

effect on countryside amenity and landscape. The establishment of business premises at this location would also generate an inappropriate volume of traffic onto a minor road in conflict with other users.

PLANNING HISTORY:

A development of 28 dwellings at Edington Mill partly through change of use and partly through new build and renovation has been approved. This is now substantially underway and improvements to the road access required by that development have been provided. Drainage works have also been put in place.

A planning application seeking outline consent for 4 luxury dwellings on the former silo site accompanied the original proposals. That application was refused in October 2001. A subsequent planning appeal was also dismissed. A copy of the appeal decision is attached.

DEVELOPMENT PLAN POLICIES:

Approved Structure Plan 2001-2011

Policies N20 and E16 apply which state:

POLICY N20 - Design

The Council will encourage a high quality of layout, design and materials in all new developments, including redevelopments and alterations. Favourable consideration is more likely where development proposals:

- (i) provide a design brief or design statement, where required, as part of a submission for planning permission
- (ii) incorporate a landscape plan, where required, as part of the application,
- (iii) demonstrate an appropriate use of building materials in keeping with their surroundings,
- (iv) promote the use of recycled building materials where possible,
- (v) demonstrate a consideration of energy efficiency in orientation and design,
- (vi) demonstrate a consideration of water minimisation measures, and
- (vii) demonstrate a consideration of safety and security.

POLICY E16 - Rural Economic Development

Business and industrial development will be encouraged which will support the rural economy provided it can be achieved in accordance with the Plan's other policies, particularly those on the environment. Particular encouragement will be given to proposals which:

- (i) provide employment in villages or the countryside,
- (ii) contribute to the wider rural economy,
- (iii) are part of farm diversification schemes,
- (iv) re-use vacant and derelict buildings.

Policy E13 also includes sites that fall within the Council's Area Regeneration priorities. Reference should also be made to Policy E19 and paragraph 7.3.

Berwickshire Local Plan 1994

Policy 83 applies which states:

Policy 83

The Regional Council will ensure that all development in the countryside, including major developments such as overhead power lines, industrial buildings and tourism related projects, will meet the following criteria:

1. No adverse effect on countryside amenity, landscape or nature conservation;
2. No adverse impact on ancient monuments, archaeological sites or on gardens or designed landscapes in the Inventory of Gardens and Designed Landscapes in Scotland;
3. Appropriate site services and access available;
4. Any new building must be of sympathetic design and materials;
5. Any new building must be well sited in terms of location and landscape setting.
6. The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.

N.B. The particular case of development by telecommunications operators is subject to Policy 103A

OTHER PLANNING CONSIDERATIONS:

None

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Director of Transport and Environmental Standards: Continues to have reservations about additional traffic generation. If approval is granted he would wish some further roads measures to be implemented. He is further concerned that only part of the area is shown for development.

Landscape Architect: The removal of the derelict silos and the redevelopment of the site should provide some landscape benefits. Should approval be given a planting scheme at detailed application stage should be sought to ensure there is a structure of trees, shrubs and hedges to provide a rural setting which would also help minimise visual intrusion both from the immediate road and more distant views. Existing vegetation should be retained as far as possible. Drainage would have to be discussed in detail with Scottish Water.

Other Consultees

Scottish Environment Protection Agency: Have highlighted options for dealing with foul drainage, surface water and landscaping construction works.

River Tweed Commissioners: No comment.

Architectural Heritage Society of Scotland: There is a lack of detailed information but otherwise no observations.

Berwickshire Civic Society: Consider the indicative plans to be imaginatively designed. Final details would be all important.

Scottish Civic Trust: Consider the design generally acceptable and appropriate and the materials to be in keeping. The storage elements though are perhaps out of character. They remain concerned that the development could have a potential detrimental traffic impact and an adverse effect on the viability of the farming unit.

Scottish Natural Heritage: Consider design detailing, landscaping, drainage and restriction of light pollution to be important issues.

Hutton and Paxton Community Council: Have highlighted the previous refusal.

Chirnside Community Council: Have also referred to the history of development at Edington Mill. Although they have no particular objection to the type of development proposed as long as it remains for that purpose, they question whether approval should be granted. The site is very prominent in the landscape and adequate screening would be essential. It would also be important that the suggested materials are adhered to.

OTHER RESPONSES:

A letter has been received from the applicant indicating the type of business it would be hoped to attract.

PLANNING ISSUES:

The main determining issue for this application is whether or not the development of this site for the purpose proposed is consistent with planning policy.

ASSESSMENT OF APPLICATION:

With regard to technical issues, it is not anticipated that the proposal would raise difficulties in terms of water and drainage services. In terms of access, the Director of Transport and Environmental Standards has accepted the nature of the premises would be unlikely to generate HGV traffic. He retains some reservations about additional traffic generation and if approval were granted would wish to see controls limiting the usage of the premises. He would also wish to see additional warning signs and road markings being provided by the developer. Any additional development beyond that currently proposed would cause him further concern.

This is a brown field site on which there were previously sited silo bins which had a significant impact in the landscape. These silo bins have now been removed from the site. Previous development proposals for the site sought consent for housing on the premise that the development site was related to the adjacent plans for Edington Mill. That was refused and turned down on appeal it being considered that the site was distinctly separate from the Edington Mill site. The current proposal is being progressed on the basis that this is brown field land with a previous business use and that commercial activity could therefore be acceptable.

Policy in that regard is founded primarily on the new structure plan under policy E16 where support is given to business and industrial development which will enhance the rural economy.

There is a general presumption towards development which would provide employment in the countryside contribute to the wider rural economy and reuse vacant or derelict buildings.

Other aspects of policy relevant to this application are the design and landscape implications. It is accepted that this is a separate site in the landscape detached from any building group. To overcome this the applicant has provided an indicative design approach utilising essentially traditional material and vernacular courtyard style design. Subject to final detailing the buildings, although visible, should not have a significant impact in the landscape particularly if further reinforced by planting to an approved standard. It should therefore comply with the terms of Policy 83 of the Berwickshire Local Plan.

Other issues highlighted by the Community Council have to be taken into account. In particular adherence to a quality design with appropriate materials is essential. Restriction on the type of activity is also relevant to achieving an acceptable development on the site. It is also felt that further use of the undeveloped area adjacent to the building for subsequent housing use should also be precluded. The use of a Section 75 Legal Agreement to constrain further development should be sought.

Subject to these provisos it is considered on balance that the application can be supported.

RECOMMENDATION BY HEAD OF DEVELOPMENT CONTROL:

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

1. The subsequent approval by the Planning Authority of the means of access, the layout of the site, the design and siting of any buildings and the landscape treatment of the site.
Reason: Approval is in outline only.
2. The means of water supply and of both surface water and foul drainage to be submitted for the approval of the Planning Authority.
Reason: To ensure that the site is adequately serviced.
3. Use of the premises to be restricted solely to Classes 2 and 4 of the Town & Country Planning (Uses Classes) (Scotland) Order 1997.
Reason: In order to retain effective control over the development

and

Subject to the conclusion of a Section 75 Legal Agreement.

*Original copy of report signed by
BRIAN FRATER (Head of Development Control)*