

**From:** Charles Strang [REDACTED]  
**Sent:** 15 March 2021 12:35  
**To:** DCConsultees  
**Cc:** John A. Pollock; Annette Paterson  
**Subject:** 21/00244/FUL Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works.  
SITE: Slaters Yard Off Charlesfield Road St Boswells Scottish Borders

CAUTION: External Email

I refer to previous correspondence in relation to this site. I am writing to confirm that the Community Council both objects to the above proposals and maintains its objections to the unauthorised change of use and associated fence construction previously considered by your Council.

A more detailed letter of objection will follow.

Best wishes

Charles Strang

**Charles Strang**  
BArch(Hons) MSc(U&RP) RIAS IHBC FSAScot

**Secretary**

**St Boswells Parish Community Council**

Glen Eden  
St Boswells  
Melrose

Roxburghshire  
TD6 0AE



**From:** Hayward, Julie  
**Sent:** 26 March 2021 11:24  
**To:** Planning & Regulatory Services  
**Cc:** Charles Strang  
**Subject:** 21/00244/FUL: Slaters Yard Off Charlesfield Road St Boswells

Hi

Could you please upload the Community Council's response into Idox and Uniform

Thanks

Julie

Julie Hayward  
Team Leader  
Development Management  
Planning, Housing and Related Services  
Corporate Improvement and Economy  
Scottish Borders Council

Tel: 01835 825585

E-mail: [jhayward2@scotborders.gov.uk](mailto:jhayward2@scotborders.gov.uk)

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**From:** Charles Strang <[charlesstrang@mac.com](mailto:charlesstrang@mac.com)>  
**Sent:** 25 March 2021 16:08  
**To:** Hayward, Julie <[JHayward2@scotborders.gov.uk](mailto:JHayward2@scotborders.gov.uk)>  
**Cc:** John Pollock <[j.a.pollock@btinternet.com](mailto:j.a.pollock@btinternet.com)>  
**Subject:** Re: [OFFICIAL] RE: Unauthorised Change of Use at Slaters Yard, St Boswells and Application for New Industrial and Commercial Development: OBJECTION

**CAUTION:** External Email

Julie

Happy to confirm that my note with previous correspondence can stand as the Community Council's objection. It may be that further points will arise at tonight's meeting or subsequently but we'll just have to take the chance of you being able to add them if possible. I'm certainly hoping for answers, to our questions posed, before the application is determined.

As far as the FOI request is concerned I'm not sure that I could've put it any clearer than in previous correspondence, but thank you for the contact address which wasn't plain from the website.

Best wishes

Charles

Charles Strang  
B.Arch(Hons) MSc(U&RP) RIAS IHBC  
Glen Eden  
St Boswells  
TD6 0AE

07736 969 226

On 24 Mar 2021, at 11:49, Hayward, Julie <[JHayward2@scotborders.gov.uk](mailto:JHayward2@scotborders.gov.uk)> wrote:

Dear Sir

I acknowledge receipt of your e-mail and the points you have raised are noted. I will liaise with Alan Gueldner and respond in due course.

In respect of your freedom of information request, it was not clear in previous e-mails that you wished to make a formal freedom of information request. This should be sent to:

[FOI@scotborders.gov.uk](mailto:FOI@scotborders.gov.uk)

Can you please confirm that you wish your e-mail to be uploaded onto the planning portal as the Community Council's formal response to the consultation on application 21/00244/FUL? The deadline for the Community Council's consultation response was 22<sup>nd</sup> March so I cannot guarantee that any comments received after your response yesterday will be taken into account in the processing of the application.

Many thanks

Julie

Julie Hayward  
Team Leader  
Development Management  
Planning, Housing and Related Services  
Corporate Improvement and Economy  
Scottish Borders Council

Tel: 01835 825585

E-mail: [jhayward2@scotborders.gov.uk](mailto:jhayward2@scotborders.gov.uk)

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**From:** Charles Strang <[charlesstrang@mac.com](mailto:charlesstrang@mac.com)>  
**Sent:** 23 March 2021 12:29  
**To:** Oliver, Clare <[Clare.Oliver@scotborders.gov.uk](mailto:Clare.Oliver@scotborders.gov.uk)>; Hayward, Julie <[JHayward2@scotborders.gov.uk](mailto:JHayward2@scotborders.gov.uk)>  
**Cc:** John A. Pollock <[j.a.pollock@btinternet.com](mailto:j.a.pollock@btinternet.com)>  
**Subject:** Unauthorised Change of Use at Slaters Yard, St Boswells and Application for New Industrial and Commercial Development: OBJECTION

**CAUTION: External Email**

Dear Clare Oliver and Julie Hayward

Thank you for your letter of 9 February.

I'll cover your points first of all, will return to my original letter in an attempt to clarify further the questions posed by the Community Council, and will then run through the Community Council's initial objections to the 'new' proposals for the industrial and commercial development.

As far as can be judged now, the clearance of shrubs and trees revealing the site appears to extend outwith the boundaries shown as being owned by Messrs Wight. It is still not clear who actually does own the land between the new fence and the roadways.

You are aware that this Community Council, along with others, objected to the retrospective application to construct the industrial fence which now stands prominently beside the A68.

The Community Council does not accept that the question of change of use has been properly addressed as you suggest. Rather than cognisance being given to the use classes order, your Council appears to have selectively and incorrectly read the relevant phrase which we argue is perfectly clear, namely that the sale **OR DISPLAY** of motor vehicles is a separate use class. So in our opinion planning permission for change of use is undoubtedly required in this case. Anyone who has been anywhere near this site can have no doubt that these vehicles are displayed prominently, even to the extent of displaying flags from the top of some agricultural cranelike structures parked in erect mode just at the back of the fence and in full sight.

Your fifth paragraph displays the paucity of your argument in its second sentence. While you rely on a somewhat tenuous argument that these vehicles are not for sale, you ignore completely the question of whether they are being displayed, and you have already confirmed that the display of vehicles is a *sui generis* use, one which therefore requires planning permission for change of use.

Your sixth paragraph is unfortunately written in error, because you seem to be saying that the land is not being used for the display of motor vehicles, and that is patently untrue.

It would be of considerable interest to the Community Council to understand who owns the land between the applicant's site and the roads, and whether the owners have in fact given permission for its use to allow the applicant to fulfil the conditions of the fence consent. Presumably you will have something rather more substantial to go on than just some kind of say-so confirmation. The Community Council will be grateful if you can confirm that if no permission exists then the fence will be subject of enforcement action: we would like to understand exactly what form this might now take. I obviously don't need to tell you that planning conditions must be enforceable.

I'm afraid that your letter has not satisfactorily explained the circumstances which have led to permission being given retrospectively for the erection of this fence, and the Community Council is in no way convinced by your argument that no change of use is required. Indeed, the new planning application on this site has underlined that the Community Council and other objectors have been correct in their analysis that this proposal has all along been aimed at driving a coach and horses (or should that be a large red tractor and trailer?) through the planning system.

I now turn to the points made in my previous letter...

### **Change of Use**

The Community Council holds to its view that, since the sale or display of motor vehicles is sui generis, a class on its own, the current development is an unauthorised change of use. The Community Council seeks either your Council's confirmation that this is the case, or a cogent explanation to the contrary. In the absence of such an explanation, the Community Council expects the Council to take enforcement action into the unauthorised change of use to ensure that this unauthorised development does not continue.

### **Fenced Compound**

The Community Council still holds to its view that granting retrospective consent for the fence was flying in the face of the Council's own policies and any reasonable interpretation of what constitutes good town and country planning. If, as the Community Council believes, your landscape conditions are basically unenforceable, then the applicant has succeeded in removing an existing landscape feature to aid his commercial display. If this is not the case, and you are able to enforce the landscape conditions, then the Community Council expects you to be able to outline now how this can be done if and when the applicant fails to do so. There is currently no evidence of any attempt to fulfil any landscape conditions, and the Community Council would be grateful if you would advise exactly how long the applicant has to carry out this work and any period for replacement planting to ensure that landscape conditions are successful in the longer term.

### **Freedom of Information Request**

There has been no formal response to the Community Council's Freedom of Information request, and that seems simply wrong. In a telephone conversation between Messrs Gueldner and Strang, the former suggested that there were no further information exchanges beyond those contained within the retrospective planning application file relating to the industrial fence. It now seems that there were indeed other discussions taking place which have led to the current planning application for an industrial and commercial development. While Mr Gueldner may conceivably have been unaware of such discussions, and there does to outsiders appear something of a surprising disjunct between Council's Planning Enforcement Team and the rest of their Planning colleagues, the Community Council expects to learn the full picture when it makes such a formal request, which it does not do lightly. If there is some additional formal procedure which must be undertaken by the Community Council to expedite this matter, then please let me know by return.

### **Current Planning Application**

Turning now to the current planning application for an industrial and commercial development on this prominent site, the Community Council has always believed that such a poorly-conceived scheme would be revealed as standing at the back of the unauthorised fence development and the equally unauthorised change of use. Such a scheme has no place in the rural hinterland to our or indeed any other village in the Borders. It flies in the face of many of the Council's own policies as far as the environmental aspects of planning are concerned, which would be bad enough. But it is doubly to be resisted because such the Council's own economic development policies locate such new uses firmly within industrial estates, carefully landscaped, which the Council itself promotes. Indeed, one of the relatively few proposals for St Boswells in the draft Local Development Plan is an extension of the nearby Charlesfield Industrial Estate, although other sites will no doubt also be available.

The Community Council is not opposed to economic development but it must be delivered in a way which also provides social and environmental benefits. That is the principal purpose of the statutory planning system, and without such an overview system providing effective development planning, development management, and planning enforcement, communities are at the mercy of opportunistic developers who see only the undoubted benefits to themselves as driving their activities. A Community Council has no right of planning appeal against a one-dimensional, poor, planning decision, but must rely on the planning authority to get it right. The SBC cannot do that by approving every application made to it, but must apply its policies with care and diligence.

In the Community Council's judgement this proposal has no legitimacy because its use is not established by prior industrial activity here. The SBC has so far not dealt with the matter of change of use in a satisfactory manner. This is by no stretch of the imagination 'the right development in the right place at the right time'. Indeed, it is a site with

significant practical drawbacks and should not be developed in this way. There have already been considerable environmental losses incurred through the removal of site screening, and the Community Council is not convinced that any landscape conditions suitably applied can remedy the creation of what is already widely held to be a new and unnecessary eyesore which has appeared in the parish of St Boswells.

The Community Council will be discussing this matter further at its next meeting on 25/3/21, and reserves the right to make further comments subsequent to this letter of objection, which I am also copying to the Council's Information Unit.

Yours sincerely

Charles Strang

**Charles Strang**  
BArch(Hons) MSc(U&RP) RIAS IHBC FSAScot

**Secretary**  
**St Boswells Parish Community Council**  
Glen Eden  
St Boswells  
Melrose  
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TD6 0AE

Mobile 07736969226  
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[stbospcsecretary@gmail.com](mailto:stbospcsecretary@gmail.com)

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Response On Development Affecting Trunk Roads and Special Roads

**The Town and Country Planning (Scotland) Act 1997**

**The Town and Country Planning (Development Management Procedure)  
(Scotland) Regulations 2013 S.I.2013 No 155 (S.25)**

**Town and Country Planning (Notification of Applications) (Scotland) Direction 2009**

To Scottish Borders Council Environment and Infrastructure Newtown St Boswells Melrose TD6 0SA	Council Reference:-	21/00244/FUL
	TS TRBO Reference:-	NSE/19/2021

Application made by AB Wight Engineering Ltd per Murray Land & Buildings, Hillside Dean Place Newstead Melrose Scottish Borders TD6 9RL and received by Transport Scotland on 18 February 2021 for planning permission for erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works. located at Slaters Yard Off Charlesfield Road St Boswells Scottish Borders affecting the A68 Trunk Road.

Director, Roads Advice

1. The Director does not propose to advise against the granting of permission
2. The Director advises that planning permission be refused (see overleaf for reasons).
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons).

To obtain permission to work within the trunk road boundary, contact the Area Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-

Area Manager (A68)

0141 272 7100

Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF

Operating Company:-

NEW SOUTH EAST

Address:-

Bear House, Inveralmond Road, Inveralmond Industrial Estate, Perth, PH1 3TW

Telephone Number:-

0800 0420188

e-mail address:-

SEplanningapplications@bearsotland.co.uk



**CONDITIONS to be attached to any permission the council may give:-**

1	Lighting illumination not to exceed 250 candelas per square metre
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**REASON(S) for Conditions (numbered as above):-**

1	To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished
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**Transport Scotland Response Date:-** 03-Mar-2021

**Transport Scotland Contact:-** Gerard McPhillips

**Transport Scotland Contact Details:-**

Roads - Development Management  
Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF  
Telephone Number:  
e-mail: [development\\_management@transport.gov.scot](mailto:development_management@transport.gov.scot)

**NB - Planning etc. (Scotland) Act 2006**

Planning Authorities are requested to provide Transport Scotland , Roads Directorate, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland , Trunk Roads Network Management Directorate if the recommended advice is not accepted .

I acknowledge receipt of the planning application 21/00244/FUL for Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works. at Slaters Yard Off Charlesfield Road St Boswells Scottish Borders which was received on 18/02/2021.

Planning Officer: Julie Hayward

I am currently assessing the implications of the planning application on the trunk road but will not be able to respond within the normal timescale for the reasons stated below. I should therefore be obliged if you would extend the consultation period until this process is completed.

## **Reasons**

Insufficient information provided

Transport Scotland would request details on the proposed boundary treatment and lighting for the development as this has implications on the safe operation of the trunk road.

Given the proximity of the site access to the A68 trunk road junction, we would request that a swept path analysis be undertaken and suitably scaled drawings provided.

A scaled plan showing the separation distance from the A68 trunk road junction and the site access should be provided.

Until the formal issue of a TR/NPA/2 this Notice must be taken as intent to respond recommending conditions relating to this application, or to refuse the application. On this basis the interest of the Transport Scotland, an agency of the Scottish Government, as a Statutory Body must be taken into account.

Gerard McPhillips

e-mail: [development\\_management@transport.gov.scot](mailto:development_management@transport.gov.scot)

01/03/2021

## PLANNING CONSULTATION

To: Environmental Health

From: Development Management

Date: 22nd February 2021

Contact: Julie Hayward ☎ 01835 825585

Ref: 21/00244/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 15th March 2021, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 15th March 2021, it will be assumed that you have no observations and a decision may be taken on the application.

**Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.**

**Name of Applicant:** AB Wight Engineering Ltd

**Agent:** Murray Land & Buildings

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

**Site:** Slaters Yard Off Charlesfield Road St Boswells Scottish Borders

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**CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

<b>Comments provided by</b>	<b>Officer Name and Post:</b>	<b>Contact e-mail/number:</b>
	Environmental Health Craig Liddle	PLACEhealth@scotborders.gov.uk
<b>Date of reply</b>	10/3/21	<b>Consultee reference:</b> 21/00481/PLANCO
<b>Planning Application Reference</b>	21/00244/FUL	<b>Case Officer:</b> Julie Hayward
<b>Applicant</b>	AB Wight Engineering Ltd	
<b>Agent</b>	Murray Land & Buildings	
<b>Proposed Development</b>	Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works.	
<b>Site Location</b>	Slaters Yard Off Charlesfield Road St Boswells Scottish Borders	
<p><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></p>		
<b>Background and Site description</b>	The development site is located on the outskirts of the village. Immediately to the east is the A68, and to the west a residential dwelling. The site is understood to have an established Class 6: Storage and Distribution use.	
<b>Key Issues (Bullet points)</b>	<ul style="list-style-type: none"> <li>• Impact on residential amenity (noise)</li> <li>• Workplace health, safety and welfare</li> </ul>	
<b>Assessment</b>	<p>Environmental Health has the following comments to make.</p> <p><b>Impact on residential amenity</b></p> <p>Within the supporting information the agent states that a change of use from Class 6: Storage and Distribution to Class 4: Business does not require planning permission, and that Class 4 will be the predominant use. We have concerns that noise from the workshop element of the proposed development could impact on the amenity of the adjacent dwelling, known as Midburn. A Class 4 use is one which can be carried out in any residential area without detriment to the amenity of the area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. However, no information has been submitted with the application to demonstrate this. In the absence of this information we are unable to support the application at this time.</p> <p><b>Workplace health, safety and welfare</b></p> <p>The Workplace, Health, Safety and Welfare Approved Code of Practice states that sufficient toilet and washing facilities should be provided to allow everyone at work to use them without unreasonable delay, and includes the minimum number of toilets and washbasins that should be provided. It is noted that the floor plan accompanying the application shows there to be one toilet cubicle for potentially up to 15 employees, which is not in accordance with the minimum numbers provided in the Approved Code of Practice.</p> <p>Table 1, below, shows the number of facilities needed per number of people at</p>	

work. Table 2 may be followed as an alternative to column 2 of Table 1 if toilets are only used by men.

**Table 1** Number of facilities needed per number of people at work

1. Number of people at work	2. Number of cubicles	3. Number of washbasins
1 to 5	1	1
6 to 25	2	2
26 to 50	3	3
51 to 75	4	4
76 to 100	5	5

**Table 2** Number of facilities needed per number of men at work

1. Number of men at work	2. Number of cubicles	3. Number of urinals
1 to 15	1	1
16 to 30	2	1
31 to 45	2	2
46 to 60	3	2
61 to 75	3	3
76 to 90	4	3
91 to 100	4	4

The toilet provision should therefore be reviewed by the applicant.

<b>Recommendation</b>	<input type="checkbox"/> <b>Object</b>	<input type="checkbox"/> <b>Do not object</b>	<input type="checkbox"/> <b>Do not object, subject to conditions</b>	<input checked="" type="checkbox"/> <b>Further information required</b>
<b>Recommended Conditions</b>				
<b>Recommended Informatives</b>				

# Consultation Reply

## ASSETS AND INFRASTRUCTURE

**To:** HEAD OF PLANNING AND REGULATORY SERVICE

**FAO:** Julie Hayward **Your Ref:** 21/00244/FUL

**From:** HEAD OF ASSETS AND INFRASTRUCTURE **Date:** 17/03/2021

**Contact:** Raffaella Diesel **Ext:** 6977 **Our Ref:** B48/3012

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

**Site:** Slaters Yard off Charlesfield Road, St Boswells

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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 either a fluvial or pluvial 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 Indicative River & Coastal Flood Map (Scotland) has primarily been developed to provide a strategic national overview of flood risk in Scotland. Whilst all reasonable effort has been made to ensure that the flood map is accurate for its intended purpose, no warranty is given.

Due to copyright restrictions I cannot copy the map to you however, if the applicant wishes to inspect the maps they can contact me to arrange a suitable time to view them.

The applicant has submitted a Flood Risk Assessment produced by Kaya for the development site which indicates that the south-western half of the site is within the 1:200 year flood envelope for the St Boswells Burn. The flood envelope encompasses parts of the proposed new building.

The 1:200 year flood level for the site is indicated to be 85.5mAOD.

The submitted Block Plan shows the proposed building with a Finished Floor Level (FFL) of 86.65mAOD.

Some SuDS cells for water runoff from the parking area and building are shown on the Block Plan but no details on the design are given.

Also, the current land use (distribution) and the proposed land use (shops/retail) are both classed by SEPA as ‘Least Vulnerable Land Use’. Redevelopment of this site would therefore be considered acceptable under the SEPA Land Use Vulnerability Guidance.

Therefore, this application is acceptable in principle but will lead to the displacement of some flood waters as a result of the proposed building. I would strongly suggest compensation for the displacement of flood waters be considered by the applicant. This could be achieved increasing the greenspace area or increasing/changing the type of SuDS used.

Alternatively, the building location could be located entirely outside the identified flood envelope.

The applicant should be made aware that due to the flood risk indicated in the FRA- if planning permission is granted- the development is at the applicant's own commercial risk.

Please note that this information must be taken in the context of material that this Council holds in fulfilling its duties under the Flood Risk Management (Scotland) Act 2009.

Raffaella Diesel  
Technician- Flood & Coastal Management

# Consultation Reply

## ASSETS AND INFRASTRUCTURE

**To:** HEAD OF PLANNING AND REGULATORY SERVICE

**FAO:** Julie Hayward **Your Ref:** 21/00244/FUL

**From:** HEAD OF ASSETS AND INFRASTRUCTURE **Date:** 17/03/2021

**Contact:** Raffaella Diesel **Ext:** 6977 **Our Ref:** B48/3012

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**Site:** Slaters Yard off Charlesfield Road, St Boswells

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Therefore, this application is acceptable in principle but will lead to the displacement of some flood waters as a result of the proposed building. I would strongly suggest compensation for the displacement of flood waters be considered by the applicant. This could be achieved increasing the greenspace area or increasing/changing the type of SuDS used.



Alternatively, the building location could be located entirely outside the identified flood envelope.

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Please note that this information must be taken in the context of material that this Council holds in fulfilling its duties under the Flood Risk Management (Scotland) Act 2009.

Raffaela Diesel  
Technician- Flood & Coastal Management

## PLANNING CONSULTATION

To: Forward Planning Section

From: Development Management

Date: 22nd February 2021

Contact: Julie Hayward ☎ 01835 825585

Ref: 21/00244/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 15th March 2021, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 15th March 2021, it will be assumed that you have no observations and a decision may be taken on the application.

**Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.**

**Name of Applicant:** AB Wight Engineering Ltd

**Agent:** Murray Land & Buildings

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

**Site:** Slaters Yard Off Charlesfield Road St Boswells Scottish Borders

---

**CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

<b>Comments provided by</b>	<b>Officer Name and Post:</b> Forward Planning Section Karen Ruthven	<b>Contact e-mail/number:</b> kruthven@scotborders.gov.uk
<b>Date of reply</b>	6 April 2021	<b>Consultee reference:</b>
<b>Planning Application Reference</b>	21/00244/FUL	<b>Case Officer:</b> Julie Hayward
<b>Applicant</b>	AB Wight Engineering Ltd	
<b>Agent</b>	Murray Land & Buildings	
<b>Proposed Development</b>	Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works.	
<b>Site Location</b>	Slaters Yard Off Charlesfield Road St Boswells Scottish Borders	

***The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.***

<b>Background and Site description</b>	The site is located outwith a settlement boundary, to the immediate west of the A68 between St. Boswells and Charlesfield. It is understood the site previously operated as a slaters yard although, until recently, it appeared relatively overgrown and perhaps disused. The site has more recently been cleared and a security fence erected and appears to be used for the storage/display of tractors. The application seeks full planning consent for the erection of an agricultural machinery dealership premises which would incorporate a workshop, show space, office and associated works.
<b>Key Issues (Bullet points)</b>	Scottish Borders Local Development Plan 2016 policies: <ul style="list-style-type: none"> <li>• ED7 – Business, Tourism and Leisure Development in the Countryside</li> <li>• HD3 – Protection of Residential Amenity</li> <li>• IS8 – Flooding</li> </ul>
<b>Assessment</b>	<p>This proposal must be assessed predominantly against Policy ED7 – Business, Tourism and Leisure Development in the Countryside of the Scottish Borders Local Development Plan (LDP) 2016.</p> <p>The aim of Policy ED7 is to allow for appropriate employment generating development in the countryside whilst protecting the environment and seeks to ensure that business, tourism and leisure related developments are appropriate to their location. This policy is applied to any applications that involve economic diversification in rural areas. The policy states that proposals for business, tourism or leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:</p> <p><i>a) the development is to be used directly for agriculture, horticulture or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or</i></p> <p><i>b) the development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and, where relevant, it is in accordance with the Scottish Borders Tourism Strategy and Action Plan;</i></p> <p><i>c) the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the particular countryside location, and that it cannot be reasonably be accommodated within the Development Boundary of a settlement.</i></p>

	<p>In respect of criteria a), whilst the proposal is related to agriculture by its nature, it is not related to agricultural operations which require to be at this location per se. Criteria b) is not relevant to this case. Criteria c) requires that the Council is satisfied that there is an economic and/or operational need for this particular countryside location and that it cannot be accommodated within the Development Boundary of a settlement. The application submission notes that the business currently operates from nearby Charlesfield but that the existing premises are restricted in size, problematic in terms of layout and do not enable the desired expansion of the business. First and foremost, industrial uses such as this should be located within business and industrial sites as defined by the Scottish Borders LDP 2016. The supporting statement notes that, following enquiries, land at Charlesfield is not available, nor is it likely to be in the near future. This is not evidenced however. The Council undertakes an annual Employment Land Audit, and the 2019 survey found that 11.5ha of business and industrial land is immediately available at Charlesfield with a further 4ha available within 1-5 years. It is not considered that sufficient justification has been presented to argue that the development proposed cannot be satisfactorily accommodated within the nearby business and industrial site.</p> <p>Whilst it is accepted that the site has established use rights as a storage yard, if this was a greenfield site it is unlikely consent would be issued for such a use at this prominent and remote location.</p> <p>There is no doubt that the agricultural machinery dealership building would considerably change the character and appearance of the area. Any visual impact of the proposal must be carefully assessed given the prominent location of the site on the A68. Policy ED7 requires that development must respect the amenity and character of the surrounding area. It is recommended that the Development Management process takes cognisance of these matters and considers whether the proposal, regardless of any established use rights, is appropriate at this location.</p> <p>Flooding is an issue at this location. This matter would require to be considered by the Council's Flood and Coastal Management Team and the Scottish Environment Protection Agency in line with Policy IS8 – Flooding of the LDP 2016. With an existing residential property to the west, impact upon residential amenity must also be considered.</p>			
<b>Recommendation</b>	<input type="checkbox"/> <b>Object</b>	<input type="checkbox"/> <b>Do not object</b>	<input type="checkbox"/> <b>Do not object, subject to conditions</b>	<input checked="" type="checkbox"/> <b>Further information required</b>
<b>Recommended Conditions</b>				

<b>Recommended Informatives</b>	
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## PLANNING CONSULTATION

To: Landscape Architect

From: Development Management

Date: 22nd February 2021

Contact: Julie Hayward ☎ 01835 825585

Ref: 21/00244/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 15th March 2021, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 15th March 2021, it will be assumed that you have no observations and a decision may be taken on the application.

**Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.**

**Name of Applicant:** AB Wight Engineering Ltd

**Agent:** Murray Land & Buildings

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

**Site:** Slaters Yard Off Charlesfield Road St Boswells Scottish Borders

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**CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

<b>Comments provided by</b>	<b>Officer Name and Post:</b>	<b>Contact e-mail/number:</b>
Catherine Andrews	Landscape Architect	candrews@scotborders.gov.uk
<b>Date of reply</b>	18/03/2021	<b>Consultee reference:</b>
<b>Planning Application Reference</b>	21/00244/FUL	<b>Case Officer:</b> Julie Hayward
<b>Applicant</b>	AB Wight Engineering Ltd	
<b>Agent</b>	Murray Land & Buildings	
<b>Proposed Development</b>	Erection of agricultural machinery dealership premises incorporating workshop, show space, office and associated works.	
<b>Site Location</b>	Slaters Yard Off Charlesfield Road St Boswells Scottish Borders	
<p><b><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></b></p>		
<b>Background and Site description</b>	<p>This site was subject to a retrospective application 20/00115/FUL in February 2020 for erection of boundary fence, gates and screen planting prior to which an existing mature hedgerow and tree field boundary had been removed.</p> <p>This site lies on the west of the A68 at the junction with the minor road to the Charlesfield Industrial Estate with open fields to the north and west and tree belts across the roads to the south and east. The A68 forms the western boundary of the Tweed Lowlands Special Landscape Area designated for its contribution to the high scenic qualities and character of the landscape. A number of rights of way and promoted footpaths can be found in this area. The St. Boswells Burn runs along the south western boundary of the site and a stretch of disused railway line mostly covered with natural regeneration and some forestry belts runs close to the south west corner of the site from NW to SE. A couple of residential properties lie between the site and the disused railway line.</p>	
<b>Key Issues (Bullet points)</b>	<ul style="list-style-type: none"> <li>• Landscape and Visual Impact of the Development</li> </ul>	
<b>Assessment</b>	<p><b><i>Policy relevant to this application:</i></b>  <b><i>PMD4</i></b>, - Development outwith development boundaries may be considered where the development of the site  c) does not prejudice the character, visual cohesion or natural built up edge of the settlement  d) does not cause significant adverse effect on the landscape setting of the settlement and the natural heritage of the surrounding area.  <b><i>EP6</i></b> Countryside Around Towns (CAT), the aim of this policy is to ensure protection of the high quality living environment and prevent piecemeal development that would detract from the environment.</p> <p><i>I have not been able to visit the site but have made an assessment using the documents in the application, google streetview, aerial imagery and webGIS.</i></p>	

**Assessment**

The site is outwith the Newtown St Boswells Development Boundary and does not form part of the strategic Business and Industrial sites Charlesfield (zEL3) and Extension to Charlesfield (zEL19) as defined by policy ED1. The current Business and Industrial estate further along Charlesfield Road although close to the site is well screened and barely perceptible in views to and from the site.

The development consists of a large shed 48.3m long by 20m wide with a shallow pitched roof 5.168m high at the eaves rising to a ridge height of 7m. It is located towards the 'frontage' of the site and is built on a gravel and type 1 surface with access road and parking area of tarmac surfacing. A hedge is suggested but not annotated on the block plan on the north west boundary and an area in the western part of the site identified as a 'green space with hedging and biodiversity creation'. No detail is given in the documentation although a wetland area is mentioned in the Planning Statement. A length of Leylandii hedge is proposed for the south western corner on the boundary with the neighbouring residential property.

This site is in a prominent position just off the A68 at the corner of the junction with Charlesfield Road and in the foreground of views of the Eildon Hills when approaching from the south. The concerns are that the development will be highly visible from the popular A68 tourist route, with the building at 7m height rising up above the existing 2m high chain link fence in contrast to the rural boundary treatments of hedges, fields, woodland and undeveloped road sides. Despite the proposal for tree and hedge planting on the south east side of the plot the building is likely to remain highly visible and intrusive in views. It appears from the visualisations submitted that this is the intention particularly on the approach from the north.

The cricket ground and green form part of St. Boswells conservation area on the outskirts of the village either side of the A68, giving the village a sense of place and distinct character. On approach from the south they provide 'an interesting and attractive entrance to the village against the backdrop of the Eildon Hills' (LDP settlement profiles – St Boswells) From this direction a sense of arrival is created by the narrow tree lined corridor opening out into the undeveloped road sides of open fields followed by the green and cricket ground before reaching the village buildings. Views of the Eildon hills are likely to be obscured by the proposed building which will appear incongruous in the setting and in my opinion have adverse impacts on the visual amenity of the area. In time and with rigorous maintenance it is possible that the hedge and tree planting may go some way to softening views of the development on the southern approach, though this will not be the case when travelling from the north where the northern and eastern elevations of the shed are likely to be highly visible from the A68 and across St. Boswells Green and Cricket Ground. There is very little space available for meaningful screen planting to mitigate the development in any reasonable way on these boundaries.

The applicants planning statement under Sustainability states that 'Screen planting is to be provided as per the previous application to aid the proposed building assimilation into its surroundings'. It should be noted that this screen planting proposal was approved for the screening of a fence, yard and its contents rather than a building 7m high projecting above the fence line.

In my opinion this development is contrary to PMD4 and EP6 . It will be visually intrusive and will erode the sensitive nature and setting of St.Boswells, having adverse impacts on the undeveloped rural character and visual amenity of the



	<p>approach routes. For these reasons I am unable to support this application.</p>			
<b>Recommendation</b>	<input checked="" type="checkbox"/> <b>Object</b>	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
<b>Recommended Conditions</b>				
<b>Recommended Informatives</b>				

**CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

<b>Comments provided by</b>	<b>Roads Planning Service</b>		
<b>Officer Name, Post and Contact Details</b>	<b>Alan Scott Senior Roads Planning Officer</b>	<a href="mailto:ascott@scotborders.gov.uk">ascott@scotborders.gov.uk</a> <b>01835 826640</b>	
<b>Date of reply</b>	16 <sup>th</sup> March 2021	<b>Consultee reference:</b>	
<b>Planning Application Reference</b>	21/00244/FUL	<b>Case Officer:</b> Julie Hayward	
<b>Applicant</b>	AB Wright Engineering Ltd.		
<b>Agent</b>	Murray Land & Buildings		
<b>Proposed Development</b>	Erection of agricultural machinery showroom and associated works		
<b>Site Location</b>	Slaters Yard, Charlesfield Road, St. Boswells		
<b><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></b>			
<b>Background and Site description</b>			
<b>Key Issues (Bullet points)</b>			
<b>Assessment</b>	<p>I have no objections to this principle of this proposal. The access to the site is in very close proximity to the A68 Trunk Road and I note Transport Scotland have already commented on the proposal. With regards the internal layout, I will require a more details plan highlighting the following issues :-</p> <ul style="list-style-type: none"> <li>• Drainage – There are no levels on the submitted plan and I shall require levels to confirm where the surface water will flow. This is to ensure there is no detrimental impact on the drainage associated with the adjacent public road.</li> <li>• Details of any lighting shall be required to ensure the levels do not exceed those stipulated by the Trunk Road Authority and to ensure any lighting does not distract passing motorists due to its positioning.</li> <li>• A parking layout will be required to ensure adequate visitor and staff parking is provided within the site.</li> <li>• Details of the access arrangement should be provided to ensure the access is of an adequate construction where it is immediately adjacent to the existing public road and appropriate visibility is provided.</li> </ul> <p><b>It should be noted that due to travel restrictions in place at the time of writing due to the coronavirus, no site visit was undertaken prior to this response. The comments above are based on the information submitted and responders' knowledge.</b></p>		
<b>Recommendation</b>	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions
			<input checked="" type="checkbox"/> <b>Further information required</b>

**Signed: DJI**