

**REPORT TO:** Planning Committee

**MEETING DATE:** Tuesday 7 March 2017

**BY:** Depute Chief Executive (Partnership and Services for Communities)

**SUBJECT:** Application for Planning Permission for Consideration

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*Note - this application was called off the Scheme of Delegation List by Councillor Goodfellow for the following reason: the hours of operation for this area have become a controversial issue in the vicinity and therefore I feel this application should be heard by a full planning committee.*

Application No. **16/00784/P**

Proposal                      Erection of building and associated works

Location                     **Halflandbarns  
North Berwick  
East Lothian**

Applicant                    NB Distillery Limited

Per                             Urban Animation

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 (ref: 12/00429/P) was granted 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.

The site is some 0.08 hectares of the 1.23 hectares area of the former mushroom farm. It is bounded to the north and north west by existing poly tunnel buildings on the site, to the east by a private access track with agricultural land beyond, and to the south by agricultural land.

The nearest neighbouring residential property is Halfland House some 65 metres to the

northeast of the site. Further to the northeast are the residential properties of Smiddy Cottage, Smiddy Halfland Barns and Halfland Barns Schoolhouse.

Planning permission is sought for the erection of a steel portal frame building for Class 4 business use. The building would be located centrally within the site on a southwest northeast axis. It would measure some 18 metres in length by some 13 metres in width. It would have a pitched roof with a ridge some 7.4 metres high with the interior space partially split between a ground and upper floor levels. The northeast, northwest and southeast elevation walls of the building would be clad with grey coloured composite metal vertical cladding, whilst its southwest elevation wall would be clad with horizontal larch timber boards. The pitched roof would also be formed of composite cladding, combined with a number of translucent polycarbonate roof lights. In addition, 33 flush mounted black solar photo-voltaic panels and a 1.1 metre high stainless steel flue would be located on its pitched roof. A roller shutter door and extract fan would be formed within its northwest elevation whilst a pedestrian access door and small window would be formed within its southwest elevation. Its southeast elevation would contain a large window and door at ground floor level, along with a small window and set of bi-folding glazed doors with Juliet balcony at first floor level. Its north east elevation would not contain any openings.

An area of concrete hard standing would be formed adjacent to the roller shutter door on the northwest elevation of the building in addition to a precast concrete slab path that would extend along the full length of the southwest elevation and the partial length of the southeast elevation of the building. Two bollards lights would also be located forward of the southwest elevation of the building.

The application drawings show parking spaces set out within gravel surfaced area adjacent to the southeast elevation of the building. The site would be accessed via the existing vehicular access to the former mushroom farm site from the C139 public road to the north and the existing internal access road through the centre of the former mushroom farm site.

The application is accompanied by a statement of the activities of NB Distillery Ltd, on whose behalf the application is made.

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 South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (Development in the Countryside and the Undeveloped Coast), DP2 (Design), DP22 (Private Parking) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Five written objections have been received. The main grounds of objection can be summarised as follows:

- (i) the proposals would result in greater use of the local road network which is not suitable for additional car and van journeys and heavy vehicles to serve an industrial site;
- (i) 24/7 operation of the proposed business would set a precedent for other business

within the Halfland Barns site;

(iii) the proposed building would have a negative impact upon the landscape character of the area;

(iv) the proposals would result in the loss of prime agricultural land;

(v) the proposals are contrary to the East Lothian Local Plan 2008;

(vi) businesses currently located within the business site do not comply with hours of working and outside storage condition; and

(vii) no details have been submitted with regards to the number of vehicles making deliveries.

The drawings and other documentation submitted with the application are an accurate and sufficient basis to enable a full planning assessment to be made of the development proposal.

Were planning permission to be granted for the proposals, any subsequent application for the erection or extension of buildings on the business site, together with variation of conditions attached to existing business uses would require to be the subject of an application for planning permission and thus subject to the control of the Council as Planning Authority.

Breaches of planning conditions relating to hours of operation and outside storage for existing businesses can be investigated as a separate matter by the Council's Planning Enforcement service but such a matter is not a material consideration in the determination of this application.

In the statement accompanying the application it is explained that NB Distillery Ltd was incorporated in March 2013 in North Berwick. The company currently manufactures and exports a variety of gin and vodka. They anticipate that by the end of 2017, the business will employ another full time member of staff, and that spend with local business will increase on a conservative estimate by 30%. The current premises offer no potential to expand and are unsuitable for tours, limiting future expansion of the business.

The use of the proposed building would be for distillation of grain spirit, blending, bottling, packing and distribution, with production requiring 24/7 operation. In addition, up to 8 pre-booked public tours would be operated during the week.

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 and would be an extension of the existing Class 4 business uses operating at the site. In this it has an operational requirement to be sited in this countryside location consistent with the provisions of Policy DC1 of the adopted East Lothian Local Plan 2008.

In respect of landscape considerations, the Council's Landscape Project Officer states that due to its positioning, massing and height, the proposed building would not fit sensitively into the site, would be highly exposed, and would be out of place with the landscape character of the area. He goes on to recommend that in order for any potential building to fit in with the landscape character of the area, continuous perimeter hedge planting in combination with tree planting along the southern and south easterly boundaries is required to achieve a suitable landscape barrier treatment.

The proposed building would be a new build element in the landscape of the area. Although the proposed building would be somewhat higher than the existing poly tunnel buildings directly to the north of the application site, the proposed building at some 7.4 metres in height would be seen in relation to other buildings of a similar height (6.8 metres) within the wider business site.

In long distance views from the south the proposed building would be viewed in conjunction with the existing business use buildings of a similar size, form and scale. From the north and west, views of the building would be screened by existing mature trees and hedging. Due to the high hedgerows along the public roads in the locality such longer views would often be glimpsed views only.

The proposed building would benefit from additional screening provided by planting in the form of a number of Field Maple trees and hedging along its southeast and northeast boundaries respectively, which would help to establish a defined landscaped edge to the application site. In turn, this means that the proposed building would be contained within the site in the same way as the existing buildings to the north of it. In such a setting, the proposed building would be so contained such that it would not appear as a prominent or harmfully intrusive presence in the landscape and would not visually impose itself on its surroundings, including residential uses.

In the determination of previous planning applications for business uses within the Halfland Barns site, the Council's then Environmental Protection Manager recommended that controls should be imposed in respect of the noise emanating the site. These controls were imposed as conditions. The Council's now Principal Environmental Protection Officer recommends that similar conditions relating to noise, light and outside storage be applied to the proposals that are the subject of this application. This control can be secured by conditions on the grant of planning permission for the proposed development.

In respect of hours of operation, the Council's Principal Environmental Protection Officer recognises that the Halfland Barns site, through a condition of a previous grant of planning permission, has a restriction placed on hours of operation such that, unless otherwise approved in writing by the Planning Authority, no working shall take place within the Halfland Barns site as a whole outwith the hours of 0800 to 2000 Monday to Friday inclusive and 0800 to 1500 on Saturdays.

Notwithstanding this previously imposed restriction, the proposed use of the building is one which in principle is a use which can be carried out without detriment to residential amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. The Principal Environmental Protection Officer now advises that, subject to the requirement that that noise emanating from the site not exceed the NR20 noise curve at any octave band frequency at any nearby residential property as alluded to above, he is satisfied that the use of the proposed building could be operational at all times without harm to the amenity of any nearby residential property and therefore there is no requirement to restrict the hours of operation.

However the Principal Environmental Protection Officer does advise that unrestricted delivery vehicle movement to and from the site could be harmful to the amenity of nearby residential properties. In this regard in respect of deliveries to and from the site he recommends that no vehicle movements should take place on site between the hours of 2300 to 0700 on any day. This control can be secured by a condition imposed on the grant of planning permission for the proposed development and subject to this the use of the proposed building would not harm the amenity of any nearby residential property.

The Council's Road Services 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 state this would not result any road safety hazard and are content there would be no harmful impact from increased vehicle trips on the local road network. They confirm that the existing 6 car parking spaces on the site are sufficient to provide for on-site parking.

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

On the above considerations the proposals are consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and with Policies DP2, DP22, T2 and DC1 of the adopted East Lothian Local Plan 2008.

#### CONDITIONS:

- 1 Working shall be permitted to take place within the application site 24 hours a day 7 days a week. No delivery vehicle shall either access or egress the site nor be loaded or unloaded within the site outwith the hours of 0700 to 2300 on Mondays to Sundays inclusive.

Reason

To ensure that the amenity of the occupiers of nearby residential properties is safeguarded.

- 2 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.

Reason:

To ensure the use of the proposed building does not harm the amenity of nearby residential properties.

- 3 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.

- 4 Details of any 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 or installation. 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.

- 5 All planting shown to be carried out on drawing no. 16-1202-02 D docketed to this planning permission shall be carried out in the first planting and seeding season following the completion of the development hereby approved, 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 in the interests of the landscape character of the area.