lighting, chemical toilets and the intended water supply that have the potential to adversely impact nearby residential amenity. These issues could be controlled by conditions requiring further information and approval prior to development. With regard to mitigating adverse light impacts the hours of operation should also be restricted to 7am – 7pm.

Conditions are recommended to mitigate the potential for adverse amenity impacts from any plant and machinery brought on site to service the development.

It is also recommended that the applicant contact the Environmental Health team to discuss whether the toilet, washing and welfare facilities intended meet the requirements under Health and Safety at Work legislation.

Stable waste generated on site should be managed in a way that does not give rise to amenity issues, such as odour and insects.

**Landscape:** No response.

**Roads Planning:** There is an existing access and track leading to the site from the unclassified public road. The access and track both require upgrading works in order to make them suitable for the increase in traffic associated with this proposal. The visibility at the

junction with the public road will require to be improved to provide 2.4m by 90m in both directions and a 120m forward visibility splay for right turning vehicles. This can be achieved by the removal or cutting back of foliage within the existing public road boundary.

The gradients of the existing track are steeper than desirable and a dwell area of 6m long at 1 in 12 and the remainder of the access at 1 in 8 would be preferable, however this would have a demonstrable effect on the landscaping of the area and will be difficult to achieve within the land available. If the existing access is upgraded to provide a dwell area at 1 in 10 for the first 6 metres with this area widened to 5m with 6m radii in order to provide for easier access and egress, this will be acceptable.

### Statutory Consultees

**Foulden, Mordington and Lamberton Community Council (FMLCC):** The Community Council has considered the application and wishes to record the following concerns which, although not forming the basis of an overall objection, it expects SBC to fully consider as part of the determination process. Furthermore, it sets out possible specific scenarios which would trigger formal objection by both FMLCC and local residents.

It is clear that the existing site ingress/egress provision is 'unfit for purpose' relative to the intended commercial use and this is clearly recognised by the Applicant who, it is noted, proposes to undertake the necessary works to ensure that entering and exiting the site is both compliant and safe.

In the opinion of FMLCC such works are likely to constitute significant engineering and landscape remodelling operations which, in turn, are likely to be very costly (possibly prohibitively so) and, it must be reasonably assumed, such works may have a detrimental visual impact on the existing landscape setting. It is unclear at this stage whether the material needed to create and retain the re-modelled incline will be imported onto the site or excavated from within the site.

The position of the site access is relatively close to a blind bend in the passing road which has a derestricted speed limit of 60mph. Local residents state that some vehicles are driven at quite high speeds along this road and it is therefore felt that the depth of the entrance 'standing apron' would need to be increased sufficiently to be able to accommodate a vehicle with trailer fully and safely off the highway and on a level surface - whilst waiting to enter or exit the site.

FMLCC has considered the application at 'face value' in terms of the stated use as a commercial equestrian operation. It is assumed that any additional sports uses that the applicant might wish to introduce at a future date would be the subject of a separate approval(s) by SBC. There would certainly be concerns and, undoubtedly, objections raised over the introduction of sports such as archery, target shooting, clay pigeon shooting etc. which raise issues of safety, noise and potentially increased car parking provision and vehicle movements to and from the site. Any use variation would need to be complimentary to, and consistent with, the stated equestrian use.

The word 'sleep' infers that there is, or could at some future point be, an element of overnight accommodation involved as part of the Applicants commercial 'offer'. FMLCC and local residents are concerned that the site could become a camp site 'by stealth'. FMLCC and local residents would oppose such use.

The application is silent on the matter of external lighting and, if applicable, its nature and intended hours of use. Light pollution is a concern to local residents and it is assumed that SBC would satisfy itself that any proposed external lighting scheme would take this into account in terms of its design, specification and hours of use.

The Applicant and the Land Owner separately state that the site is currently serviced by mains power, telephone and water. This is contested by local residents. If the site does have an existing electric supply, that in itself would negate any possible need for on-site diesel powered generators. FMLCC, and most certainly local residents, would object to the importation and use of generators due to concerns over noise transmission during unsociable hours.

The overall 'Eat Sleep Ride' aims and aspirations set out in the Applicants Planning Statement are both admirable and to be supported in principle. The concerns of FMLCC and local residents should not negate the positive aspects of the application and what 'Eat Sleep Ride' is seeking to achieve with young and disadvantaged people.

FMLCC does however have reservations as to whether the application site is best suited to the Applicant's operational needs but that must be decided by the Applicant and determined by SBC in the context of planning policy, highways safety and the potential for statutory nuisance as set out above.

**Transport Scotland:** No objection.

## **ASSESSMENT OF APPLICATION:**

### **Principle**

Historically, the authorised use of the site was agricultural. It appears that the site has been used for the grazing of ponies and horses over more recent years and a letter was provided by the site owner which sets this out. Generally, the use of open fields for the grazing of horses does not require planning permission for change of use.

Regardless of the planning history of the site, there is a consensus that the proposed use of the site for commercial equestrian use would constitute a material change of use of the site and the applicant has duly applied for this. As the proposed site is located out with any settlement boundary, the principle of such a proposal can be assessed against Local Development Plan (LDP) policy ED7 (Business, Tourism and Leisure Development in the Countryside). Policy ED7 aims to allow appropriate employment generating development in the countryside whilst protecting the environment and ensuring such developments are appropriate for their location.

The intention is to relocate an existing business, established in 2017, which would move from the Reston area. A business case was submitted as part of the application process but was marked confidential for commercial reasons and has not been available for members of the public on *Public Access*. The reasons for relocating the business have been questioned by objectors. The applicant states that they have outgrown their current premises. In any event, these are not matters for this application.

The Planning Statement sets out the key services provided by the business. These include horse-riding lessons, schooling and training, trekking and hacking, and livery services. The proposed development would be considered to constitute mainly a leisure and recreation use, although there may be some opportunities to cater for possible demand from the tourism sector, given visitors to the area may wish to use the equestrian facility.

Whilst the development is understood to operate as a social enterprise at present, the applicants believe they can develop a profitable business over time, avoiding reliance on public sector or charitable funding. The application supporting statement describes the proposed development as a major investment in the Scottish Borders economy and tourism sector. Respectfully, this would stretch the potential economic impact of the proposed

development somewhat, particularly given the business is already operating locally. There are however opportunities for modest economic benefits at a local level. In any event, compliance with Policy ED7 is not dependent on economic scale or impact, and the apparent social benefits of the enterprise seem more significant.

The proposed site is a considerable distance from any neighbouring property and in principle, there should not be any fundamental land use conflict arising, though this is considered in more detail below. The equestrian use is not thought to be out of character with a rural location and the scale of the development could not easily be accommodated within a settlement.

The development would make use of the existing building on the site which would be repaired and extended with two lean to stores. This building is falling into disrepair and the potential to refurbish it is to be welcomed. No new buildings of significant scale are proposed. Whilst the proposed development would amount to a more intensive use of the site, the proposed and surrounding land appears to have been underused for many years.

Considerable concern has been expressed regarding potential further or future uses of the site and it may be that such intentions have been expressed out with this application. Regardless, this application can only be assessed and determined on the basis of what has been applied for. Anything beyond this would need to be considered at the time of any future planning application. The question of the suitability of the site for the applicant's needs has however been raised previously with the applicant as a matter of good practice. The site is constrained by topography, geography and infrastructure, all of which may affect potential for future growth and expansion. This is ultimately a business decision for the applicant, and not a matter for the determination of this planning application, which must be assessed on its own merits, against the provisions of the Local Development Plan.

For the reasons outlined above, in principle, the proposed development is considered to satisfy LDP policy ED7.

## **Landscape**

The proposed site is considered to be sensitive to development. It lies in an exposed and prominent location off the A1 trunk road a short distance from the Scotland/ England border. The Berwickshire Coast Special Landscape Area (SLA) extends from the A1 to the coast, out with the proposed site but within sufficient proximity that the development could impact its character and quality.

LDP policy PMD2 (Quality Standards) requires all development fit its landscape surroundings, whilst policy EP5 (SLAs) seeks to safeguard landscape quality of SLAs.

In landscape and visual terms, the key features of the proposals would be: the new office portacabin/ tack room storage container/ portaloo structures, the lean to shed additions, the formation of a new riding arena, hardstanding/ parking areas and any associated restraining barriers, fencing, lighting, the upgrade of the access junction, passing places and the loss of foliage for visibility. The potential dispersal of equine equipment through the site and adjoining paddocks would be an additional consideration.

Taking each of these features in turn, it is agreed that shipping container, portaloo and portacabin type structures are not normally appropriate in a rural setting. Careful siting, planting, trellising and appropriate colours would significantly reduce the potential prominence and impact of these structures. It has been agreed that such matters can be adequately controlled by planning condition.

The proposed lean-to shed additions appear to be modest in scale. Provided the design and materials were carefully considered the extensions should relate well to the existing building.

The agent suggests there is an existing riding arena on the site. This is not the case. Naturalised earthworks from an earlier riding arena remain in situ but there is no discernible riding arena in place. The formation of a new riding arena will involve fencing and new surfacing, and may require additional earthworks. This part of the site is currently occupied by abandoned vehicles and detritus. The impact of the required works on landscape character and quality would be considered modest.

The proposed parking areas would be levelled and surfaced. No surfacing details have been decided as yet, but this could include grasscrete to reduce landscape and visual impacts. The agent has agreed this could be the subject of a planning condition, along with the details of any necessary restraining barriers, given the proximity of the main car park to the riding arena.

In terms of lighting, this would only be required for health and safety, and security. The riding arena would not be lit. The former point is potentially ambiguous. Further clarification was sought on precisely which areas would be lit but a clear answer to this question was not forthcoming. External lighting can however be controlled by condition.

Engineering works were carried out previously to form the existing access track/ public road junction. Additional earthworks are required to meet Roads Planning Service (RPS) requirements but these would be confined to a very specific portion of the site. This is covered further below.

The agent has confirmed that the gradient of the remainder of the access track will not change and no engineering operations are proposed (aside from the aforementioned works at the junction, and the formation of two passing places). Nor will the access track be resurfaced. Works to the access track, for example engineering works to provide a steady gradient, could have had a very significant impact on landscape character and quality, but do not form part of the proposals. Given the potential significance of such works, this will be controlled by a specific planning condition. The two passing places would be formed between the car park and the existing junction. The impact of these should be relatively low.

The loss of foliage required to achieve suitable visibility at the junction will have only a minor localised impact and the applicant has agreed to provide compensatory planting elsewhere within the site. This can be secured by planning condition. Additional planting within the site will be appropriate to mitigate the landscape and visual impacts identified above. This has also been agreed.

A further consideration would be the possible dispersal of ancillary equine equipment through the site and adjoining paddocks. The agent advises that the business is not a dressage or show-jumping operation and the amount of such equipment should therefore be minimal.

In terms of the paddocks out with the site, the applicant was invited to provide further information on proposed paths and fencing in these areas given they could require planning permission. This was declined and the applicant has been advised to satisfy themselves that they do not require planning permission.

Overall, in the absence of any significant alterations to the existing access track, the proposed development could be considered to have a modest adverse landscape impact, but this can be mitigated with landscape planting and careful siting, design and colours of ancillary structures. The landscape quality and character of the SLA would not be harmed.

## **Trunk Road**

Transport Scotland are the relevant consultee for impacts upon the trunk road network. The new A1 road is located close to the site and forms part of the trunk road network. There would be no direct access to or from the A1. Access would instead be taken from the Old A1, which is now a minor public road. Proportionately, the development would add little additional traffic to the new A1. Activity on the site is unlikely to represent a significant distraction to drivers and only limited lighting appears to be required. Concerns regarding escaping horses entering the A1 are noted. Existing fencing to the A1 does appear to be fairly limited and references to such incidents occurring in the past are acknowledged. However, planning permission is not required to keep horses in fields and it is the responsibility of landowners to ensure horses do not enter adjoining carriageways. Transport Scotland were consulted on the proposed development and have not raised any objection, or sought any conditions.

## **Road Network/ Traffic**

The proposed development would undoubtedly generate additional traffic over and above the current use of the site. However, the old A1 is now a lightly trafficked minor public road and is considered capable of accommodating the additional traffic likely to be generated.

Local residents have raised considerable concern at the lack of safe hacking locally. Objectors believe the local roads would be an unsafe environment to take out groups of horses with inexperienced riders. However, the proposed site is located in a rural situation and other than the new A1, the surrounding roads are lightly trafficked and it is not unusual to encounter horses being ridden. RPS do not consider an increase in horse riding on these roads to present a significant road safety issue.

## **Access Junction**

Vehicular access to the site would be taken from the existing gated access track junction with the Old A1 minor public road. The existing junction between the access track and the public road is of reasonable standard for the existing demand and use. Previous earthworks have created a relatively flat dwell area for vehicles to monitor traffic before entering the public road. RPS require further work to improve the junction to cater for the additional traffic associated with the proposed development.

Concerns have been raised by objectors regarding the level of visibility at the junction. There is a bend around 70m to the south-east of the junction. RPS also require visibility improvements, which will involve the cutting back of foliage. RPS have confirmed this is within the road verge.

The agent has confirmed the required works can and will be addressed. Conditions are attached to secure control over these details.

## **Access Track**

The access track down to the proposed riding arena and existing shed is long and steeply sloping. There are no proposals to upgrade the track itself, other than to form two passing places on the south side of the track. Substantial engineering works would be required to alter the track to a continuous gradient. This could have a significant landscape and visual impact, as could the surfacing of the track. No such proposals form part of this application. As noted above, a condition is attached to avoid any doubt about whether such works form part of the approval.

## **Parking**

A new car park would be formed at the foot of the access track. RPS are content with the proposed parking arrangements. Policy IS7 (Parking Provision and Standards) is therefore satisfied. A condition is proposed to ensure the parking area is provided before the development becomes operational.

## **Residential Amenity**

Policy HD3 (Residential Amenity) of the Local Development Plan states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted. The policy is applicable to all forms of development, including in rural situations.

The proposed site is a considerable distance from the nearest neighbouring dwellinghouses so there are no issues such as privacy arising, and the low impact scale and design of the development would not give rise to significant visual impacts for local residents.

In terms of traffic and noise, it is agreed that the old A1 is a lightly trafficked road, but the proposed development would not be expected to add to this to such an extent as to create any form of residential amenity issue. More specifically, in terms of noise, the proximity of the new A1 and the noise generated by the existing, and more regular passing traffic on that road must also be acknowledged. It is not felt that the proposed development would give cause for any additional noise over and above existing levels to any intolerable extent for neighbouring residences.

As regards light pollution as a potential residential amenity issue, this is not expected to be significant. The agent has stated that external lighting would only be required for security, and health and safety reasons, and that the riding arena would not be lit. It appears unlikely that this should give rise to any residential amenity issues, and use of external lighting can be controlled by condition.

The servicing of the development is considered further below.

Overall, given the distances to neighbouring dwellinghouse, residential amenity is unlikely to be harmed by this development, and any potential impacts of note can be adequately protected by planning condition.

## **Ecology**

No ecological surveys have been submitted with this application. The Ecology Officer was consulted at the pre-application advice stage, and identified potential for impacts on badgers and breeding birds, but considered that with mitigation, adverse impacts could likely be addressed without significant adverse effects. An Ecological Impact Assessment informed by a Preliminary Ecological Appraisal was requested by Officers but the applicant/agent chose not to provide the requested information. If Members were minded to support this application, a condition will be required to ensure these surveys are carried out in advance of development, to identify the range of mitigation required, which would also be secured under the same condition. Surveys of this kind are normally required to be submitted with or during an application and it is disappointing that these have not been forthcoming. However, it is considered likely that in this case the probable range of impacts have been identified at pre-application stage, and (with mitigation) there is unlikely to be any significant adverse effects on the ecological interest. These can be adequately controlled via condition.

A further environmental consideration will be the handling of stable waste and foul drainage. This is covered in more detail below, but will also be controlled by planning conditions.

No potential impacts to the designated sites east of the A1 have been identified.

Subject to compliance with the aforementioned conditions, it is considered that the proposed development would satisfy policies EP1 (International Nature Conservation Sites and Protected Species), EP2 (National Nature Conservation Sites and Protected Species) and EP3 (Local Biodiversity), and also condition EP15 (Development Affecting the Water Environment).

## **Flooding**

SEPA's flood risk mapping does not identify the proposed site as being at risk of flooding and there are no known watercourses within the site. The development is not considered to be at significant risk of flooding and would not appear to be capable of materially increasing the probability of flooding elsewhere. LDP Policy IP8 (Flooding) is considered to be satisfied.

## **Servicing**

### Water supply

The application states that the site has a water supply. Objectors have contested this. Environmental Health have requested that details of water supply be confirmed. This can be established by condition. An informative is also attached to advise the applicant of their responsibilities under Health and Safety at Work legislation.

### Foul drainage

A single portaloo would be provided within the site. The agent advises that this would be a traditional chemical toilet, emptied and cleaned according to Environmental Health requirements, with foul waste removed from the site for disposal. Environmental Health require a planning condition so that all necessary information can be considered and agreed.

### Surface Water Drainage

The proposed development would leave most of the site as free-draining, open land. There should be ample opportunity for sustainable surface water drainage.

### Power

There are conflicting views on whether the site benefits from an existing electric connection (or telephone connection). These are not generally planning matters and have not been explored in any detail. It will be for the applicant to satisfy themselves that necessary arrangements can be put in place. It is however considered reasonable and appropriate to attach a planning condition to control noise emitted by any plant and machinery that is brought onto the site.

### Stable waste

Stable waste would be stored on the site for collection and delivery to a local farmer or other waste management source. As noted above within the Ecology section, the siting of stable waste storage can be covered by condition.

## **Contaminated Land**

The application was discussed verbally with the Contaminated Land Section. No known contamination issues of such scale that would warrant further investigation have been identified on the site, including the abandoned vehicles currently in situ. An applicant informative can however be attached in the event anything unexpected was discovered.

## **Other Matters**

The site is not categorised as prime quality agricultural land by the James Hutton Institute and therefore the provisions of LDP Policy ED10 (Protection of Prime Quality Agricultural Land and Carbon Rich Soils) do not apply.

Concerns regarding ragwort within the fields would be a matter for the applicant to consider. This concern can be relayed by means of an informative.

Finally, objector concern was raised at the potential for litter. There is no reason to believe this should become an issue.

Neighbour notification for the application was reviewed and found to have been carried out correctly.

## **CONCLUSION**

The development is considered to accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

## **RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:**

I recommend the application is approved subject to the following conditions:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.
2. No development shall commence until an Ecological Impact Assessment informed by a Preliminary Ecological Appraisal has been submitted to and approved in writing by the Planning Authority. The Ecological Impact Assessment should include any necessary mitigation measures for adverse impacts on protected species or habitats. Thereafter the development hereby approved shall only be carried out in strict accordance with the agreed mitigation measures and any agreed enhancement measures.  
Reason: to protect the ecological resource and ensure LDP policies EP1, EP2 and EP3 are satisfied.
3. Prior to the commencement of development, details of the siting, design, external materials, colours and any screening for the portacabin, tack room storage container and portaloo shall be submitted to and agreed in writing by the Planning Authority. Thereafter the development shall be carried out wholly in accordance with the agreed details.  
Reason: to control the appearance of the portacabin, tack room storage container and portaloo, in the interests of landscape and visual amenity.

4. Prior to the commencement of development, precise details of the design and materials (including elevation drawings and floor plans or photos) of the two lean-to additions to the existing shed building shall be submitted to and agreed in writing by the Planning Authority. Thereafter the development shall be carried out wholly in accordance with the agreed details.  
Reason: to control the appearance of two lean-to additions to the existing shed building, in the interests of landscape and visual amenity.
5. Prior to the commencement of development, a scheme of soft landscaping works shall be submitted to and approved in writing by the Planning Authority, and shall include:
  - i. indication of existing trees, shrubs and hedges to be removed
  - ii. location of new trees, shrubs, hedges and grassed areas, including compensatory planting for the foliage to be removed for visibility at the junction with the public road.
  - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
  - iv. programme for completion and subsequent maintenance.Thereafter, the agreed landscaping works shall be carried out and maintained wholly in accordance with the agreed details.  
Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.
6. Prior to the commencement of development, details of arrangements for toilet facilities and foul waste shall be submitted to and agreed in writing by the Planning Authority. Thereafter, the agreed toilet facilities and foul waste arrangements shall be in place before the development becomes operational, and shall be retained thereafter unless otherwise agreed in writing by the Planning Authority.  
Reason: to protect residential amenity and the wider environment.
7. Prior to the commencement of development, details of the siting of stable waste storage shall be submitted to and agreed in writing by the Planning Authority. Thereafter, stable waste from the development shall only be stored in strict accordance with the agreed details.  
Reason: to protect residential amenity and the wider environment.
8. Prior to the commencement of development, details of the proposed water supply shall be submitted to and agreed in writing by the Planning Authority. Thereafter, the agreed water supply arrangements shall be in place before the development becomes operational, and shall be maintained thereafter unless otherwise agreed in writing by the Planning Authority.  
Reason: to ensure water supply arrangements do not harm existing private water supplies.
9. Prior to the commencement of development, details of all proposed external lighting shall be submitted to the Planning Authority for written approval. Thereafter, no external lighting shall be installed with the exception of external lighting that has first been agreed in writing by the Planning Authority.  
Reason: to protect residential amenity and the character and amenity of the surrounding area.
10. Prior to the development becoming operational, visibility at the junction of the private access and minor public road shall be improved to a standard first agreed in writing by the Planning Authority.  
Reason: To ensure safe access and egress from the site.
11. Prior to the development hereby approved becoming operational, two passing places shall be provided on the access track to the site in strict accordance with details first agreed in writing by the Planning Authority.

Reason: To ensure the access track is of a standard capable of accommodating the increase in traffic.

12. With the exception of the junction improvements and two passing places agreed under conditions 10 and 11, no permission is granted for the upgrade of the existing access track, and any such works shall only be carried out following the submission and approval of a separate planning application.

Reason: the upgrade of the access track did not form part of these proposals assessed and would require separate consideration.

13. Prior to the development hereby approved becoming operational, the parking shown on the approved site plan shall be provided in strict accordance with surfacing, levels, and edge protection details first agreed in writing by the Planning Authority.

Reason: To ensure adequate parking is provided within the site.

14. The development hereby approved shall operate only between the hours of 7am to 7pm.

Reason: to protect residential amenity and the character and amenity of the surrounding area.

15. Any noise emitted by plant and machinery used on the site shall not exceed Noise Rating Curve NR20 between the hours of 2300 to 0700 and NR 30 at all other times when measured within all noise sensitive properties (windows can be open for ventilation). The noise emanating from any plant and machinery used on the site should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2.

Reason: To protect residential amenity.

16. All plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.

Reason: To protect residential amenity.

#### Information for the applicant

1. It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.
2. It is brought to the attention of the applicant that public comments lodged in response to the applicant raise the possibility of ragwort within the site and adjoining fields.
3. The applicant is advised of the former development and activities at the application site including vehicle storage/ abandonment. Should unexpected ground conditions e.g. made ground extending to depth, discolouration or malodorous substances be encountered in excavations, or evidence of potential contamination e.g. underground structures, remains of buried wastes or equipment be encountered during site works it is requested that Environmental Health are immediately consulted. Should the applicant wish to discuss this further their enquiry should be directed to Environmental Health.
4. It is recommended that the applicant contact the Environmental Health team to discuss whether the toilet, washing and welfare facilities intended meet the requirements under Health and Safety at Work legislation.
5. The Riding Establishments Act 1964 defines a Riding Establishment as "the carrying on of a business of keeping horses to let them out on hire for riding, or for use in providing instruction in riding for payment, or both, " and requires such businesses to be licensed by the Local Authority. If the applicant intends the stables to operate as a riding

establishment in the future, the premises will need to be licensed. Current conditions of licence are discussed alongside health and safety issues applicable to the trade, within the CIEH publication *Health and safety guidance for inspections of horse riding establishments and livery yards*. A free copy may be downloaded from [www.cieh.org/policy/inspections\\_horse\\_livery.html](http://www.cieh.org/policy/inspections_horse_livery.html). Hardcopies may be purchased from CIEH Tel. 020 7827 5821. Further information about the required standards is available from SBC's Regulatory Services, Environmental Health Team. Riding Establishment application forms are available from SBC's, Licensing Team.

#### DRAWING NUMBERS

<u>Type</u>	<u>Reference</u>	<u>Received Date</u>
SITE PLAN	002- A	15.07.20

#### **Approved by**

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

The original version of this report has been signed by the Chief Planning and Housing Officer and the signed copy has been retained by the Council.

#### **Author(s)**

Name	Designation
Paul Duncan	Assistant Planning Officer



20/00769/FUL

Land At Quarry Farm  
Lamberton

