

SCOTTISH BORDERS COUNCIL**BERWICKSHIRE AREA COMMITTEE****20 DECEMBER 2005****APPLICATION FOR PLANNING PERMISSION**

ITEM: REFERENCE NUMBER: 05/02004/OUT

OFFICER: Mr R Barton

LOCAL MEMBER: Councillor McCrave

PROPOSAL: Residential development with road and plot layout

SITE: Land North of Plots 6 and 7, The Avenue, Greenlaw

APPLICANT: Marchmont Farms Ltd

AGENT: Bain Swan Architects

SITE AND APPLICATION DESCRIPTION:

This is an outline planning application for residential development with road and plot layout on land north of plots 6 and 7, The Avenue, Greenlaw. The site, which lies to the east of Border Embroideries, is currently vacant agricultural land, but is zoned in the Local Plan for industrial use. Permission for 16 dwellinghouses was given on land to the south and west of the application site and most of these houses have now been built.

The applicant proposes to divide the site into five individual plots with an access road and turning head in the centre. Trees and other vegetation would be planted on the western and northern boundaries of the site to provide screening.

PLANNING HISTORY:

Planning permission was granted for 16 houses to the south and southwest of this site (99/01062/OUT) in 1999. Permission was given for the erection of a factory unit (99/00857/FUL) in 1999 on land to the west.

DEVELOPMENT PLAN POLICIES:**Approved Structure Plan 2001-2011**

Policy E12 applies which states:

POLICY E12 - Employment Land Supply

The Council, working in association or in partnership with other agencies, will seek to secure the provision of a range of marketable sites, of the right size and quality to meet the requirements of business and industry. Local Plans will identify appropriate sites to meet those requirements, taking particular account of the following criteria:

- (i) The relationship of the site to the development hubs and the principal public transport corridors

- (ii) The opportunities for brownfield development.

Berwickshire Local Plan 1994

Policies 2 and 23 apply which state:

Policy 2

In the following settlements opportunities may exist for appropriate infill developments: Ayton, Chirside, Cockburnspath, Coldingham, Coldstream, Duns, Eyemouth, Gordon, Greenlaw, Reston, Swinton and other villages as identified by Village Plans. Development proposals should normally satisfy the following criteria:

- 1 The proposal will not intrude into open countryside or have an adverse impact on the landscape;
- 2 The proposal will be consistent with, and complement, the character of the settlement;
- 3 The proposal will be consistent with, and conform to, the form of the settlement;
- 4 The proposal does not have a significant adverse effect on the amenity of adjoining property;
- 5 Adequate access and servicing can be achieved;
- 6 Other policies of the Local Plan are not prejudiced.

Policy 23

In existing industrial areas there will be a presumption in favour of industrial development and the retention of existing uses. The Regional Council will encourage firms to develop and expand in these areas.

Scottish Borders Finalised Local Plan October 2005

Policies G7 and ED1 apply which states:

POLICY G7 – INFILL DEVELOPMENT

Within Development Boundaries, as shown on Proposals Maps, development on non-allocated, infill or windfall, sites, including the re-use of buildings will be approved if:

1. in the case of a gap site, it can be justified under Policies BE6, Policy NE3 and Policy Inf11 to protect open space and local biodiversity and control travel generating development; and
2. where relevant, it does not conflict with the established land use of the area; and
3. it does not detract from the character and amenity of the surrounding area, and
4. the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or "town and village cramming"; and
5. it respects the scale, form, design, materials and density of its surroundings; and
6. adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity; and
7. it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking,

All applications will be assessed against the Council's Supplementary Planning Guidance on infill development.

POLICY ED1 – PROTECTION OF EMPLOYMENT LAND

There is a presumption in favour of industrial and business uses (Use Classes 4, 5 and 6) on strategic and other employment sites, including new land use proposals for employment land.

A. Strategic Employment Sites

Development for uses other than Classes 4, 5 and 6 will be refused on strategic employment sites as identified in the Structure Plan unless the Council, guided by advice from the local Enterprise Company, are fully satisfied that the alternative use does not prejudice the strategic employment land requirement. Developers will be required to make provision for the replacement of employment land lost, to an equivalent quantity and quality.

The proposed new Business Park at Broomieles, Melrose will become a new strategic employment site, be retained for Class 4 uses only and its design and layout will be in accordance with a Development Brief.

B. Other Employment Sites

Development for uses other than Classes 4, 5 and 6 on established or proposed industrial estates as identified on the Proposals Maps, will be refused unless:

1. the loss of employment land does not prejudice the existing and predicted requirements for industrial and business land in the locality, or
2. there is a constraint on the site whereby there is no reasonable prospect of its becoming marketable for employment development in the foreseeable future, or
3. due to changes in surrounding land uses or road access, the site is now poorly located for employment purposes, or
4. the predominant land uses have changed owing to previous exceptions to policy such that a more mixed use land use pattern is now considered acceptable, or
5. the alternative land use is considered to offer significant benefits to the surrounding area and community that outweigh the need to retain the site in employment use.

In all cases the development must:

6. respect the character and amenity of the surrounding area, and be landscaped accordingly, and
7. be compatible with neighbouring employment uses.

OTHER PLANNING CONSIDERATIONS:

None.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Berwickshire Area Committee

Director of Technical Services (Roads): No objection to the proposal provided additional visitor parking spaces are provided.

Other Consultees

Greenlaw and Hume Community Council: Reply awaited.

Scottish Water: Object to the proposal as there are capacity issues at Greenlaw Wastewater Treatment Works.

OTHER RESPONSES:

Four individual letters of objection have been received, which have been copied in full for Members attention. The objections relate to the following:

- The land is zoned for industrial use and housing should therefore not be built on it
- The new housing would impact unreasonably on the amenity of existing housing
- Road safety concerns
- Potential drainage difficulties

PLANNING ISSUES:

The main planning issue is whether or not the proposal would constitute an appropriate use of land.

ASSESSMENT OF APPLICATION:

The application site would form an extension of The Avenue in Greenlaw, potentially increasing the total number of houses from 16 to 21. It is accepted that there are no overriding road safety issues involved, and that the impact of development on existing housing could be assessed at the detailed design application stage. It is felt that the lay of the land is such that careful siting and levelling would be required to ensure that new housing would not impact unreasonably on existing units. The density and layout of the housing proposed would be similar to other housing in The Avenue.

The application site lies on land zoned for industrial use in the Berwickshire 1994 Local Plan and for employment use in the Scottish Borders Finalised Local Plan December 2005. Policy 23 of the 1994 Berwickshire Local Plan states that in existing industrial areas there will be a presumption in favour of industrial development and the retention of existing uses. Policy ED1 of the Finalised Local Plan states that there is a presumption in favour of industrial and business uses on strategic and other employment sites. Development for other uses on strategic employment sites will be refused unless the Council is satisfied that the alternative use does not prejudice the strategic employment land requirement. In this instance the proposal would prejudice the strategic employment land requirement and cannot therefore be supported.

RECOMMENDATION BY HEAD OF PLANNING AND BUILDING STANDARDS:

I recommend that the application be refused for the following reason:

The proposal would be contrary to policy E12 of the Structure Plan 2001 – 2011, Policy 23 of the Berwickshire Local Plan 1994, and Policies ED1 of the Scottish Borders Local Plan: Finalised Plan 2005 in that the proposal would result in the loss of land allocated for industrial and employment purposes.

***Original copy of report signed by
BRIAN FRATER (Head of Planning and
Building Standards)***

