

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 23/00553/FUL

APPLICANT : James Y Burn Haulage

AGENT : FBR Seed Ltd

DEVELOPMENT : Change of use from agricultural land to lorry storage yard and erection of building

LOCATION: Land East Of Unit 3 Croft Park Industrial Estate
Morebattle
Kelso
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
100	Location Plan	Approved
102 REV B	Proposed Site Plan	Approved
103 REV A	Proposed Sections	Approved
101	Existing Sections	Approved

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

There were two periods of public consultation and adverts placed in the Southern Reporter. Three neighbours were notified.

There were no representations received.

Consultations

Community Council: Noise, increased traffic, impacts on school, impacts on walkers of St Cuthbert's Way, unsocial hours, impact on other roads specifically that recently created for farm traffic from Whitton.

Roads Planning: First response: Further details required.

Second response: Roads Planning can now accept the reasons for creation of a new access to the B-class road in location shown. Visibility splays of 2.4m x160m accepted. There remains requirement for creation of a pedestrian route to Morebattle. Precise details of surface to be agreed. Precise streetlighting details to be confirmed by SBC.

Forward Planning: A lorry yard at this location is considered acceptable. Site requirements within the LDP state that structure planting is required to the northern and eastern site boundaries however the applicant's proposed site plan only shows planting to the eastern site boundary.

Economic Development: No response.

Access Officer: No response.

PLANNING CONSIDERATIONS AND POLICIES:

National Planning Framework 4

Policy 14: Design, Quality and Place

Policy 15: Local Living and 20 Minute Neighbourhoods

Policy 26: Business and Industry

Local Development Plan 2016

Policy PMD1 Sustainability

Policy PMD2 Quality Standards

Policy PMD3 Land Use Allocations

Policy HD3 Protection of Residential Amenity

Policy ED1 Protection of Business and Industrial Land

Policy IS6 Road Adoption Standards

Policy IS7 Parking Provision and Standards

Policy IS9: Waste Water Treatment Standards and SUDS

Supplementary Planning Guidance: Placemaking and Design, 2010.

Recommendation by - Euan Calvert (Assistant Planning Officer) on 22nd August 2023

This is a full planning permission for change of use of agricultural land to form a lorry storage yard and erection of a building on land east of Unit 3, Croft Park Industrial Estate, Morebattle.

This is a green field site located to the west of Morebattle village and situated north of the public road (B6401). The site is a portion of agricultural field adjacent to the established industrial estate. The application concerns the entire site (0.6ha) allocated within the Local Development Plan 2016 as business and industrial land (BMORE001).

Proposals

A vehicular access is proposed which would lead directly into the site from the B class road. The site is to be surfaced in hardstanding to accommodate lorry parking and staff parking. The site would be enclosed with agricultural stock fencing and would be gated. There would be a landscaped area (structure planting) on the eastern boundary and a hedge enclosure to the northern boundary.

Latterly amendments have been submitted which introduce arrangements for a diesel tank, wash bay, septic tank and soakaway and shed in the lower/ northern part of the site. The shed would require a level construction platform and a proposed floor level of 85.00m AOD is given. The section demonstrates proposed retaining walls on the east and partially through the middle of the site. The precise design of shed is to be reserved by condition in event of approval but the section demonstrates proposals for a steel portal framed shed in the north eastern part of the site.

Planning policy

Policy 26 of NPF4 supports development of business and industrial sites, where they are compatible with the primary business function of the area.

Policy and History

The site is allocated within the LDP for business and industrial uses and is identified within Policy ED1 of the Plan as a District business and industrial site, with a presumption in favour of Use Classes 4, 5 and 6 but other uses would be considered in accordance with a given criteria.

Assessment

Principle and Use

The proposed development is considered to comply with the requirements of Policy ED1. Lorry storage use is acceptable on a site which has been identified in the LDP for business and light industry. The Forward Planning Officer confirms that the site also appears in LDP 2020 and the Reporter did not identify any changes to this allocated land at examination.

Proposals for a temporary welfare building have been removed from the site plan. The Officer has identified that temporary portacabin buildings are not appropriate permanent accommodation and the Agent is recommended that a welfare building should be designed for the site in future, if required.

The principle of vehicle storage for a local livestock transporter business is acceptable as the proposal will not cause unacceptable levels of pollution or public nuisance or result in an unacceptable hazard to the public or environment. The concerns of the Community Council are acknowledged however the use is considered to be compatible with the employment designation of the site and compatible with the rural area.

The site is not within the village but 30m beyond the periphery and concerns for noise, traffic and impact on residents are not considered to have a significantly adverse impact on residential neighbours. Introduction of a landscape buffer should ensure that the visual amenity of the wider area is protected. The principle to business and industrial use has been established in the Local Development Plan and these proposals are considered to be aligned with Policy ED1 concerning district sites. The concerns of the community council are acknowledged but the principle to industrial use on the site takes precedence. No neighbouring residential amenity impacts are identified in the use as a haulage yard - the use is considered compatible with the area. A condition will prohibit floodlighting except in accordance with a prior approved designed scheme.

Visual Amenity

The location and design of fences has now been shown. Agricultural stock fences are to enclose the site. These will be introduced behind the roadside hedge which is shown for retention. Hedge protection will be a condition of approval. No natural heritage or ecology issues are identified with the chosen site.

A fully detailed landscape scheme will be a requirement of approval. The Forward Planning Officer has identified requirements arising from the LDP on the eastern and northern boundaries and these precise details will now be requested by condition including numbers, species, density and maintenance schedule to ensure establishment.

Roads planning

The Roads Planning Officer has now accepted the principle to a new junction and the proposed location of this junction on the B-class road. The new road junction opposite does not benefit from planning permission and is not determinant to this application. Accessing this new site from the existing junction/ industrial estate has proven not to be feasible and has been discounted. A parking layout and junction has now been designed and the precise construction details of the junction will be reserved by condition. Visibility splays of 2.4m x 160m have been shown and these too will be a condition of approval. Lastly the provision of an adopted pavement is considered to be necessary to link the industrial site to the village.

The pavement is considered to be necessary in this instance as consequence of NPF4 which does identify requirements under Policy 15 concerning Local Living and 20 minute neighbourhoods. This route is also part of St Cuthbert's Way/ Core Path which adds weight to the requirement for a segregated pavement in this development.

Drainage will be a condition of approval to ensure the water environment.

There was no response from Economic Development.

There were no representations received.

The proposals are now considered compatible for the site and are in accordance with NPF4 specifically Policy 26.

REASON FOR DECISION :

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: Approved subject to conditions

- 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 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
- 3 No development of the shed (hereby approved on site plan 102 Rev B) shall be commenced until the following precise details:
 - i. Proposed plans and elevations of the building;
 - ii. Full details of the external materials, including colour, to be used in the construction of the building;
 - iii. The finished floor levels of the building hereby approved;have been submitted to and approved in writing by the Planning Authority. Thereafter development to be completed in accordance with the approved details.
Reason: To protect the character and amenity of the area.
- 4 The site and building hereby approved shall only be used for Class 4 (office, research and development or light industry), Class 5 (general industry) or Class 6, (storage and distribution) of Schedule of The Town and Country Planning (Use Classes) (Scotland) Order 1997, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.
Reason: To ensure that the use remains compatible within the site.
- 5 No septic tank, washbay or building hereby approved may be developed before fully detailed design proposals for foul and surface water drainage, demonstrating that there will be no negative impact to public health, the environment or the quality of watercourses or ground water, have been submitted to and approved in writing by the Planning Authority. Thereafter development to be undertaken in accordance with these details.
Reason: The Planning Authority requires consideration of full details of surface water drainage (SUDS), foul water connections and/or any private systems proposed.
- 6 No development shall be commenced until the precise construction details of the bell mouth and pavement (and precise streetlighting details, if required) shown on site plan, 102 Rev B, has been submitted to and approved in writing by the Planning Authority. Thereafter the bell mouth and pavement to be completed in accordance with these details before the site is brought in to use, or a timescale which has been prior agreed with the Planning Authority.
Reason: To ensure the development hereby approved is served by an appropriate form of access, in the interests of road safety.
- 7 No development shall commence until precise details of:
 - i. location of new trees, shrubs, hedges and grassed areas
 - ii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iii. programme for completion and subsequent maintenance.of the proposed tree and hedge planting shown on Site Plan 102 Rev B have been submitted to and approved in writing by the Planning Authority.
Thereafter this scheme shall be carried out in the first planting and seeding seasons following the site coming in to use, 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, seeding or turfing.

Reason: To ensure that the proposed landscaping is carried out as approved.

- 8 Before any part of the permitted development is commenced, the hedge to be retained on the site shall be protected by a fence 1.5 metres high placed at a minimum distance of 2.0 metres from the edge of the hedge, and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the boles of the hedges so retained shall not be altered.
Reason: In the interests of preserving the hedges which contribute to the visual amenity of the area.
- 9 The visibility splay (2.4m x 160m) as shown on Site Plan, 102 Rev B must be provided on site before the site is brought in to use and retained free of visual obstruction (when viewed from drivers eye height of 1.05m) in perpetuity.
Reason: To ensure adequate drivers visibility for access and egress to the B-classified road.
- 10 No external flood lighting of the site is permitted except in accordance with an exterior lighting plan which shall first have been submitted to and approved in writing by the Planning Authority. The lighting plan shall be designed in accordance with the guidance produced by The Institution of Lighting Professionals and the Bat Conservation Trust, Aug 2018 (as outlined: Guidance Note 8/18 (2018): Bats and artificial lighting in the UK). Thereafter no development shall take place except in strict accordance with the approved lighting plan. All lights shall be suitably shuttered/shielded and directed to prevent unwanted light flood.
Reason: In the interests of protecting bats, biodiversity, residential amenity and the character of the predominantly rural area.

“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.