

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**7 AUGUST 2023**

**APPLICATION FOR PLANNING PERMISSION**

**ITEM:** **REFERENCE NUMBER:** 23/00816/FUL

**OFFICER:** Cameron Kirk  
**WARD:** Mid Berwickshire  
**PROPOSAL:** Replacement tank, new tanker layby and associated work  
**SITE:** Land South of Olivers Transport Ltd, Main Street, Eccles  
**APPLICANT:** Scottish Water  
**AGENT:** Scottish Water

**SITE DESCRIPTION**

The application site relates to an area of land to the southeast corner of Olivers Transport Ltd, a haulage and storage company, which is located within the settlement of Eccles. The application site is level and currently an area of grass. The public road (B6461) flanks the southeast boundary of the application site. A section of the southeast boundary of the application site is delineated by a mature hedge. Residential properties lie to the east, south and west of the application site. Eccles Mains Farmhouse, a category C listed building, lies approximately 30 metres to the west of the application site. The application site is identified as being an area of prime quality agricultural land.

**PROPOSED DEVELOPMENT**

Planning permission is sought to install a replacement epoxy effusion tank, which would measure approximately 7 metres in diameter and be approximately 2.5 metres in height, and it would be finished with epoxy coated steel with GRP roof coloured juniper green (BS-12-B-29). The proposed tank would be positioned approximately 0.8 metres below existing ground level and it would be sited on a concrete base which would measure approximately 12.7 metres by 13.2 metres. A new stair access would be constructed from the proposed lay-by which would provide pedestrian access to the tank.

A 1.8 metre-high timber feather board fence would be erected around the perimeter of the top of the banking. Planting would be provided to the southeast and southwest boundaries of the application site.

An existing access gate would be repositioned with new timber post and rail fencing, approximately 1.1 metre in height, to the rear of the existing service lay-by.

A new tanker layby, approximately 27.5 metres long x 4 metres wide, comprising of 400mm asphalt surface laid on 60mm of 20mm dense binder course laid on 350mm broken stone bottoming on type-1 sub-base, would replace the existing lay-by.

## **PLANNING HISTORY**

22/00373/FUL Erection of replacement tank, formation of layby and boundary fence. Withdrawn 09 May 2023.

The previous planning application was withdrawn at the request of the Planning Authority as the amendments made to the design of the proposed development resulted in a change to the red line boundary. The red line boundary cannot be changed once a planning application has been validated. Therefore, the applicant was required to withdraw the planning application and submit a new planning application for the amended proposal.

## **REPRESENTATION SUMMARY**

A total of 14 letters of representation, 12 objections and 2 general comments, have been received by the Planning Authority. This does not include multiple representations from the same household which equates to 21 letters in total. All issues raised have been considered. The key material planning considerations raised are summarised below:

- The location of the proposed tank;
- The scale, character and appearance of the proposed development;
- The impact the proposed development would have on the visual appearance of the settlement;
- The location of the proposed lay-by and the impact this would have upon road safety;
- Additional traffic created by the proposed development;
- The loss of planting, including hedges and trees, and the visual impact this has had on the visual appearance of the settlement;
- Odour associated with the effluent tank being emptied;

## **APPLICANTS' SUPPORTING INFORMATION**

- Planning Statement

## **DEVELOPMENT PLAN POLICIES:**

### **National Planning Framework 4**

Policy 5: Soils

Policy 6: Forestry, woodland and trees

Policy 7: Historic assets and places

Policy 14: Design, quality and place

Policy 18: Infrastructure first

### **Scottish Borders Council Local Development Plan 2016**

PMD2: Quality Standards

ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils

HD3: Protection of Residential Amenity

EP7: Listed Buildings

EP13: Trees, Woodlands and Hedgerows

IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

## **OTHER PLANNING CONSIDERATIONS:**

Scottish Borders Supplementary Planning Guidance:

Trees and Development (2020)

## **CONSULTATION RESPONSES:**

### **Scottish Borders Council Consultees**

**Roads Planning:** No objection. They do not raise any concerns regarding the proposed development. They recommend that a condition is attached to ensure that further details are provided for the service lay-by, as well as informatives.

## **KEY PLANNING ISSUES:**

The key planning issues under consideration for the assessment of this application are the principle of the development, the visual and amenity impact the proposed effluent tank would have on the immediate area, and the impact the proposed development may have on road safety.

## **ASSESSMENT OF APPLICATION:**

### Principle

In order to establish the principle of development it must be assessed against Policy IS9: Waste Water Treatment Standards and Sustainable Urban Drainage. Policy IS9 aims to achieve satisfactory disposal of sewage and to maintain and improve standards of public health. It establishes the Council's hierarchy of preference for dealing with waste water associated with development. It emphasises that private septic tanks are regarded as a last resort and not encouraged.

Permission is sought to install an epoxy effluent tank that would deal with the trade effluent associated with an established business, Olivers Transport Ltd. The trade effluent discharge arising from the aforementioned business is unable to be discharged to the public sewerage network. Therefore, alternative arrangements are required to be put in place to manage the effluent discharge from the business. The discharge effluent must be stored and then removed to Galashiels Wastewater Treatment Works for further treatment.

The applicant, Scottish Water, advises that previous arrangements commenced in 2001 when the business connected to the public sewerage network and this resulted in a significant pollution issue discharging into the Eccles Burn, a tributary of the River Tweed. This arrangement has been in place since 2001 and the proposed development would address this pollution issue. It would replace a smaller, temporary tank system, located elsewhere at Olivers Transport Ltd, and which often overflows into neighbouring gardens.

It is acknowledged that the proposal would be the least preferred option in the hierarchy of preference for dealing with waste water. However, the applicant has demonstrated that a connection to the public sewerage network is not possible as it would overload the existing system, impacting on public health, the environment and the quality of watercourses. The proposed effluent tank would ensure that the current arrangements, that have operated successfully since 2001 could continue, and would

ensure that there is sufficient provision for dealing with wastewater without adversely impacting upon public health, the environment and the quality of watercourses.

The principle of the development is therefore considered to be acceptable, subject to further policy consideration below.

#### Layout, design and materials

The proposed effluent tank would be located to the north of the public road. Concerns have been raised regarding the location of the tank and the impact this would have on the visual amenities of the area. It was suggested to the applicant that the effluent tank be sited elsewhere under the previous planning application 22/00373/FUL but the applicant advised that this is the only section of land that was offered to them by the landowner. The proposed location can be considered, subject to the scale and design of the proposed development.

The replacement tank, which would measure approximately 7 metres in diameter and be approximately 2.5 metres in height, would be finished with a GRP roof coloured juniper green. The proposed tank would be positioned approximately 0.8 metres below existing ground level and it would be sited on a concrete base measuring approximately 12.7 metres by 13.2 metres. A new stair access would be constructed from the proposed lay-by which would provide pedestrian access to the tank.

The earlier concerns mentioned regarding the location of the tank also extend to its scale and design. It is acknowledged that it would be preferable for the proposed tank to be located below ground to minimise the visual impact it would have on the immediate area. Under the previous planning application 22/00373/FUL, the Planning Authority suggested that the effluent tank was also located below ground. The applicant advised that this would not be feasible due to the associated costs.

In light of the applicant's response an alternative design was suggested for the development which included a timber fence to be erected around the perimeter of the proposed tank, as well as planting to be provided in front of the fence to help soften the development within its setting. The approach was considered and accepted by the applicant.

It is considered that the amended application addresses the primary concerns raised with regards to the scale and design of the proposed development. The proposed fence would screen the tank from view and it would not appear readily visible from the public realm. The fence would be similar in scale and design to those found to the boundaries of nearby residential properties, notably, the south boundary of the neighbouring property, Eccles Mains Farmhouse.

In addition, the proposed planting would help to soften the development over time as it would partially screen the fence and provide some greenery that would tie in with the existing landscaping at Olivers Transport Ltd. A condition is proposed to ensure that the precise details for the planting are provided prior to any works commencing on site.

Together, the proposed fence and planting would ensure that the proposed effluent tank does not appear overly conspicuous within the street scene and it can be accepted in this location. Consequently, it is considered that the proposal would not have a significant adverse impact on the visual amenities of the area.

### Residential amenity

The proposed development would not unduly impact upon the residential amenity or nearby properties in respect of daylight or sunlight. Considering the position and orientation of the proposed effluent tank relative to neighbouring properties, it would not result in overshadowing.

Concerns have been raised regarding the impact the proposed development would have on residential amenity, particularly odour, when the proposed effluent tank would be emptied. It is not expected that the proposed effluent tank would give rise to unacceptable levels of odour when in use as it is a sealed unit. There may be a degree of odour arising from when the effluent tank is emptied but it is expected that this would not be significant enough to adversely impact upon neighbouring residential properties.

### Roads

A new, larger, lay-by would be formed to replace the existing lay-by to the north of the public road. The proposed lay-by would ensure that there is sufficient space for a tanker to safely park to empty the proposed effluent tank.

Concerns have been raised regarding the proposed lay-by and its location on the public road, particularly given that it would be located opposite the junction to Stable Park. The proposed lay-by would however replace an existing lay-by at this location with a larger arrangement. There is no known issues associated with the existing lay-by and the proposals will continue to allow tankers to park clear of the public road when emptying the tank.

Furthermore, concerns have also been raised that the proposed development would generate additional traffic movements. There is a temporary effluent tank store elsewhere within the grounds of Olivers Transport Ltd. The temporary tank must be emptied on a regular basis which requires regular traffic movements. The proposed development would replace the temporary tank. The applicant has confirmed that the proposed effluent tank would be emptied once a week. Therefore, it is not expected that the proposal would generate significantly more traffic than the current temporary arrangements.

Roads Planning Service has been consulted as part of the application process and they do not raise any concerns regarding the location of the proposed lay-by or traffic to be generated by the proposal. Therefore, it is not expected that the proposed development would have a detrimental impact upon road safety.

### Impact on built heritage

Eccles Mains Farmhouse, a category C listed building, lies to the west of the application site. The west boundary of the application site lies approximately 30 metres from the west elevation of Eccles Mains Farmhouse. The intervening land is made up of garden ground associated with Eccles Mains Farmhouse. There is a mature beech hedge and planting which creates a degree of visual separation between the listed building and the proposed development.

The application site is located within the grounds of a commercial business. The proposed development would be viewed in context with the existing buildings to the north and a small electricity pylon to the west of the application site.

Considering the scale and design of the proposed effluent tank and its location, relative to the aforementioned listed building, it is not expected that the proposal would have an adverse impact upon the setting of this listed building. The Council's Heritage and Design Officer has confirmed, verbally, that the proposed development does not raise any concerns in respect of the impact the proposal would have on the setting of the listed building.

#### Impact on natural heritage

The construction of the proposed lay-by would result in the loss of a small section of roadside hedge. Whilst this loss is regrettable, it is necessary to allow for the construction of the proposed lay-by as it is larger than the existing lay-by. As part of the proposed planting, a new roadside hedge would be planted along the southeast boundary of the application site. This would compensate for the loss of a section of the existing hedge. This approach is acceptable.

Comments have been received in regard to the loss of trees and hedges that were planted within the grounds of Olivers Transport. The Planning Authority can only consider the loss of trees or hedges relating directly to the application site and not the wider area, under the cover of this application. As mentioned above, the proposed development would result in the loss of a small section of roadside hedge which would be compensated for.

#### Prime quality agricultural land

The application site is identified as being an area of prime quality agricultural land, however the application site lies within the grounds of Olivers Transport, a haulage and storage company. The land is not in agricultural use (it has not been in agricultural use for a number of years) and the proposal would not result in the loss of prime quality agricultural land.

### **CONCLUSION**

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the statutory Development Plan and there are no material considerations that would justify a departure from these provisions.

### **RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:**

I recommend the application is approved subject to the following conditions and informatives:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
2. Within 2 months of the effluent tank being installed, the fence and gate, as shown on the approved drawing (drawing no. 2122-814-SW-100-4 6), shall be erected on site, unless otherwise agreed in writing by the Planning Authority. Thereafter, the fence and gate shall be permanently retained and maintained, as such.  
Reason: To ensure the timeous installation and completion of the fence and in the interests of the visual amenities of the area.

3. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:
  - a) The location of new trees, scrubs or hedges;
  - b) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
  - c) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

4. The proposed development hereby approved shall not be brought into use unless the lay-by has been provided in accordance with the approved scheme as shown on the approved drawing (drawing no. 2122-814-SW-100-2 5). Thereafter, the lay-by shall be permanently retained and maintained, as such.

Reason: To ensure the development is served by safe access from the public road.

#### Informatives

1. All work within the public road boundary must be undertaken by a contractor first approved by the Council.

#### DRAWING NUMBERS

2122-814-SW-100-1 5	Location Plan
2122-814-SW-100-2 5	Proposed Site Plan
2122-814-SW-100-3 5	Proposed Site Plan
2122-814-SW-100-4 6	Proposed Elevations

#### **Approved by**

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

The original version of this report has been signed by the Chief Planning and Housing Officer and the signed copy has been retained by the Council.

#### **Author(s)**

Name	Designation
Cameron Kirk	Assistant Planning Officer



23/00816/FUL

Land South of Olivers Transport Ltd, Eccles

