

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 20/00115/FUL
APPLICANT : A B Wight Ltd
AGENT : Murray Land & Buildings
DEVELOPMENT : Erection of boundary fencing and gates (retrospective)
LOCATION: Slaters Yard Off Charlesfield Road
St Boswells
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Approved
	Proposed Site Plan	Approved
Gates	Photos	Approved
New Site Fence	Photos	Approved
New Timber Fence	Photos	Approved

NUMBER OF REPRESENTATIONS: 4

SUMMARY OF REPRESENTATIONS:

Four representations have been received, including one from the Community Council, raising the following planning issues:

- o A change of use has taken place from field to storage yard for an agricultural machinery dealership. The site is outwith the Development Boundaries for St Boswells and Charlesfield and the site is designated as rural in the Local Development Plan Settlement Profile for St Boswells and Charlesfield and the Countryside Around Towns plan. It is rural, not a brownfield site. There is substantial provision for business and industrial use at Charlesfield and this is piecemeal development in the countryside causing coalescence between the two settlement boundaries.
- o This is a retrospective application and so it is not possible to view the site prior to commencement.
- o The applicant has laid substantial hardcore and erected this heavy duty fence to use the site as a storage yard which demonstrates that it was never used as a storage yard previously. The site was a field laid to grass and has never been used for storage for vehicles, machinery or materials, as demonstrated by the satellite image. Any use for storage must have been decades ago.

- o The existing post and wire fence, trees and mature hedgerow were removed and replaced with this visually intrusive, heavy duty industrial security fencing that is prominent from the A68. Structure planting is required by the Local Development Plan in this area to provide a setting for development and screening from the A68 and to protect residential amenity. Existing planting should be retained. The removal of the hedge has destroyed the wildlife amenity and changed the appearance of the site.
- o There has been no attempt to screen the site or machinery stored on it or reduce the visual impact.
- o The site is being used as a forecourt to advertise tractors with maximum visibility adjacent to the A68 and provides an unattractive entrance to St Boswells and distracts motorists. Such a use should be located within Charlesfield and further security measures, such as floodlighting, may be required in the future.
- o The use is contrary to policy EP3: Local Biodiversity.
- o The site was originally used as a small plumbers/slaters yard (for the last 60 years) and was well screened by mature hedges and trees, creating a natural screen from the A68.
- o Planning Permission was refused to development the site previously.
- o The works that have been carried out significantly change the southern approach to St Boswells, the Green and Conservation Area and the site has become industrial. This is contrary to policies on Countryside Around Towns, trees, woodlands and hedgerows and Special Landscape Areas, which seek to protect the setting, character and amenity of settlements, links to the countryside, maintain habitats and to protect and enhance biodiversity.
- o If Planning Permission is granted for the fencing, new planting must be introduced and no lighting permitted to retain its rural character.

CONSULTATIONS:

Roads Planning Service: No objections.

Economic Development: The previous slaters yard was underutilised but well screened. It is known that this site was occupied by Wm Marjoribanks of St. Boswells for many years. The clearance and tidying of the site with hardcore is accepted as a modern requirement of a storage yard. It is difficult to accept that the applicants would not have sought advice on whether planning permission was required before embarking on substantial works which may now not be acceptable.

This site has now become very visible with the previous substantial hedge having been removed and this can be a distraction with the amount of traffic using the A68. If we had been given an opportunity to comment, prior to the works having been undertaken, we would have requested a screened security fence to be erected, or the hedge shaped and laid to continue the screening with the new fence erected internally.

It is understood that if this was planned as a commercial development the owners would have wished to display their products but, since it has been submitted as a storage yard, there is no need for an open style fence and it should be screened. Unless there is a strong desire by the planners to require replacement of this fence with a screened fence, which we would support, the next best option is to require screen planting either in front or behind this unauthorised fence.

We are confused as to why there is a screen fence erected on the south west boundary when the existing hedge screens off this area already and yet the applicant failed to do this on the exposed faces. Some clarity is needed on the decision to separate this area from the rest of the site, as this appears to have been made for a future option.

Flood Protection Officer: In terms of information that this Council has concerning flood risk to this site, I would state that The Indicative River, Surface Water & Coastal Hazard Map (Scotland) known as the "third generation flood mapping" prepared by SEPA indicates that the site is at risk from a flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any one year.

The proposed site is at risk of flooding from the St Boswells Burn however this is a small scale development that is unlikely to have a significant effect on the storage capacity of the functional flood plain or affect local flooding problems and I have no objection to the application on the grounds of flood risk.

Landscape Architect: This development is clearly contrary to various Council policies in the LDP including PMD4, EP6, EP12 and EP13. I have been unable to visit the site, but from the information available it appears that a fully mature tree and hedgerow feature has been removed and replaced with a visually intrusive fence and hard surfaced forecourt giving an industrial appearance. This has most likely had considerable impact on the setting and scenic quality of the approaches to the village of St. Boswells, including the Conservation Area, village green and cricket grounds, which are on the edge of the A68 a short distance from the site.

With the installation of metal fencing and a forecourt for the display of agricultural vehicles the sensitive nature of the character and amenity of this area must be compromised by this development. Policy EP6: Countryside Around Towns aims to prevent piecemeal development and requires proposals to consider enhancement and improvement of the environment i.e. with regards to the existing landscape, trees, woodland etc. Looking at the plans of the development and the proposed planting it is evident that this will barely suffice to replace what existed previously with no consideration of enhancement of the environment. I note that although the fence is 2.2m high the ground appears to have a made up base of a further 300mm or so, taking the total height to be screened to be 2.5m. With good management to ensure a robust and dense hedgerow, the planting proposals will take some time to establish and even after several years are unlikely to fully screen the fencing and forecourt behind.

With some adjustments however, they could serve to reduce the impact. A more satisfactory solution would be a 10m wide band of mixed woodland planting at 2m centres along the prominent frontage facing the junction. This might need to be narrower to the north and south to accommodate sightlines. The strip of woodland planting should also be taken along the rear north western boundary of the site to assist in assimilating the site into the wider countryside and reduce its impact on views from further afield to the north and west. A hedge should be planted along the outer edge of the woodland, particularly on the 'frontage' section. It is unclear from the information provided what the condition of the hedgerow is on the Charlesfield Road side or the boundary treatment to the south west of the site.

If however, the current proposal is to be accepted, I advise that 15% holly should be added to the mix for its evergreen screening value and that the lime trees proposed (*Tilia cordata*) should be planted at 6m centres along the frontage. These should be a minimum of 10-12cm girth, rootballed and planted in tree pits at least 3m and preferably 5m from the fence line to ensure they are not compromised by the fence. Hedge and woodland planting should be carried out using cell grown plants of local provenance. I recommend that trees are planted on or within the rear boundary too, in addition to the hedgerow and again at 6m centres along the length. These can be a mix of species if preferred. Use of cell grown material and rootballed trees have greater success rates than bare root material.

The planting plan should show more clearly exactly where the hedge and tree planting is proposed in relation to any existing boundary treatments, trees and hedges on adjacent sites and should take account of services in the verge. Exact numbers and sizes of all trees and hedge plants should be added to the schedule.

Re-consultation: No response.

Transport Scotland: Does not propose to advise against granting permission.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD1: Sustainability

PMD2: Quality Standards

PMD4: Development Outwith Development Boundaries

ED2: Employment Uses Outwith Business and Industrial Land

ED7: Business, Tourism and Leisure Development in the Countryside

HD3: Protection of Residential Amenity

EP3: Local Biodiversity

EP6: Countryside Around Towns

EP12: Green Networks

EP13: Trees, Woodland and Hedgerows

IS8: Flooding

Supplementary Planning Guidance

Placemaking and Design 2010

Householder Development (Privacy and Sunlight) 2006

Trees and Development 2008

Biodiversity 2005

Countryside Around Towns 2011

Recommendation by - Julie Hayward (Lead Planning Officer) on 14th August 2020

Site and Proposal

The site is situated to the south west of St Boswells on the corner of the A68 and the public road that serves Charlesfield industrial estate. The site was formally a slater's yard. When the site was visited in April 2019 it was slightly overgrown, with skips and piles of rubbish visible and surrounded by mature hedges and trees. There was a high metal mesh gate at the entrance from the Charlesfield road and a short section of high timber fencing.

This application seeks retrospective Planning Permission for a 2.2m high galvanised square mesh fence with barb wire on top along the south eastern boundary to the A68, galvanised square mesh and barb wire gates at the site entrance and for a 1.8m vertical timber fence with barb wire along the south eastern boundary to the Charlesfield road. The original application also sought Planning Permission for a new 2.2m fence along the north western field boundary to match that on the south eastern boundary but this has now been omitted from the application.

The trees and hedgerows have been removed and the site part-surfaced. Tractors are now parked on the site.

Planning History

90/01641/OUT: Erection of dwellinghouse. Refused 27th march 1990.

04/01443/OUT: Erection of two dwellinghouses. Refused 20thSeptember 2004.

06/02331/OUT: Erection of child care residence. Withdrawn 9th February 2016.

06/02332/OUT: Erection of office and storage shed. Withdrawn 21st February 2014.

10/00242/PPP: Erection of child care residence. Withdrawn 18th March 2015.

10/00243/PPP: Erection of office and storage shed. Withdrawn 21st February 2-14.

Assessment

Planning Policy

The site appears to have been a slater's yard and there is evidence of this but this use seems to have been infrequent and not intensive over the past few years. Until recently the site was enclosed by trees and mature hedgerows but these have been removed and the high metal and timber fencing and gates erected. The site is now used to park new tractors.

This application seeks Planning Permission for the unauthorised fencing. The use of the site is has been investigated by the Council's Enforcement Officer so this will not be covered in this report.

The site is outwith the Development Boundary for St Boswells and Charlesfield. Policy PMD4 states that where Development Boundaries are defined on proposal maps they indicate the extent to which towns and villages should be allowed to expand during the Local Plan period. Development should be contained within the Development Boundary and proposal for new development outwith this boundary will normally be refused. There are exceptions to this:

- a) The development is a job generating development in the countryside that has an economic justification;
- b) It is an affordable housing development;
- c) There is an identified housing land shortfall;
- d) The development offers significant community benefits that outweigh the need to protect the Development Boundary.

The exceptions contained within policy PMD4 do not apply to this development. However, the site has an authorised use as a storage yard and so the use is not part of this application and all that is being considered is the fencing and gates.

Policy EP6 states that where an area is defined as Countryside Around Towns, proposals will be considered for approval if they meet the following considerations:

- a) There is an essential requirement for a rural location and the use is appropriate to a countryside setting;
- b) It involves the rehabilitation, conversion or extension or a change of use of a traditional building of character;
- c) New housing is located within or adjacent to a building group;
- d) It enhances the landscape, trees, natural or man-made heritage, access or recreational facilities;
- e) It has a national or strategic need.

This area is covered by the Countryside Around Towns designation within the Local Development Plan. The development does not satisfy the above requirements.

Design and Impact on Visual Amenities

Policy PMD2 requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development. One requirement is appropriate boundary treatments to ensure attractive edges to a development that will help integration with its surroundings.

The site is outwith the Special Landscape Area and Conservation Area. However, it is in a prominent position adjacent to the A68 to the south of St Boswells. This area is predominantly rural in character, being surrounded by fields. The fencing that has been erected is the type that would be more appropriate for an industrial estate, such as Charlesfield, and is out of keeping with the rural character of the area. The fencing is highly prominent and is considered to be harmful to the visual amenities of the area.

Trees, Hedgerows and Biodiversity

Policy EP13 seeks to protect trees and hedgerows from development. Policy EP3 seeks to safeguard and enhance local biodiversity

The site was enclosed and screened by trees and mature hedges and these have all been removed, resulting in an exposed and visually harmful development. The site has been used for storage for many years without the need for security fencing of this nature and with the trees and hedges provided security and screening. Removal of the hedgerow and trees has also resulted in a loss of habitat for wildlife and a valuable wildlife corridor.

The hedges and trees were not protected and their removal did not require consent from the Council. However, by removing the boundary planting, the fencing is exposed and visually harmful.

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. The re-instatement of the hedgerow and trees is highly desirable because of the wildlife habitat it provides and the contribution it makes to enhancing the visual amenities of the area and entrance to the village.

As a result, it is felt that the application can only be supported if the boundary planting is reinstated. The agent was requested to submit a planting scheme for the north east and south eastern boundaries adjacent to the A68 and once submitted the Landscape Architect was consulted. She felt that the planting was not sufficiently robust and dense and would take some time to establish and even after several years are unlikely to fully screen the fencing and forecourt; a more satisfactory solution would be a 10m wide band of mixed woodland planting

The applicant does not own enough land adjacent to the site to create a 10m woodland belt but a revised plan was submitted. This shows lime trees along the south eastern boundary at 6m centres and a mixed hedgerow (beech, holly, hawthorn and lime between 1750 and 2000cm). The less prominent south western boundary would be planted with a leylandii hedge. The existing fence on the field boundary would be retained.

The plants would be of a size to provide a degree of immediate screening and the holly would provide evergreen cover, though it is accepted that it will take several years to fully mature. A condition will ensure that the planting will be completed by March 2021 (the end of the next planting season) and maintained thereafter. The condition will also require the applicant to notify the Planning Authority when the planting has been completed so that it can be inspected. Therefore, on balance, the application can be supported.

Residential Amenity

Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted. The Council's Supplementary Planning Guidance on Householder Developments contains advice on daylight and privacy.

There are no residential properties adjacent to the site and so no impact on residential amenities.

Road Safety

Transport Scotland and the Council's Roads Planning Service have confirmed no objections in terms of parking, access and road safety.

Flooding

Policy IS8 encourages all development to be located in areas free from significant flood risk. Development will not be permitted if it is at significant risk of flooding or would increase the risk of flooding elsewhere. The ability of functional flood plains to convey and store floodwater should be protected and development located away from them.

The site is at risk from a flood event with a return period of 1 in 200 years; that is the 0.5% annual risk of a flood occurring in any one year. The proposed site is at risk of flooding from the St Boswells Burn. The Flood Protection Officer has advised that this is a small scale development that is unlikely to have a significant effect on the storage capacity of the functional flood plain or affect local flooding problems and has no objection to the application on the grounds of flood risk.

REASON FOR DECISION :

The development is acceptable, having principally had regard to the relevant provisions of the Local Development Plan 2016 but also having had regard to overriding material considerations in this case which are as set out in the Report of Handling.

Recommendation: Approved subject to conditions

- 1 All planting comprised in the approved details of landscaping (Landscape Plan and Tree and Hedge Planting Schedule submitted on 4th June 2020) shall be completed by 31st March 2021 and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting. Confirmation in writing that the planting has been completed in accordance with the approved plan and schedule to be submitted to the Planning Authority once the approved landscaping works have been completed.
Reason: To ensure that the proposed landscaping is carried out as approved to enhance the visual amenities of the area and to allow the Planning Authority to inspect the works, in order to ensure that the planting has been carried out as approved.

- 2 This consent specifically excludes any flood lighting or security lighting on the fencing or gates.
Reason: To safeguard the visual amenities of the area and residential amenities and to prevent light pollution.

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