

REPORT TO: Planning Committee

MEETING DATE: Tuesday 18 June 2013

BY: Executive Director (Services for Communities)

SUBJECT: Application for Planning Permission for Consideration

Note: this application was called off the Scheme of Delegation List by Councillor Berry for the following reason: Local consternation that industrial sites are being allocated in the countryside when ELC Planning has been derelict in its duty by allocating no provision for business/industry within N. Berwick.

Application No. **13/00251/P**

Proposal Erection of workshop building for Class 4 use

Location **Land At Halfland Barns**
North Berwick
East Lothian
EH39 5PW

Applicant David Millar Contracts Ltd

Per Planning and Building Design Ltd

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The application site is part of the former Halfland Mushroom Farm, located in the countryside at Halfland Barns to the southeast of North Berwick.

On 9 November 2012 planning permission (12/00429/P) was granted through the Council's Scheme of Delegation List procedure for the change of use of the land of the former mushroom farm to business use (class 4). The grant of planning permission is subject to conditions controlling visibility splays of the existing access, working hours, noise emanating from the site and external storage.

Class 4 of the Use Classes Order defines business use:

- (a) as an office, other than a use within class 2 (financial, professional and other services);
- (b) for research and development of products or processes; or
- (c) for any industrial process;

being a use which can be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

The site is some 0.18 hectares of the 1.23 hectares area of the former mushroom farm. It is bounded to the north, east and south by other land of the former mushroom farm with hedge and tree planting and the C139 public road beyond to the north, hedge and tree planting and the residence of Halfland House to the east, and agricultural land to the south. To the west it is bounded by a tree planted bund with agricultural land beyond.

To the northeast are houses of Smiddy Cottage, Smiddy Halfland Barns and Halfland Barns Schoolhouse and the business premises of Pitclay Gallery. Further east are the houses of Auldham Cottages. Otherwise the surrounding land is in agricultural use.

Planning permission is sought for the erection of a workshop building for Class 4 business use. The building would be located centrally within the site on an east west axis. It would be some 39 metres long on that axis and some 17 metres wide. It would have a pitched roof with a ridge some 6.8 metres high. The walls of the building would be partly block-work but mostly formed of composite cladding. The pitched roof would also be formed of composite cladding. A roller shutter door and two access doors would be formed on the north elevation. Parking for the proposed building would be formed at the north of the building. The site would be accessed via the existing vehicular access to the site from the C139 public road to the north and the existing internal access road through the centre of the former mushroom farm.

The application is accompanied by a statement of the activities of Jerba Campervans Ltd, on whose behalf the application is made. A Tree Survey and Arboricultural Impact Assessment has also been submitted.

Existing polytunnels on the site, which were used for the mushroom farm, would be removed to facilitate the proposed development. The removal of them does not require planning permission and therefore does not form part of this application.

The area of land of the former mushroom farm to the north of this application site is the subject of a separate, unrelated planning application (13/00151/P) for the change of use of the grass verge of the C139 road to form vehicular access, alterations to the existing metal framed building on the site, the installation of CCTV cameras and the erection of fencing and gates. That application is also on this Scheme of Delegation List.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved Edinburgh and the Lothians Structure Plan 2015 and the adopted East Lothian Local Plan 2008.

Relevant to the determination of the application are Policy ENV3 and ENV1G of the approved Edinburgh and the Lothians Structure Plan 2015 and Policies DC1 (Development in the Countryside and the Undeveloped Coast), DP2 (Design), DP14 (Trees On or Adjacent to Development Sites), DP22 (Private Parking) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008.

Eight written objections have been received. Two of the objectors have submitted two letters each. The grounds of objection are:

- 1) no neighbours were notified of the application;
- 2) the proposal is contrary to Local Plan policies DC1, DP1 and DP2;
- 3) the effect on nearby residents of noise, vibration, smell, fumes, smoke, use of compressors and similar tools and oil contamination, and noise data is incomplete;
- 4) it would result in greater use of a narrow unclassified road which is not suitable for additional car and van journeys and heavy vehicles to serve an industrial site. The road has sharp bends and is used by cyclists and walkers;
- 5) fences, lights and CCTV cameras would detract from the countryside and area of natural beauty;
- 6) the use of the whole site granted planning permission for Class 4 use could result in 8 businesses using the site, with further additional traffic;
- 7) the applicant's original preference for Class 5 industrial use should have sounded alarm bells;
- 8) there has been no further mention of Section 75 agreements;
- 9) the proposed building is twice the size of the existing building and 2 metres higher than it;
- 10) the proposal is for an existing new business and will not generate significant new employment; and
- 11) it will result in the loss of trees.

The application was neighbour notified and advertised in accordance with statutory requirements.

The site is not the subject of any landscape designation.

The Council's Biodiversity Officer advises that he sees no biodiversity issues arising from the proposals and has no objection.

The residential property of Halfland House was previously tied to the business of Halfland Mushroom Farm by a Section 75 agreement. The Council agreed in 2011 to the discharge of that agreement through grant of discharge of planning obligation 11/00003/OBL, on the grounds that the mushroom farm business had been wound-up.

In the statement accompanying the application it is explained that Jerba Campervans Ltd was established in 2006 in North Berwick. The company undertakes the full internal conversion of predominantly brand new Volkswagen Transporter T5 vans into complete campervans, one of only 3 such companies in the UK. It is further explained that the business is strong, with a 6 month order book, that over the past 18 months work has been done in conjunction with Scottish Enterprise to improve productivity and the business is now mainly limited by workshop space. The statement also explains the work activities of the company including; the use of plant, machinery and tools and emissions of noise, dust, smell; employment and vehicle movements, security, drainage, storage and lighting.

The use of the proposed building would be for the fitting out of existing vans (usually new ones) as camper vans. The proposed operations within the proposed building are of a light industrial nature. They do not involve the use of heavy machinery. They would be contained within the proposed building.

On the basis of the above the proposals accord with the approved Class 4 use of the site. There are no permitted development rights to change the Class 4 use of the site to some other use. Any future proposal for a use other than a Class 4 use would require planning permission and so too would any proposal for the erection of a new building or for the carrying out of any other form of development on the site. They would be subject to the planning control of the Council.

The Council's Environmental Protection Manager has no objection to the proposals. He raises no concerns in respect of the proposed operations and use of machinery and tools as set out in the applicant's statement.

In respect of potential noise impacts from the use of the proposed building, he refers to the relevant conditions of planning permission 12/00429/P:

- o Unless otherwise approved in writing by the Planning Authority, no working shall take place within the site outwith the hours of 0800 to 1800 Monday to Friday inclusive and 0800 to 1300 on Saturdays. There shall be no working whatsoever on Sundays.
- o Noise emanating from the site shall not exceed Noise Rating Curve NR20 in any octave band frequency at any nearby residential property, assuming windows open at least 50mm for ventilation purposes.

The Environmental Protection Manager is satisfied that the proposed use of the building can be carried out in compliance with those conditions. He recommends that they be attached to any grant of planning permission for this proposal, subject to which he raises no concerns that the proposals would have any harmful impact on residential amenity.

The Council's Economic Development Manager supports the proposals. She advises that they would allow the scalability and growth of a business which her service has been working with over a number of years. It is projected that the company will be accepted by Scottish Enterprise into their Account Management Portfolio (for the top 1% of high growth companies in Scotland) later this year if the relocation goes on schedule. She further advises that the company has shown good job creation over the years as well as a steadily growing turnover, with re-location to enable an increase turnover by a further £450k and expanding its existing product offering as well as diversifying into the conversion of horse boxes. She informs that a further 2 jobs are likely to be created following the move, resulting in a total of 10 full-time and 2 part-time jobs.

The proposed building would be no higher than the existing building to the north of the application site. It would benefit from screening provided by the existing tree and hedge planting to the north, east and west of the site. It would be contained within the site in the same way as the existing building to the north of it. So contained it would not be a prominent or harmfully intrusive presence in the landscape.

In respect of landscape considerations, the Council's Policy and Projects Manager advises that his only concern in respect of this application is the close proximity of the west foundations and elevation of the proposed building to the bund and trees at the west of the site. In response to this concern, the applicant has submitted a Tree Survey and Arboricultural Impact Assessment. The Policy and Projects Manager accepts the findings of the report in respect of the trees on the east of the bund. The trees are poplar

and willow. The survey finds that they are in poor condition and potentially of limited lifespan.

The Policy and Projects Manager advises that although not of value individually or in terms of species, the trees as a group are an important element of the visual containment of the site. They would be affected by the proximity of the west elevation of the building, which would reduce daylight to them and affect their future growth. However, he does acknowledge the poor quality and condition of the trees. In respect of this he advises that some new tree planting on the bund to improve the tree quality, help thicken it up and also mitigate any likely damage/future tree loss associated with the close proximity of the west elevation of the building would be acceptable mitigation of the likely impact of the proposals on the existing trees. The applicant has confirmed his agreement to this, which can be made conditional on the grant of planning permission.

The applicant does not propose to erect any fencing on the site. In the statement accompanying the application, it is proposed to have lighting at the entrance and roller shutter doors of the building and possibly some security lighting. It would be prudent of the Council to ensure that any lighting used in this countryside location be designed so as to avoid light spillage from the site and the design, placement, shielding and luminosity of it be subject to the prior approval of the Planning Authority. This can be made conditional on the grant of planning permission.

On the above considerations of visual and landscape impact, residential amenity and impact on trees, the proposed development is consistent as relevant with Policy ENV1G of the approved Edinburgh and the Lothians Structure Plan 2015 and with Policies DP2, DP14 and Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008.

The Council's Transportation service raises no objection to the proposals. They advise that the proposed workshop building would likely result in an increase in vehicle trips to and from the site, however, they raise no concerns in respect of the impact on the local road network. They are satisfied with the proposed access arrangements subject to the maintenance of the visibility splays required as a condition of planning permission 12/00429/P. They confirm that the proposed 6 car parking spaces proposed shall be sufficient to satisfy the standards as set out in the East Lothian Council Parking Standards.

On these Transportation considerations the proposals are consistent with Policies T2 and DP22 of the adopted East Lothian Local Plan 2008.

Matters of drainage and pollution control, including oil pollution, are subject to regulation by the Scottish Environment Protection Agency. They are subject to legislation other than planning legislation.

CONDITIONS:

- 1 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and

shall be shown on the drawing; and

c. the ridge height of the proposed building shown in relation to the finished ground and floor levels on the site.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

- 2 Development shall not begin until a scheme of landscaping of the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of all hedges, trees including large species trees and shrubs to be planted including sizes, species, habitat, siting, planting distances and a programme of planting. This shall include infill planting on the bund at the west of the site;

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development and to mitigate for the loss of trees at the east side of the bund.

- 3 Prior to the commencement of development the trees on the bund at the west of the site which are to be retained shall be protected by fences of a type and in positions in accordance with BS5837:2005 and in accordance with details to be submitted to and approved in advance by the Planning Authority.

Reason:

To ensure the retention of trees important to the visual character and amenity of the area.

- 4 Samples of the external finishing materials and colours to be used for the building hereby approved shall be provided for the prior inspection and approval of the Planning Authority and the finishing materials used shall accord with the samples so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interests of safeguarding the character and visual amenity of the area.

- 5 Prior to any use being made of the building hereby approved the junction of the access road to the site with the C139 road shall have been provided with minimum visibility splays of at least 2.5 metres by 160 metres to east and west of it. Thereafter those visibility splays shall be maintained such that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface.

Reason:

In the interests of road safety.

- 6 Prior to the use of the building hereby approved, the access, parking and turning arrangements as detailed in drawing No: 1390/01A docketed to this planning permission shall have been completed and brought into use and shall thereafter remain in such use unless otherwise approved by the Planning Authority.

Reason:

In the interests of road safety.

- 7 Unless otherwise approved in writing by the Planning Authority, no working shall take place within the site outwith the hours of 0800 to 1800 Monday to Friday inclusive and 0800 to 1300 on Saturdays. There shall be no working whatsoever on Sundays.

Reason:

In the interests of the amenity of nearby houses.

- 8 Noise emanating from the site shall not exceed Noise Rating Curve NR20 in any octave band frequency at any nearby residential property, assuming windows open at least 50mm for ventilation

purposes.

Reason:

In the interests of the amenity of nearby houses.

- 9 No outside storage shall take place within the site without the prior written consent of the Planning Authority.

Reason:

In the interests of the visual amenity of the area.

- 10 Details of all external lighting, including any movement sensitive lighting, proposed to be used within the site shall be submitted to and approved in writing by the Planning Authority prior to its erection. The lighting shall be designed, positioned, oriented and shrouded to ensure that no light from within the site spills beyond the boundaries of the site area.

Reason:

In the interests the amenity of nearby properties and of this part of the East Lothian countryside.