

**Colin D Smith
Sunnybank Main Street
St Boswells
Melrose TD6 0AT**

16th March 2012
Application No. 21/00244/FUL
"Slaters yard" off Charlesfield Road, St. Boswells

Dear Sirs,

I wish to submit the following observations and objections to the above application for planning consent.

I appreciate that the previous application (20/00115/FUL) now has planning consent, subject to conditions regarding planting and lighting. I would, however, highlight a highly relevant statement contained within the Planning Authority's Part III Report on that application:-

"It can be argued that the development is contrary to Policies PMD4 and EP6 and the visual harm is significant enough to warrant refusal. However, with the refusal of the application and any subsequent enforcement action to secure the removal of the fencing there would be no procedure open to the Planning Authority to secure replacement planting.... As a result, it is felt that the application can only be supported if the boundary planting is reinstated."

However, the applicant was responsible for the removal of all planting on the site prior to erecting the current fencing, which, in turn, was undertaken without planning consent. In effect, the applicant has held a gun to the Planning Authority's head – 'grant consent (retrospectively) for my fencing with a planting condition attached, or there won't be any planting at all.'

It could be argued, and I certainly would, that it would have been preferable to have refused the application, foregone the planting, enforced the removal of the fencing and allowed the site to return to nature: better to have a sympathetic rural character at this location than an aggressively industrial one.

Before moving on to the current application, there is a further issue that remains unsatisfactorily addressed, and unanswered in the previous or current applications. Soon after the fencing was erected, several large tractors and items of agricultural equipment were parked, and remain parked, on the south-east boundary. These are evidently being displayed for sale and, as such, should be the subject of a separate application for Change of Use (the sale or display for sale of motor vehicles being, sui generis, a use class in its own right. The applicant should not be allowed to suggest that this display of vehicles for sale is subsidiary to the current application for a building. The issue of change of use is fundamental, and a separate application for Change of Use should be pursued and refused.

It is disappointing that the totality of the development has never been identified for public consideration. It would appear to be the applicant's view that a more stealthy incremental approach will have the best chance of success.

Instead of such a comprehensive package of proposals, the applicant has:

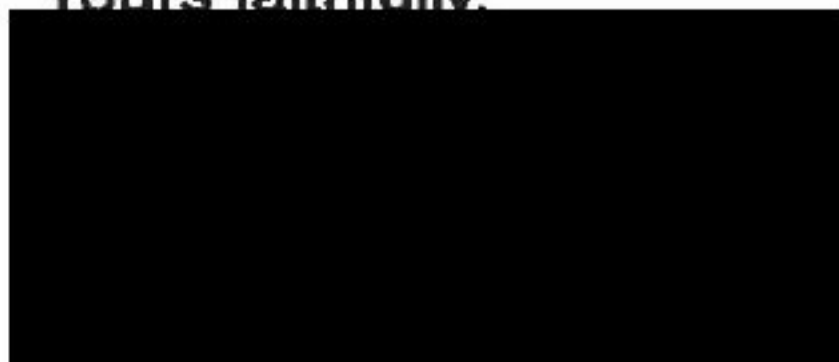
- removed all traces of previous planting, then
- erected fencing, of a quite inappropriate and industrial nature, then
- sought retrospective planning consent, then
- erected and subsequently removed floodlighting (now subject to a specific condition in the subsequent consent), then
- submitted a new application for a building, the subject of the current application

Had the totality – removal of planting, industrial fencing and industrial building – been apparent from the beginning, the Planning Authority's response would, I suggest, have been less sympathetic.

The other condition attached to 20//00115/FUL with regard to the screen planting has to be completed by the end of this month. As yet, as the Planning Authority has reminded the applicant, no planting has been undertaken. It is unclear to me why the applicant should place any value on achieving a successful planting/screening programme, since it will merely serve to obscure the very items that he wishes to sell. However, I am reassured that the Planning Authority will be keeping a watchful eye on this planting to ensure that it is carried out in an appropriate manner and that every effort will be made to ensure that it thrives.

Moving to the current application. It is evidently contrary to Local Plan Policies PMD4 (Development Outwith Development Boundaries) and EP6 (Countryside Around Towns). There are no exceptional circumstances that suggest that these Policies should not be robustly upheld. The application should be refused.

Yours faithfully,



Colin D Smith

Midburn
Merrick
St Boswells
Melrose
TD6 0HG

12th March 2021

Dear Mr Hayward

Application Number: 21/00244/FUL
Proposed Development: Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works.
Location: Slaters Yard off Charlesfield Road, St Boswells

In response to the above application we have experienced, with some concern, all the extensive and unexpected changes which have already taken place at the above site and have now studied the application information and images at *eplanningborders*.

We have read and agree fully with the concerns raised and expressed very clearly by Mr Ian Lindley, Gattonside and also the concerns raised by Environmental Health with regard to noise.

Our Objections

1. **The development is outside the Local Plan zEL19.** As the Charlesfield Industrial site has developed from a few small and non-intrusive businesses, 30 years ago, to the size and number of businesses in 2021, there has been a significant negative impact on our experience of living here. However, these businesses are visually masked to some extent by the plantings, which have been put in place.
2. This application brings industry outwith the Charlesfield site and basically would sandwich our property, our home for 34 years, between industrial units. There is a danger also, that this sets a precedent for the future of further developments outwith the designated Local Plan which has been agreed by the council.
3. **This is a considerable change of use** from business/tradesperson storage to running an agricultural machinery business from this site as detailed above.
4. **The change of use has the potential to impact on noise levels and light pollution.**
Since purchasing our property 34 years ago, the ongoing development and expansion of Charlesfield Industrial Estate has impacted on the tranquility of our home not only with noise from the most recent, larger businesses but also the considerably increased heavy traffic – tractors, buses, gritters. We have already experienced a huge increase in the volume and vibration of heavier and heavier traffic. There has also been an increase in 24-hour noise from some of the businesses. We have already born the cost of installing high specification double-glazing to reduce the noise from the heavy traffic.

To allow the development of this site at Slater's Yard would potentially encase our home in industrial noise, which we feel should be confined to the land designated for industrial use. We are especially concerned about the potential noise and vibration from machinery during large engineering works and repairs carried out.

We have a large garden, in which we spend a huge amount of time cultivating and growing, continual noise would impact on our quality of life in retirement.

5. **Future use of this space.** We are also concerned about what would happen to this plot of land if the development were to go ahead and then something happens to the business of AB Wright Engineering Ltd. Whilst there may be assurances from the applicant now, who would monitor the use of the space if the business changed hands?

Yours sincerely

Hilary & Steven Morton
Owners

Comments for Planning Application 21/00244/FUL

Application Summary

Application Number: 21/00244/FUL

Address: Slaters Yard Off Charlesfield Road St Boswells Scottish Borders

Proposal: Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works.

Case Officer: Julie Hayward

Customer Details

Name: Mr Ian Lindley

Address: 19 Monkswood, Gattonside, Scottish Borders TD6 9NS

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Detrimental to environment
- Inadequate screening
- Trees/landscape affected

Comment:Objection to development:

The Borders countryside and rural communities are unique and sensitive to visual erosion from a multitude of activities, large & small. This proposal degrades the attractiveness of the area to highly mobile visitor & inward-investment interests & to local communities.

Under previous ownership this site had a gappy but effective hedgerow boundary and read as part of the open countryside. Travelling north on the A68 afforded views of the Eildon's & an open & rural aspect to the southern approach into the Conservation Area of St Boswell's. Travelling south, the Charlesfield estate is effectively screened by existing & newly planted edge trees & shrubs along and within its own boundaries, but this site sits forward of that screening and from the proposal appears as a separate identity, unrelated to any other business development. The applicant proposes to clad the shed walls in brown finish, but no comment or annotation is apparent as to roof colours, which will remain very visible to the Eildon NSA. Even had the applicant proposed to clad the roof with the same earth-coloured palette of the surrounding countryside, nevertheless in the longer term, controls over wall and roof colours & extraneous additions such as air-con and extractors etc, which might follow with future changes of use under permitted development, can seldom be enforced.

The existing owner has removed all vegetation from around the boundaries to openly display tractors and claims that a new gravel surface will improve land drainage over the previous open field surface which is questionable once the site is compacted through use. The applicant proposes to plant a screen hedgerow & trees to obscure low level views into the site and to soften

the skyline impact of the building from the south. No tree planting is proposed to the north/east of the site which will remain open at roof level from the A68 southbound and from the Kelso turn. This again accentuates the site's intrusion & separate identity from other existing business developments.

It is difficult to reconcile the objective of openly displaying new sales items, (abetted by recent wholesale removal of the traditional boundary vegetation) with the alleged intent to entirely screen the development's display windows and open yards from external views by planting a boundary hedge illustrated approx 2m height. In practice, Planning control of hedgerow height will be difficult to effect. Most new vehicle sales outlets do not retain trees and prefer clearance from fallen leaves, sap, insects etc. Assuming that any such planting survives the initial protection period afforded by standard planning conditions, and is maintained, effectively managed and replaced as required in a timely manner, (maybe more than once if planting failure recurs), then the longer term retention & height of any maturing hedgerow and trees must be questionable for this type of land use.

Again, not illustrated, but to be expected under separate Advertisement Regulations, will be subsequent building frontage and site boundary signage for access and ownership / sales details. This may also be at odds with claims to achieve an uninterrupted hedgerow boundary & an uncluttered development appearance & simple building lines.

The granting of planning permission opens opportunities for permitted and applied-for permission for changes of use to other forms of development both for this building & its site, which can then be more difficult to constrain.

Given that the Statutory Planning process addresses land use, then looking further ahead, any such shed built under this permission may well outlast the current applicant's interests. Changes of use and / or further applications for site or building expansion could all occur. Once permitted, the building must be considered in effect as a permanent entity, although its details & use may change.

Once built it will be extremely difficult to resist further demands for 'windfall' - non-planned 'exception' developments that are closely related to the building line established by this proposal along the Charlesfield access. That would open up further extension of business activity in this location, well beyond even the planned expansion of Charlesfield industrial estate.

The applicant claims that other suitable sites do not exist and that this development should thus be an exception. Other available sites do appear to exist within many other business sites across the Borders and at high visibility road junctions. Moreover, if land supply for the proposed expansion of Charlesfield Ind estate under policy zEL19 remains constrained, it is within the ability of the local authority to address this as recently demonstrated by the advanced purchase by SBC of the Lowood Estate for mixed use development.

Long-term planning proposals should not be steered by recently negotiated private land franchise agreements or by land ownership deals of purchasers. The applicant suggests an intention to centralise three currently rented sites within Charlesfield to this site. It is unclear if this is for all current business activities including repairs & storage, or purely for the newly agreed franchise of tractor sales, but clearly repairs & external storage will need to continue somewhere. The application does not show any such external activities, but one visualisation from the north does

include an intrusive blue storage container in view which illustrates the sensitivity of this site to clutter. Comments received on previous applications which have supported other proposed developments in order to 'tidy up the site' should not be relevant, since this is within the powers of any land owner and should not be seen as a solution where it leads to inappropriate development.

Job creation is to be welcomed, but should be focused on existing & planned business sites.

Comments for Planning Application 21/00244/FUL

Application Summary

Application Number: 21/00244/FUL

Address: Slaters Yard Off Charlesfield Road St Boswells Scottish Borders

Proposal: Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works.

Case Officer: Julie Hayward

Customer Details

Name: Mrs Victoria Tweedie

Address: The House Of Narrow Gates, Main Street, St Boswells Melrose, Scottish Borders TD6 0AX

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Detrimental to environment
- Detrimental to Residential Amenity
- Height of
- Inadequate screening
- Over Provision of facility in area
- Trees/landscape affected

Comment: I would like my letter of objection to the previous, retrospective, application 20/00115/FUL to stand as my objection to this application.

As that application was granted conditional on substantial, detailed screening being erected before the end of March 2021, and the applicants have, so far, failed to erect such, I assume the granting of their earlier application is now void.

I note there were multiple complaints regarding the original work, done without planning, then further formal objections to the application, as well as these ongoing complaints.

Email from Julie Heyward 5th Feb 2021, on eplanning:

"The Council is continuing to receive complaints regarding the visual impact of the fencing around the above site, as it is in such a prominent location at the edge of the village."

I have seen no evidence of the applicants discussing their need for a larger site with SBC, whose provision at Charlesfield is substantial. I am sure the Council would be happy to engage with the

applicants regarding the provision of an appropriately located and sized site. But the Council has a local plan and this site and application contravene so many aspects of it

I note the impact on visual amenity is even huger than the original fencing, with the shed absolutely enormous.

Comments for Planning Application 21/00244/FUL

Application Summary

Application Number: 21/00244/FUL

Address: Slaters Yard Off Charlesfield Road St Boswells Scottish Borders

Proposal: Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works.

Case Officer: Julie Hayward

Customer Details

Name: Mr Andrew Herberts

Address: Merrick Farm, Merrick, St Boswells Melrose, Scottish Borders TD6 0HG

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Density of site
- Detrimental to environment
- Detrimental to Residential Amenity
- Inadequate drainage
- Inadequate screening
- Increased traffic
- Loss of view
- Noise nuisance
- Privacy of neighbouring properties affected
- Road safety
- Trees/landscape affected
- Value of property

Comment: My understanding is that this application is contrary to several local planning policies cited elsewhere and that it should, prima facie, be refused.

If those policies are not sufficiently robust in and of themselves to refuse permission I would point out some other factors.

The proposed site sits on the corner of a busy and already dangerous junction, only adding to the risk of accidents on this stretch of the A68 through an increase in traffic and of distraction.

The site will be an eyesore on the edge of the attractive village of St Boswells, detracting from its ambience. Alternative brownfield sites exist where the development would be in keeping. The

proposal will impact on the views and aspect of mine and my neighbours' properties as well as being visible from the Eildon hills.

The construction phase will exacerbate the traffic issues and add significantly to noise pollution as will the ongoing operations of the site. The site will also generate industrial waste in the workshop potentially feeding into the burn that runs alongside the site and into the St Boswells community woodland. The applicant's disregard of planning consent and eradication of trees along the site's boundary does not bode well for a rigorous application of environmental regulations.

The development thus far has radically degraded a patch of rough wild ground, destroyed mature trees, eliminated a rich mix of wildlife and covered ground presumably useful for agricultural water run off. It is not too late to demand restitution of the ground to its former state.

The applicant has shown contempt for existing planning consents in the destruction of the trees and construction of the industrial fence. The incremental ongoing work on the site shows little respect for due process and any commitment to restore planting or screen the site seems disingenuous in the extreme given part of the role of the site is sales.

I register my objection to this application in its entirety and also to the creeping development of the site which seems designed to force the planning department's hand. Approval would set a very poor precedent for other sites in the vicinity.