

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 21/00495/FUL

APPLICANT : AB Wight Ltd

AGENT : Murray Land & Buildings

DEVELOPMENT : Extension of time to Condition 1of planning permission 20/00115/FUL
pertaining to landscaping

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

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

There were no representations.

No consultations were required.

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 4th June 2021

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 formerly 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.

In 2020 an application (20/00115/FUL) was submitted seeking retrospective planning permission for a 2.2m high galvanised square mesh fence with barb wire on top that had been erected along the south eastern boundary to the A68, galvanised square mesh and barb wire gates erected at the site entrance and for a 1.8m vertical timber fence with barb wire that had been erected the south eastern boundary to the Charlesfield road.

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

The application was approved on 14th August 2020 subject to condition 1, which states:

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.

This current application seeks to modify the condition to extend the time allowed to complete the planting until 31st December 2021.

Assessment

When the previous application for the fencing was submitted it was noted that the site 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. 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.

It was considered that 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 could only be supported if the boundary planting is reinstated. Following negotiations with the agent a detailed planting plan was received that was acceptable, showing the plants to be of a size that would provide a degree of immediate screening and evergreen cover, though it was accepted that it will take several years to fully mature. A condition was attached to the planning

permission to ensure that the planting would be completed by March 2021 (the end of the next planting season) and maintained thereafter.

Despite several reminders sent to the agent of the need to complete the planting by the end of March, the planting was never carried out. Instead an application (21/00244/FUL) was submitted for the erection of an agricultural machinery dealership premises incorporating a workshop, show space, office and associated works. This was refused on 5th May 2021 for the following reasons:

- o The proposal would be contrary to policy PMD4 of the Local Development Plan 2016 as the site is outwith the Development Boundary for St Boswells and outwith Charlesfield Industrial Estate and is an isolated countryside location rather than a logical extension to the settlement. The proposed development would prejudice the character and natural edge of St Boswells and cause significant adverse effects on the landscape setting of the settlement. In addition, there are no significant community benefits of the proposal that justify development outwith the Development Boundary.
- o The proposal would be contrary to policy ED7 of the Local Development Plan 2016 as the site is an isolated site within the countryside and it has not been substantially demonstrated that the proposal requires this particular countryside location or that the development proposed cannot be satisfactorily accommodated within the nearby Charlesfield business and industrial site or another allocated business and industrial site within an identified settlement boundary. In addition, the development would not respect the amenity and character of the surrounding area.
- o The proposal would be contrary to policy EP6 of the Local Development Plan 2016 as the site is within the area designated as Countryside Around Towns and it has not been adequately demonstrated that the development requires a rural location or that the use is appropriate for a countryside setting. In addition, the proposal would result in piecemeal and sporadic development in the countryside that would be visually intrusive and would erode the sensitive setting of St Boswells, resulting in adverse impacts on the undeveloped rural character and visual amenity of the area.

Many of the representations received in respect of that application were sceptical that the planting would ever be carried out, given the proposed use of the site to sell agricultural machinery and the need to display the tractors for sale.

The fencing was erected without planning permission and the failure to comply with condition 1 to carry out the proposed planting in accordance with the timescale set out in the condition casts doubt on the willingness of the applicants to ensure that the fence is adequately screened in the future. The application for the fence was approved in August 2020 and the condition allowed 6 months of the planting season to complete the planting, which is considered to be a reasonable timescale. The fence and clutter within the site remain prominent in the landscape and harmful to visual amenities at the entrance to the village.

However, the new planting season does not commence until October 2021 and, should enforcement action be pursued to remedy this breach of condition, the planting could not be carried out until October. Therefore, reluctantly, this application to modify the condition is supported, but with a timescale of 30th November 2021, which again, is considered to be a reasonable timescale for completing the planting as approved.

REASON FOR DECISION :

Subject to compliance with the schedule of conditions, the development will 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: 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 as part of planning permission 20/00115/FUL) shall be completed by 30th November 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”.