

Public Document Pack



LOCAL REVIEW BODY MONDAY, 20 NOVEMBER 2017

A MEETING of the LOCAL REVIEW BODY will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, TD6 0SA on MONDAY, 20 NOVEMBER 2017 at 10.00 am

J. J. WILKINSON,
Clerk to the Council,

13 November 2017

BUSINESS		
1.	Apologies for Absence.	
2.	Order of Business.	
3.	Declarations of Interest.	
4.	Consider request for review of refusal of planning consent in respect of alterations and extension to dwellinghouse at 1 Glenkinnon, Ashiestiel Bridge, Clovenfords. 17/00472/FUL. 17/00038/RREF.	
	(a) Notice of Review	(Pages 5 - 20)
	(b) Decision Notice	(Pages 21 - 22)
	(c) Officer's Report	(Pages 23 - 26)
	(d) Consultation	(Pages 27 - 28)
	(e) Representation	(Pages 29 - 30)
	(f) List of Policies	(Pages 31 - 36)
5.	Consider request for review of refusal of planning consent in respect of erection of boundary fence (retrospective) at 33 Justice Park, Oxtou. 17/00308/FUL. 17/00040/RREF	
	(a) Notice of Review	(Pages 37 - 46)
	(b) Decision Notice	(Pages 47 - 48)
	(c) Officer's Report	(Pages 49 -

		52)	
	(d) Papers referred to in report	(Pages 53 - 64)	
	(e) Consultation	(Pages 65 - 66)	
	(f) List of Policies	(Pages 67 - 70)	
6.	Consider request for review of refusal of planning consent in respect of erection of hay shed in Field No 0328, Kirkburn, Cardrona. 17/01112/FUL. 17/00043/RREF.		
	(a) Notice of Review Including:- Decision Notice – page 77	(Pages 71 - 82)	
	(b) Officer's Report	(Pages 83 - 86)	
	(c) Papers referred to in report	(Pages 87 - 100)	
	(d) Consultations	(Pages 101 - 104)	
	(e) List of Policies	(Pages 105 - 108)	
7.	Consider request for review of refusal of planning consent in respect of erection of tractor shed in Field No 0328, Kirkburn, Cardrona. 17/01113/FUL. 17/00044/RREF.		
	(a) Notice of Review Including:- Decision Notice – page 115	(Pages 109 - 120)	
	(b) Officer's Report	(Pages 121 - 124)	
	(c) Papers referred to in report	(Pages 125 - 136)	
	(d) Consultations	(Pages 137 - 140)	
	(e) List of Policies	(Pages 141 - 144)	
8.	Any Other Items Previously Circulated		
9.	Any Other Items which the Chairman Decides are Urgent		

NOTES

1. Timings given above are only indicative and not intended to inhibit Members' discussions.
2. Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.

Membership of Committee:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, J. A. Fullarton, S. Hamilton, H. Laing, S. Mountford, C. Ramage and E. Small

Please direct any enquiries to Fiona Walling 01835 826504
email fwalling@scotborders.gov.uk

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NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail? Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

none

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please see attached impact study + supporting statement

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

n/a

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Planning Appeal Impact Study
 Planning Appeal Supporting Statement
 Drawing Numbers: P462-001, 002, 003, LOC

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:


- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

22.09.17

The Completed form should be returned to the Head of Corporate Administration, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA.



STUART DAVIDSON
ARCHITECTURE

CLIENT
MR + MRS RUTHERFORD
PROJECT
PROPOSED ALTERATIONS + EXTENSION TO 1 GLENKINNON, CLOVENFORDS
PLANNING REFERENCE
17/00472/FUL

SUPPORTING STATEMENT

1.00 PREFACE

On behalf of our clients Mr + Mrs Rutherford we make the following appeal against the planning refusal on the above project.

We feel that the reasons for refusal in this case the single reason, that the proposals are contrary to *Policy PMD2 of the Scottish Borders Local Development Plan 2016*, highlighting that it is the planning officers opinion that the scale of the proposal "*would not be of a scale that would be visually appropriate to the existing building of its surroundings*".

We feel that this can only be assumed to relate to the overall building group present in this location, which encompasses 5 mixed size + height dwellings along with their outbuildings, all set within dense + mature tree planting.

Within the building group there are at total of 2 1½ story dwellings along with 3 single story dwellings, all properties vary greatly in age, style, finish + building pattern.

2.00 BACKGROUND

The applicant's dwelling was originally built as 1 of 2 cottages serving the expanding forestry at Glenkinnon + the overall Yair, which have since been sold, with both altered, especially the aesthetic appearance of the neighboring property.

The current property at 1 Glenkinnon forms a 2 bedroom dwelling which has been altered + extended in an "ad-hoc" form over a period of time which creates a slightly disjointed layout internally, rendering sections of the dwelling severely restricted for modern use. Currently the Lounge space is un-usable as this forms the main thoroughfare to the Kitchen/Dining Room + rear garden, the entrance hallway is further restricted which results in an uncomfortable relationship with both Bedrooms. Furthermore, the Bathroom space is not seen as being "accessible" being restricted + constrains the use as a Family Bathroom.

The neighbouring property built at the same time has been drastically re-designed in recent times with a full replacement slated roof removing the exaggerated "kick" in the slates to the base of the roof, removal of bedded ridge tiles for a more traditional zinc ridge, along with aesthetic changes to the external walls including mock brickwork corner quoins, dry dash render + the removal of timber fascia to the main roof.

This creates a significant aesthetic change to that of my clients home, which still retains the original features with simplified traditional finishes throughout.

Overall due to this we feel the 2 properties should not be viewed as a pair + more as complimenting properties within the greater group.

3.00 PROPOSALS

The proposals are to form a modest 1½ story extension to the Northerly (rear) face, which is encircled by a densely planted bank of mature trees, breaking the public viewpoint + not allowing the 2 dwellings to be read together easily from the fast moving public road located on the opposite side of the valley.

The proposals would require a slightly raised ridge line to the existing which is proposed to be married with the existing roof plane, nestling behind the existing chimney stack to the Southerly face, reducing any impact this has to the main frontage.

We understand that the reason behind the Planning Department's refusal was focused fully on the view to the Northerly elevation from the opposite side of the valley + as such we feel that to understand the overall impact the property has from the main viewpoints can only be ascertained by the attached impact study + further informative.

This shows that apart from a very small window of view, the building is either totally obscured from view or is read as an overall grouping with not only the neighboring property but also that of the other 4 mixed height properties within the grouping. The viewpoints are further restricted by the fact that there is no designated pedestrian access or pavement to this section of carriageway.

Overall the impact the proposed dwelling has on the surrounding countryside + aesthetic of the building group we feel is minimal + cannot be read from main public viewpoints against the neighboring property.

4.00 DESIGN

The design ethos of forming a single gabled pitch with simplistic timber clad corners + Pilkington low glare glass further compliments the low impact approach, with the natural timber specified to weather + blend with the natural surroundings + the low glare glass removing any possible reflection issues from the opposite side of the valley, thus creating an extension which will melt into the surrounding landscape.

The internal additional space has been designed to allow for maximum use on a minimal footprint, this allows the internal of the property to be re-designed on the Ground Floor level creating accessible routes + main facilities as well as much sought after family space.

Without the low impact extension, the property fails as a modern livable home + also means that the concept of "lifetime homes" which are set out by the Joseph Rowntree Foundation, of which the modern Scottish Building Standards takes many leads, will never be able to be met by this property the standards highlight it should:

"support the changing needs of individuals and families at different stages of life"

This statement is further supported by Policy PMD2 "Accessibility" where it is stated that

"it incorporates where required, access for those with mobility difficulties"

All of which is encapsulated within the design to create an initial accessible dwelling which is further "future proofed" for all accessibility needs.

The current status quo means that our clients are severely hampered to use the property as a family home + furthermore any other potential owners would not be able to stay in the property should their health or needs deteriorate.

We developed this design from an extensive process which included a number of differing extension scales, focused primarily on the roofscape, due to the restrictive nature of land to either side of the property the option to expand sideways would not provide a suitable depth of space + would still require expansion of the same style + form.

As noted within Policy PMD2 "placemaking + Design" it is noted that the building must be of

"a scale, massing, height + density appropriate to its surroundings"

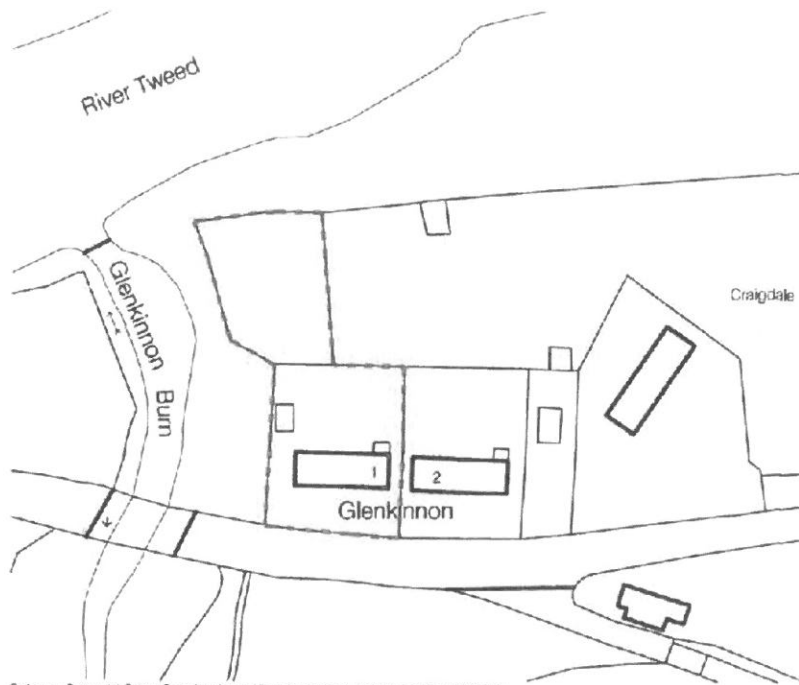
we feel that looking to the overall building group we have successfully accommodated this with the extension lower in mass + height than the surrounding properties, which is further screened by the mature planting belt surrounding the property.

The further guidance relating to appropriateness to the existing building we feel has to be read in an overall context that should an extension be formed on a single story this would be wholly out of context with the dwelling + that of a coherent dwelling house.

The materials proposed + detailing of such, though able to be amended to suit any condition are designed to be of the highest quality. The current specification of naturally finished Scottish larch, natural render + 2nd hand welsh slates blending with the roofscape all complimented with dark framed windows.

5.00 CONCLUSION

We trust that this provides some clarity to the aims + aspirations our clients have for their site + their strive to provide a simple low impact alteration that will sympathetically enhance the aesthetics of the overall dwelling + surrounding area.



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location plan
scale 1:1250

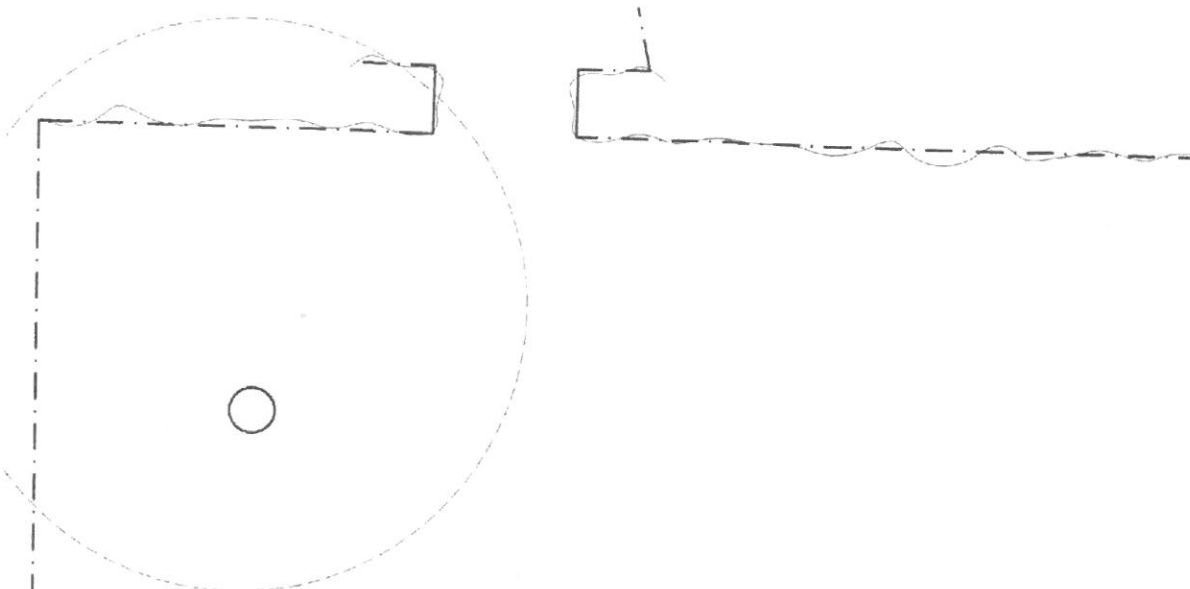
STUART DAVIDSON ARCHITECTURE

CLIENT
Mr + Mrs Rutherford

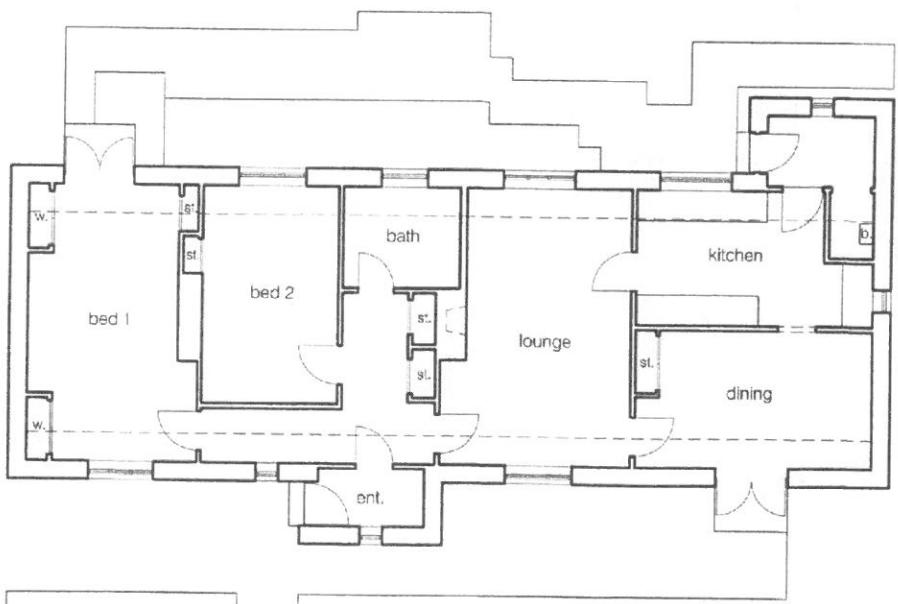
PROJECT
Proposed Alterations + Extension
at 1 Glenkinnon, Clovenlords

TITLE
Location Plan

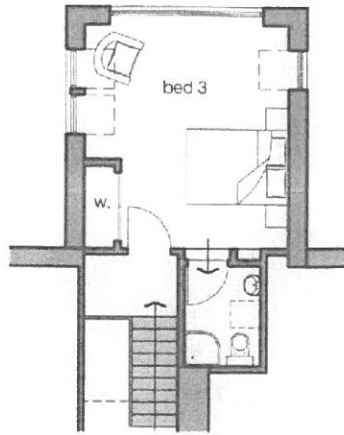
DATE: Feb 2017 SCALE: as shown DWG NO: FMS2A.DWG REVISION: 0001 NO: 1 of 1 PLOTTER SCALE: A4
Design Studio, 25 High Street, Balcarras, TD9 4DD tel: 01753 31112



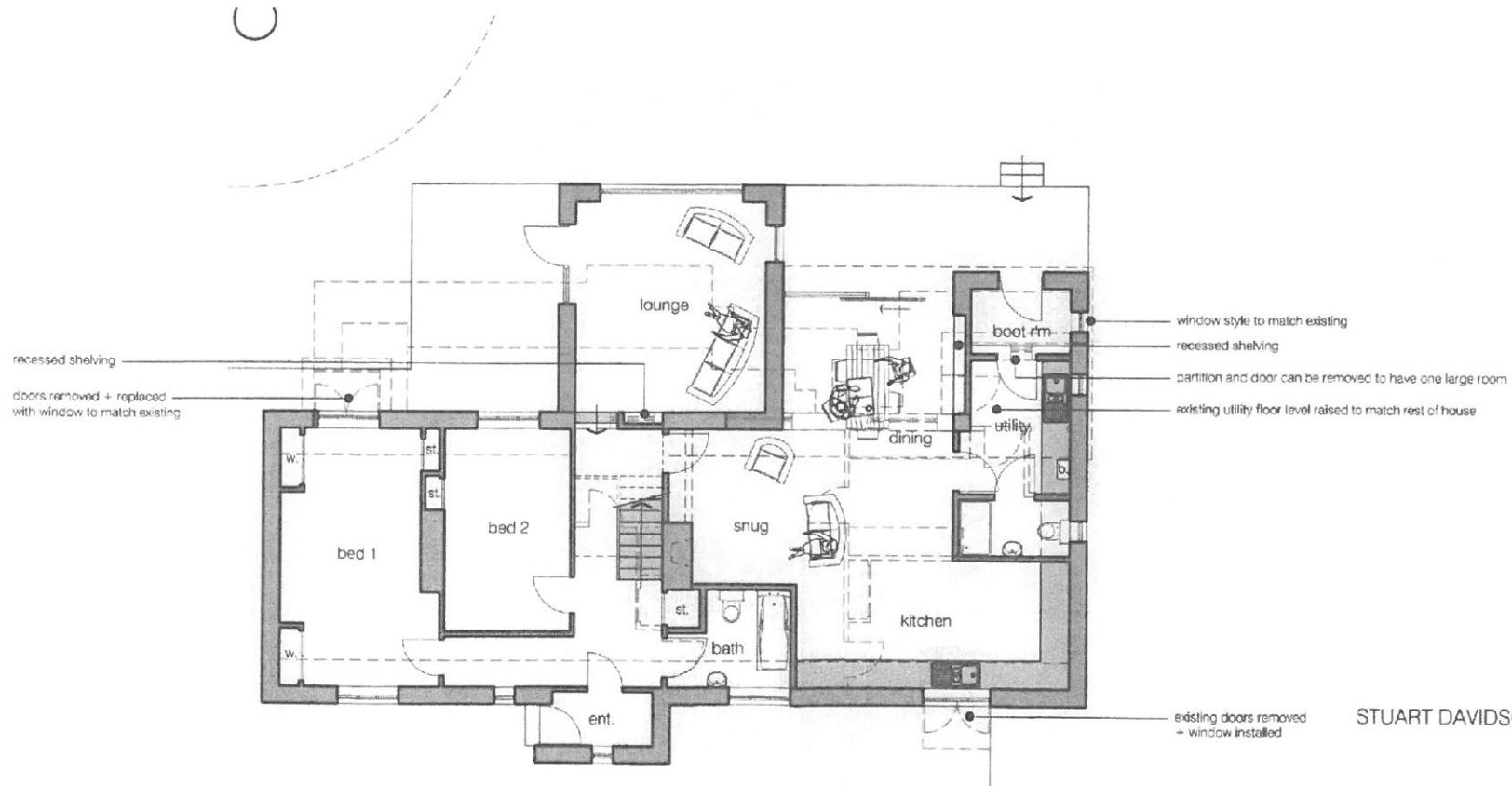
existing elevations
scale 1:200



existing ground floor plan
scale 1:100



proposed first floor plan
scale 1:100

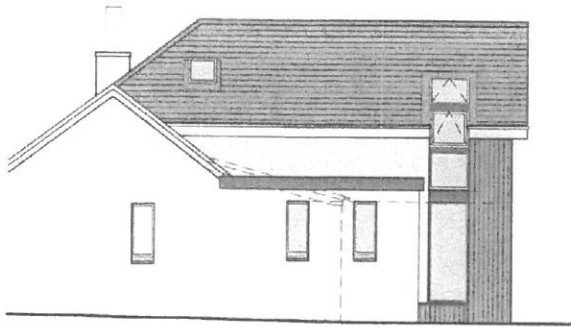


proposed ground floor plan
scale 1:100

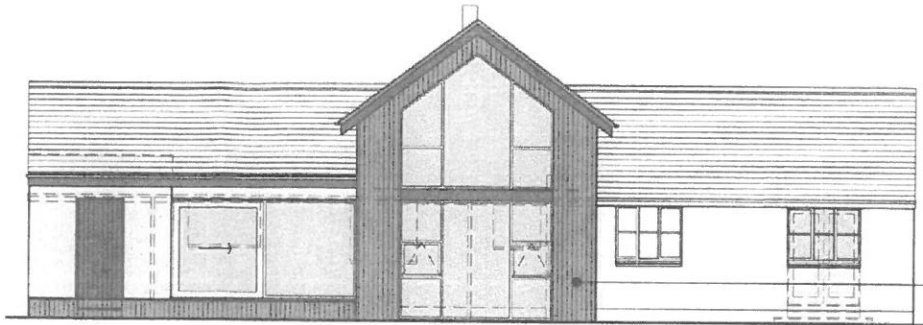
STUART DAVIDSON | ARCHITECTURE

CLIENT
Mr + Mrs Rutherford
PROJECT
Proposed Alterations + Extension
of 1 Glaninnon, Cloghanards
TMR

PROPOSED PLANS
DATE: 24.08.17 20:17
DRAWN BY: P. HAYES
CHECKED BY: S. HAYES
DATE: 24.08.17 20:17
DRAWN BY: P. HAYES
CHECKED BY: S. HAYES
DATE: 24.08.17 20:17
DRAWN BY: P. HAYES
CHECKED BY: S. HAYES
DATE: 24.08.17 20:17



proposed side elevation
scale 1:100

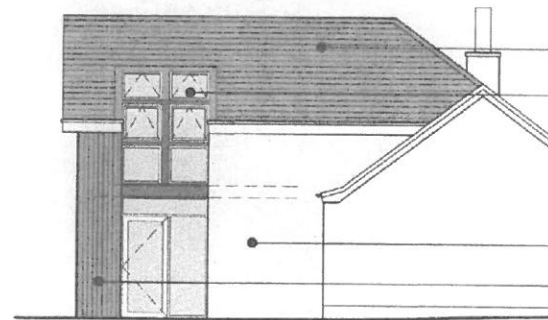


proposed rear elevation
scale 1:100

vertical timber cladding



proposed front elevation
scale 1:100



proposed side elevation
scale 1:100

roof finish to match existing

wrap over roof light/window system

render finish to match existing

vertical timber cladding

STUART DAVIDSON | ARCHITECTURE

CLIENT:
Mr + Mrs Rutnarford
PROJECT:
Proposed Alterations + Extension
at 1 Glonkinnon, Clovenotons

TITLE:
Proposed Elevations

DATE: Feb 2017 SCALE: as shown DWG NO: PARELEV-01 DESIGNER: STUART DAVIDSON CLIENT NO: 2107 PROJECT NO: 2107
DRAWN BY: STUART DAVIDSON CHECKED BY: STUART DAVIDSON
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viewpoint a



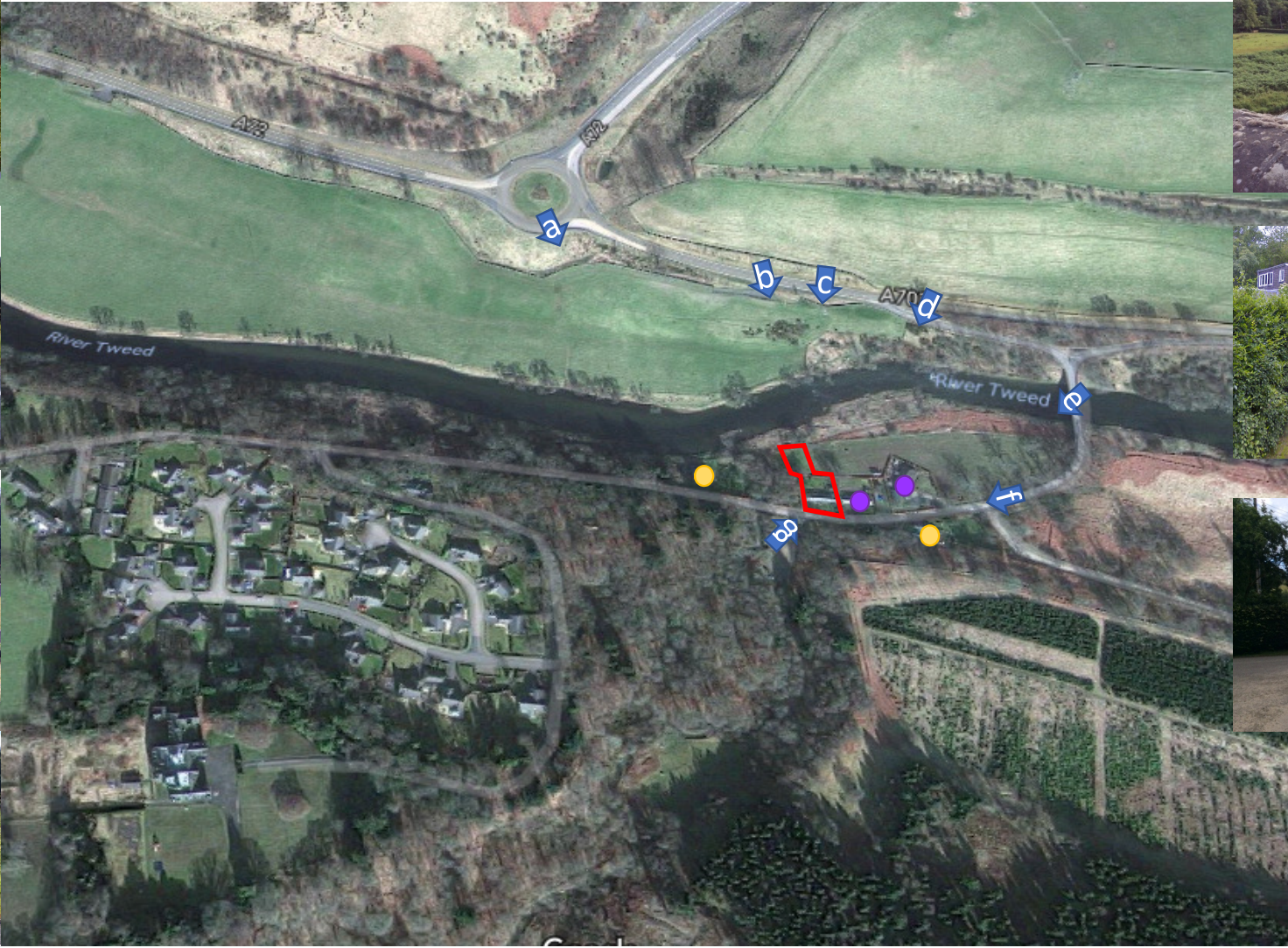
viewpoint b



viewpoint c



viewpoint d



viewpoint e



viewpoint f

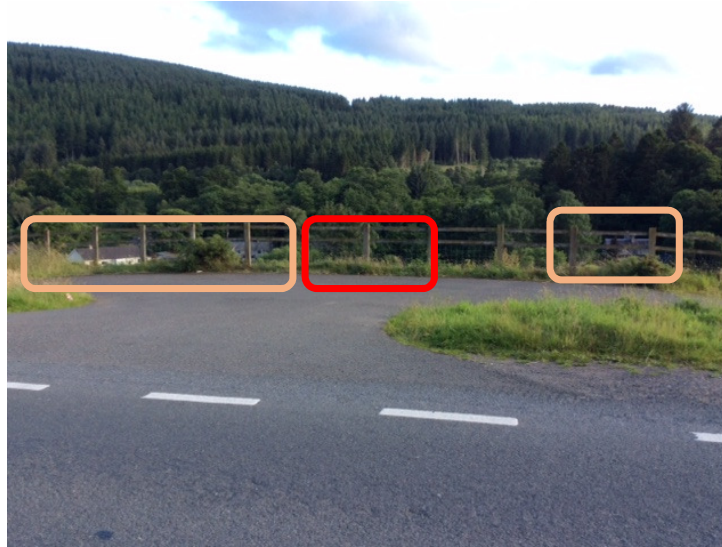


viewpoint g

- Existing 1½ storey dwelling
- Existing 1 storey dwelling
- Proposed site outline



Viewpoint A - Applicant dwelling along with adjacent dwellings hidden by mature mixed trees



Viewpoint B - Applicant dwelling hidden by mature mixed trees, with no correlation to adjacent dwelling





Viewpoint C - Applicant dwelling hidden fully by mature trees with no correlation to adjacent dwelling, all other dwellings visible showing mixed height



Viewpoint D - Applicant dwelling partly visible along side mixed height dwellings

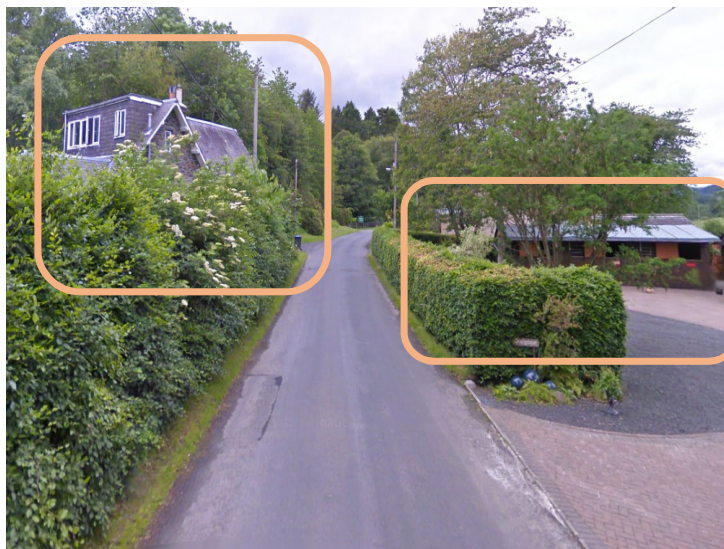
CLIENT
 MR + MRS RUTHERFORD
PROJECT
 PROPOSED ALTERATIONS +
 EXTENSION TO 1 GLENKINNON,
 CLOVENFORDS
PLANNING REFERENCE
 17/00472/FUL

IMPACT STUDY

-  Outlines location of applicant dwelling
-  Outlines adjacent dwellings



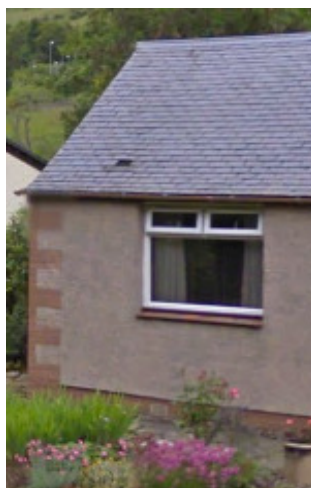
Viewpoint E – Applicant dwelling + adjacent dwelling hidden from view



Viewpoint F – Applicant dwelling totally hidden from view note mixed 1 ½ + 1 storey dwellings



Viewpoint G – view of applicant dwelling + adjacent property, full extent of extension will be unread from this aspect





Detailing of adjacent dwelling – note mock quoins + dry dash render; minimal kick to base of roof + replacement slate roof with zinc ridge



Detailing of applicant dwelling note traditional painted harl render, exaggerated kick to base of roof + original slate with bedded ridge tiles

CLIENT
 MR + MRS RUTHERFORD
PROJECT
 PROPOSED ALTERATIONS +
 EXTENSION TO 1 GLENKINNON,
 CLOVENFORDS
PLANNING REFERENCE
 17/00472/FUL

IMPACT STUDY

-  Outlines location of applicant dwelling
-  Outlines adjacent dwellings

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Regulatory Services

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference : 17/00472/FUL

**To : Mr & Mrs Rutherford per Stuart Davidson Architecture Design Studio 32 High Street Selkirk
Scottish Borders TD7 4DD**

With reference to your application validated on **23rd March 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Alterations and extension to dwellinghouse

**at : 1 Glenkinnon Ashiestiel Bridge Clovenfords Galashiels Scottish Borders
TD1 3LH**

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule**.

**Dated 21st July 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed

A large black rectangular box redacting the signature of the Chief Planning Officer.

Chief Planning Officer

APPLICATION REFERENCE : 17/00472/FUL**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
P462/LOC	Location Plan	Refused
P462/002	Floor Plans	Refused
P462/003	Elevations	Refused

REASON FOR REFUSAL

- 1 The proposed extension to the dwelling would be contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it would not be of a scale that would be visually appropriate to the existing building or its surroundings.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/00472/FUL

APPLICANT : Mr & Mrs Rutherford

AGENT : Stuart Davidson Architecture

DEVELOPMENT : Alterations and extension to dwellinghouse

LOCATION: 1 Glenkinnon
Ashiestiel Bridge
Clovenfords
Galashiels
Scottish Borders
TD1 3LH

TYPE : FUL Application

REASON FOR DELAY: Negotiation

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
P462/LOC	Location Plan	Refused
P462/002	Floor Plans	Refused
P462/003	Elevations	Refused

NUMBER OF REPRESENTATIONS: 1

SUMMARY OF REPRESENTATIONS:

FLOOD PROTECTION OFFICER: Review of the application shows that the proposed site is located within the 1 in 200 year (0.5% annual probability) flood extent of the River Tweed and may be at medium to high risk of flooding. Notwithstanding the above this is a small scale development that is unlikely to have a significant effect on the storage capacity of the functional flood plain or affect local flooding problems and the FPO would not oppose it on flooding grounds. It is however recommend that the applicant adopts water resilient materials and construction methods as appropriate in the development and the applicant review the Online Planning Advice on Flood Risk. It is also recommend that, to receive flood warnings for 'The Tweed from Peebles to Yair Bridge' from SEPA, the applicant signs up to FLOODLINE at www.sepa.org.uk or by telephone on 0845 988 1188. It would also be advisable for the applicant to develop an evacuation plan for the building during times of flood warning.

PUBLICITY AND REPRESENTATIONS

This application was publicised by means of the direct postal notification of 4 neighbouring dwellings. Representation was made by one neighbour. The neighbour believed that further consultations with FCS, SEPA, SNH and Scottish Water were required due to the location of the property. This is not the case. It was also noted in the representation that the scale of the proposed extension is 2 storeys, whilst the existing is single storey. The ridge is also higher than the existing.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016
PMD2 (Quality Standards)
HD3 (Protection of Residential Amenity)
IS8 (Flooding)
EP13 (Trees, Woodlands and Hedgerows)

OTHER

Scottish Borders Council Supplementary Planning Guidance:
- Householder Development
- Trees and Development

Recommendation by - Andrew Evans (Planning Officer) on 20th July 2017

This householder application seeks full planning permission to extend and alter this traditional detached dwelling at Ashiestiel Bridge by Clovenfords. The property has modest proportions given its traditional nature. The existing house features traditional detailing - slated roof, rendered walls, and a traditional form. It has an existing single storey lean to addition. The house itself is also single storey. The house is of matching scale and form to its immediate neighbour to the east, though both have been altered externally over the years.

There are mature trees located in the garden ground of the house. It would appear that the tree and extension may be capable of co-existing, however no tree survey to BS5837:2017, as required by SBC's adopted guidance on Trees and Development was lodged with the application, to suitably demonstrate this. I note however that a Permitted Development extension to the house would have the same, if not greater, potential impact on tree roots. The loss of the substantial conifer nearest to the extension could be accepted. Impact on trees does not therefore amount to a reason for refusal of the application.

It is proposed to add a rear extension to the house. The proposed rear extension would be to provide additional accommodation. The submitted details for this proposed rear extension would however result in structure with a higher ridge and eaves lines than present in the existing dwelling. The result is uncomfortable, with the extension being of an inappropriate scale and proportion relative to the existing house. This is visible in the proposed elevation drawing accompanying the application.

Policy PMD2 of the 2016 Local Development Plan sets out the quality standards applicable to new developments, including extensions. Criteria (i) requires that development is of a scale, massing, height and density appropriate to its surroundings, and where an extension or alteration, appropriate to the existing building. It is in regard to this criterion that the proposals come into conflict with adopted planning policy. The proposed extension is of greater eaves and ridge heights than the existing house. The extension would have an unacceptable overall height in this context. It is in terms of the scale of the proposed extension that there are concerns. The existing building has an eaves height of c2.3m and a ridge height of c.4.8m. In comparison, the ridge height of the proposed extension, would sit some 1.4m higher than the ridge of the existing house. This transition in level causes issues, in terms of the front elevation of the house. Furthermore, the rear two storey addition would be visible (albeit not prominent) from the opposing side of the valley. The proposed extension would remove the balance that exists between the existing house and its neighbour, in both closer and wider views of the houses.

Fundamentally, the proposals represent an unacceptable two storey addition to an existing bungalow. These current proposals involve the construction of an extension which is contrary to policy PMD2 of the LDP in that it would not be appropriate to the existing building by virtue of this greater scale relative to the existing dwelling.

Although it would be finished in traditional materials to match the existing dwellinghouse, the proposed end extension would be of a different scale to it, notably at odds with the proportions of the existing dwellinghouse. The objections to the proposals are fundamental, principally that the proposed extension has been designed in a manner which would not be subservient to the existing building. The scale is considered to be unacceptable under policy PMD2 of the Local Development Plan. There may exist an opportunity for a revised alternative proposal to gain the support of the Planning Authority; however such

revisions were requested of the agent during the processing of the application. The agent has requested that the application be determined on the basis of the original submission.

Policy HD3 of the LDP is concerned with the protection of residential amenity. In this instance, the proposed additional living accommodation would not give rise to an unacceptable impact on neighbouring amenity. The nearest neighbouring dwellings are located on the to the east (no.1 Glenkinnon), and the relationship with neighbouring land and buildings is such that I can conclude that the extension would be in compliance with policy HD3 and the standards set out in the Householder Development SPG.

Finally, I note the comments of the Council Flooding Technician. The site is at a modest risk of flooding. Were the application otherwise acceptable, it would have been possible for flood risk to be addressed via applicant informatives as set out in the Flood Risk consultation response.

REASON FOR DECISION :

The proposed extension to the dwelling would be contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it would not be of a scale that would be visually appropriate to the existing building or its surroundings.

Recommendation: Refused

- 1 The proposed extension to the dwelling would be contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it would not be of a scale that would be visually appropriate to the existing building or its surroundings.

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

Consultation Reply



ENVIRONMENT AND INFRASTRUCTURE

To: HEAD OF PLANNING AND REGULATORY SERVICE

FAO: Andrew Evans

Your Ref: 17/00472/FUL

From: HEAD OF ENGINEERING & INFRASTRUCTURE

Date: 5th April 2017

Contact: Lauren Addis

Ext: 6517

Our Ref: B48/2311

Nature of Proposal:

Alterations and extension to dwellinghouse

Site:

Glenkinnon, Ashiestiel Bridge, Clovenfords, Scottish Borders

In terms of information that this Council has concerning flood risk to this site, I would state that The Indicative River, Surface Water & Coastal Hazard Map (Scotland) known as the "third generation flood mapping" prepared by SEPA indicates that the site is at risk from a flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any one year.

The Indicative River & Coastal Flood Map (Scotland) has primarily been developed to provide a strategic national overview of flood risk in Scotland. Whilst all reasonable effort has been made to ensure that the flood map is accurate for its intended purpose, no warranty is given.

Due to copyright restrictions I cannot copy the map to you however, if the applicant wishes to inspect the maps they can contact me to arrange a suitable time to come in and view them.

Review of the application shows that the proposed site is located within the 1 in 200 year (0.5% annual probability) flood extent of the River Tweed and may be at medium to high risk of flooding. Notwithstanding the above this is a small scale development that is unlikely to have a significant effect on the storage capacity of the functional flood plain or affect local flooding problems and I would not oppose it on flooding grounds.

I would recommend that the applicant adopts water resilient materials and construction methods as appropriate in the development and the applicant review the Online Planning Advice on Flood Risk.

I would also recommend that, to receive flood warnings for 'The Tweed from Peebles to Yair Bridge' from SEPA, the applicant signs up to FLOODLINE at www.sepa.org.uk or by telephone on 0845 988 1188. It would also be advisable for the applicant to develop an evacuation plan for the building during times of flood warning.

Please note that this information must be taken in the context of material that this Council holds in fulfilling its duties under the Flood Risk Management (Scotland) Act 2009.

Lauren Addis
Technician, Flood Risk and Coastal Management

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Comments for Planning Application 17/00472/FUL

Application Summary

Application Number: 17/00472/FUL

Address: 1 Glenkinnon Ashiestiel Bridge Clovenfords Galashiels Scottish Borders TD1 3LH

Proposal: Alterations and extension to dwellinghouse

Case Officer: Andrew Evans

Customer Details

Name: Mr Alistair Smith

Address: 2 Glenkinnon Ashiestiel, Clovenfords, Galashiels, Scottish Borders TD1 3LH

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: Having reviewed the above application for an extension to a bungalow / cottage in the countryside we note that after 2 weeks since being registered only 1 Statutory Consultee has been contacted. We presume other statutory consultees will be contacted including FCS, SEPA, SNH and Scottish Water due to the location of the property.

With regards to the design we note that the proposed extension is 2 storeys high whilst the existing property is single storey so the new ridge line is above the existing ridge line by some 1.3 metres. Also the plans submitted did not include an existing site plan or a proposed site development plan.

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LIST OF POLICIES

Local Review Reference: 17/00038/RREF

Planning Application Reference: 17/00472/FUL

Development Proposal: Alterations and extension to dwellinghouse

Location: 1 Glenkinnon, Ashiestiel Bridge, Clovenfords

Applicant: Mr & Mrs Rutherford

SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN 2016

POLICY PMD1: SUSTAINABILITY

In determining planning applications and preparing development briefs, the Council will have regard to the following sustainability principles which underpin all the Plan's policies and which developers will be expected to incorporate into their developments:

- a) the long term sustainable use and management of land
- b) the preservation of air and water quality
- c) the protection of natural resources, landscapes, habitats, and species
- d) the protection of built and cultural resources
- e) the efficient use of energy and resources, particularly non-renewable resources
- f) the minimisation of waste, including waste water and encouragement to its sustainable management
- g) the encouragement of walking, cycling, and public transport in preference to the private car
- h) the minimisation of light pollution
- i) the protection of public health and safety
- j) the support to community services and facilities
- k) the provision of new jobs and support to the local economy
- l) the involvement of the local community in the design, management and improvement of their environment

POLICY PMD2: QUALITY STANDARDS

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

Sustainability

- a) In terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology,
- b) it provides digital connectivity and associated infrastructure,
- c) it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance,
- d) it encourages minimal water usage for new developments,
- e) it provides for appropriate internal and external provision for waste storage and presentation with, in all instances, separate provision for waste and recycling and, depending on the location, separate provision for composting facilities,
- f) it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the

LIST OF POLICIES

wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,

- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

Placemaking & Design

- h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
- i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
- j) it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
- k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
- l) it can be satisfactorily accommodated within the site,
- m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
- n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

Accessibility

- o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,
- p) it incorporates, where required, access for those with mobility difficulties,
- q) it ensures there is no adverse impact on road safety, including but not limited to the site access,
- r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,
- s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

Greenspace, Open Space & Biodiversity

- t) It provides meaningful open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
- u) it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements.

Developers are required to provide design and access statements, design briefs and landscape plans as appropriate.

POLICY HD3 – PROTECTION OF RESIDENTIAL AMENITY

Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:

LIST OF POLICIES

- a) the principle of the development, including where relevant, any open space that would be lost; and
- b) the details of the development itself particularly in terms of:
 - (i) the scale, form and type of development in terms of its fit within a residential area,
 - (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sunlighting provisions. These considerations apply especially in relation to garden ground or 'backland' development,
 - (iii) the generation of traffic or noise,
 - (iv) the level of visual impact.

POLICY EP5: SPECIAL LANDSCAPE AREAS

In assessing proposals for development that may affect Special Landscape Areas, the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development, including the visual impact. Proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local importance.

POLICY EP13: TREES, WOODLANDS AND HEDGEROWS

The Council will refuse development that would cause the loss of or serious damage to the woodland resource unless the public benefits of the development clearly outweigh the loss of landscape, ecological, recreational, historical, or shelter value.

Any development that may impact on the woodland resource should:

- a) aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability; and
- b) where there is an unavoidable loss of the woodland resource, ensure appropriate replacement planting, where possible, within the area of the Scottish Borders; and
- c) adhere to any planning agreement sought to enhance the woodland resource.

POLICY IS8: FLOODING

At all times, avoidance will be the first principle of managing flood risk. In general terms, new development should therefore be located in areas free from significant flood risk.

Development will not be permitted if it would be at significant risk of flooding from any source or would materially increase the probability of flooding elsewhere. The ability of functional flood plains to convey and store floodwater should be protected, and development should be located away from them.

Within certain defined risk categories, particularly where the risk is greater than 0.5% annual flooding probability or 1 in 200 year flood risk, some forms of development will generally not be acceptable. These include:

- a) development comprising essential civil infrastructure such as hospitals, fire stations, emergency depots etc., schools, care homes, ground-based electrical and telecommunications equipment unless subject to an appropriate long term flood risk management strategy;
- b) additional built development in undeveloped and sparsely developed areas.

Other forms of development will be subject to an assessment of the risk and mitigation measures.

LIST OF POLICIES

Developers will be required to provide, including if necessary at planning permission in principle stage:

- a) a competent flood risk assessment, including all sources of flooding, and taking account of climate change; and
- b) a report of the measures that are proposed to mitigate the flood risk.

The information used to assess the acceptability of development will include:

- a) information and advice from consultation with the council's flood team and the Scottish Environment Protection Agency;
- b) flood risk maps provided by the Scottish Environment Protection Agency which indicate the extent of the flood plain;
- c) historical records and flood studies held by the council and other agencies, including past flood risk assessment reports carried out by consultants and associated comments from the Scottish Environment Protection Agency, also held by the council;
- (d) the Scottish Environment Protection Agency's Land Use Vulnerability

OTHER MATERIAL CONSIDERATIONS

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Trees and Development 2008

LIST OF POLICIES

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RECEIVED
7 6 SEP 2017

Notice of Review

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Agent (if any)

Name

Name

Address

Address

Postcode

Postcode

Contact Telephone 1

Contact Telephone 1

Contact Telephone 2

Contact Telephone 2

Fax No

Fax No

E-mail*

E-mail*

Mark this box to confirm all contact should be through this representative:

Yes No

* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Notice of Review

Nature of application

1. Application for planning permission (including householder application)
2. Application for planning permission in principle
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
4. Application for approval of matters specified in conditions

Reasons for seeking review

1. Refusal of application by appointed officer
2. Failure by appointed officer to determine the application within the period allowed for determination of the application
3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

1. Further written submissions
2. One or more hearing sessions
3. Site inspection
4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | | |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | Yes | No |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

We are seeking a review of this application on the basis that we believe that the outcome is not fair. Prior to erecting our fence we checked the Scottish Borders Council website which gives no indication of a fence requiring planning permission. We also checked our title deeds which also have no restrictions concerning the erection of a fence.

We have erected a fence of 6 feet in height along the perimeter of our property as laid out in our land registry documents. A fence of this height is required for privacy and security as any lower and our dogs are able to escape from our garden. The fence was built at weekends over a period of approximately 3 months. The council have taken pictures of this fence when it was at an early stage of construction which we estimate was late September or early October 2016 from the pictures but did not contact us until late December to advise that planning permission would be required. After submitting our planning application we were told by the planning department that they did not understand our proposal and we would need to submit another request. After submitting a second request we were advised we would receive a response by the 1st of May 2017. Having not heard anything by the 26th of June 2017 we called the council to query what was happening with the application. At this point we were told that they were waiting for the roads planning officer to respond however from the online portal we could see that the roads planning officer had already advised on the 29th of March 2017 that there was no objection to the application submitted.

We have enclosed photos of fences from the local area showing fences over 1 meter in height adjacent to pavements which from discussion with the planning department was the issue with the application. If this is the case then there should be a consistent approach across the whole area. We would also like to point out that none of our neighbours on the neighbour contact list had any objection to this fence and two of our neighbours actually offered to lend us tools when constructing it.

We also spoke with the community council who confirmed that no issues had been raised with them about the fence.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

3 photos of fences in the local area in excess of 1 meter adjacent to pavements.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

[Redacted Signature Box]

Date

14/9/17

The Completed form should be returned to the Head of Corporate Administration, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA.



Page 41

6m
20ft

Existing 6ft section next
to road reduced to 3ft

E: 349875.84 N: 653352.42

Green line indicates site for 6ft fence.
Blue line indicates site for 3ft fence

This has been agreed
by the roads planning office on
the 29th March 2017.

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Regulatory Services

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission Reference : 17/00308/FUL

To : Mr Marc Ridgway 33 Justice Park Oxton Lauder Scottish Borders

With reference to your application validated on **2nd March 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of boundary fence (retrospective)

At : 33 Justice Park Oxton Scottish Borders TD2 6NZ

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule**.

Dated 27th June 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 17/00308/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
EMAIL 26 JUNE 17	Location Plan	Refused
	Site Plan	Refused
	Other	Refused
	Photos	Refused

REASON FOR REFUSAL

- The proposal is contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it is not compatible with, and does not respect, the open plan nature and character of the surrounding area, in that it is overbearing relative to the adjacent public footway, and is an incongruous form of development within the context of the wider street scene.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

INFORMATIVE NOTE 1:

The proposal in its current form is unacceptable and has therefore been refused. The Applicant must now remediate the position by removing and/or reducing the fence in order to comply with Householder Permitted Development Rights.

If the Applicant does maintain a concern to accommodate any section of fencing at 6ft in height in the area which lies within a forward position of the south elevation of the house relative to the public road, then it is anticipated that the Planning Authority would only be supportive of this, where such fencing (a) was sited on land that lies to the east of the point at which the public road narrows beyond the junction, and (b) was set back at least 1m from the public road verge on all sides. Some soft landscaping works would also likely be required to soften the appearance of any such fencing so installed.

In the event that the situation with the existing fence is not now addressed by the Applicant and to the Planning Authority's satisfaction within a reasonable period of time, the Council will seek to pursue enforcement action to require the removal of the subject fence in its entirety.

With specific regard to the section of fencing whose position is described on the site plan by the line highlighted in blue, the Applicant's proposal that this should be reduced to 1m in height raises no concerns in that this proposed revision does not require planning approval. Accordingly, were the Applicant now to reduce this section of fencing to 1m or less in height, the fence so described could be maintained in this location as a permitted development. However, there is no planning approval for any fencing over this height, and accordingly any such fencing that is maintained on the site, will remain actionable, and will be followed up the Planning Authority's Enforcement Section when it revisits the site to ensure that all fencing that has been unlawfully erected, has been removed or reduced to 1m in height.

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/00308/FUL

APPLICANT : Mr Marc Ridgway

AGENT :

DEVELOPMENT : Erection of boundary fence (retrospective)

LOCATION: 33 Justice Park
Oxton
Scottish Borders
TD2 6NZ

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
EMAIL 26 JUNE 17	Location Plan	Refused
	Site Plan	Refused
	Other	Refused
	Photos	Refused

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

No representations.

Roads Planning Section: advises that Roads suggested at the time of the earlier application, that the fence should either be set back 1m, or reduced in height to no greater than 1m. It is confirmed that the proposal to do both of these options, while unusual and while liable to result in an area of garden ground which is difficult to maintain, raises no objections.

PLANNING CONSIDERATIONS AND POLICIES:

SBC LDP 2016

Policy PMD2
Policy HD3

Recommendation by - Stuart Herkes (Planning Officer) on 26th June 2017

This application is a successor to Planning Application 16/01554/FUL, which was refused in February this year on the grounds that the proposed boundary fence at No 33 Justice Park was is contrary to Policy PMD2, specifically in that:

(i) there is an adverse impact on road safety due to the fence (as a consequence of height and siting) being liable to obstruct the view of pedestrians who are crossing the road or entering the shared surface area at this point; and

(ii) it is not compatible with, and does not respect, the open plan nature and character of the surrounding area, in that it is overbearing relative to the adjacent public footway, and is an incongruous form of development within the context of the wider street scene.

The Applicant's current proposal now describes the proposed fence in plan, in three sections: one being highlighted in blue; one in green; and one in orange.

With respect to the section of fence described in blue, the Applicant proposes that this should be reduced to 1m in height. Given that this does not require planning approval, the Applicant's concern to maintain a fence of 1m in height in this particular location raises no concerns, and an informative would usefully advise that this is the case. The Applicant is though still to reduce the fence over this section to that height, and the informative should point out that this would require to be addressed in order to make the fencing so described, a permitted development.

The section of fencing described in green, which it is advised would be 1.82m (6ft) in height, if set back 1m from the property boundary with the public road verge, would address Roads' concern. Although the proposal that this should itself be set behind, and within, a 1m high fence is not ideal, it relates to a small section of fencing in an ancillary, rear garden location. In itself, I would not therefore see this proposal as being objectionable but I do share Roads' concerns that such an area might be difficult to maintain.

The Applicant originally omitted the longer section of fencing, which is now described by the section highlighted in orange on the amended site plan. The Applicant has confirmed that he does wish this section of fencing to be included within the current application, and has advised that he proposes that this fencing should be maintained as it has been erected; which is to say, on the line described by the line highlighted in orange, and at a height of 1.82m (6ft). At the time of the previous planning application it was considered that the erection of a high fence immediately adjacent to the public road (including pavement) would have a significantly negative impact upon the visual amenities of the site and wider area, which is characterised by an open plan layout, with high fencing being kept to a minimum, most often in ancillary areas. I have suggested to the applicant that even an allowance of one metre of set back from the pavement's edge would allow for the establishment of some soft landscaping to soften the appearance of the fence, and help mitigate the stark appearance that a high fence adjacent to the pavement would otherwise have. He is however concerned that the particular area identified for enclosure should be maintained, and is not agreeable to the fence being set back 1m behind the orange line. Accordingly, I cannot say that the second of the reasons identified for the refusal of Planning Application 16/01554/FUL has been addressed with the current version of the proposal, and this reason for refusal can only be maintained in full, notwithstanding that Roads does not consider the same impact to be objectionable in road safety terms.

Accordingly, and while the current proposal is an improvement upon the proposal that was the subject of the previously refused application (16/01554/FUL), the Applicant has not incorporated sufficient revisions within this current version of the proposal to address the previously identified reason for objection with respect to the impacts upon the visual amenities of the site and surrounding area. Accordingly this reason for refusal is maintained.

REASON FOR DECISION :

The proposal is contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it is not compatible with, and does not respect, the open plan nature and character of the surrounding area, in that it is overbearing relative to the adjacent public footway, and is an incongruous form of development within the context of the wider street scene.

Recommendation: Refused with informatives

- 1 The proposal is contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it is not compatible with, and does not respect, the open plan nature and character of the surrounding area, in that it is overbearing relative to the adjacent public footway, and is an incongruous form of development within the context of the wider street scene.

Informatives

It should be noted that:

- 1 **INFORMATIVE NOTE 1:**



The proposal in its current form is unacceptable and has therefore been refused. The Applicant must now remediate the position by removing and/or reducing the fence in order to comply with Householder Permitted Development Rights.

If the Applicant does maintain a concern to accommodate any section of fencing at 6ft in height in the area which lies within a forward position of the south elevation of the house relative to the public road, then it is anticipated that the Planning Authority would only be supportive of this, where such fencing (a) was sited on land that lies to the east of the point at which the public road narrows beyond the junction, and (b) was set back at least 1m from the public road verge on all sides. Some soft landscaping works would also likely be required to soften the appearance of any such fencing so installed.

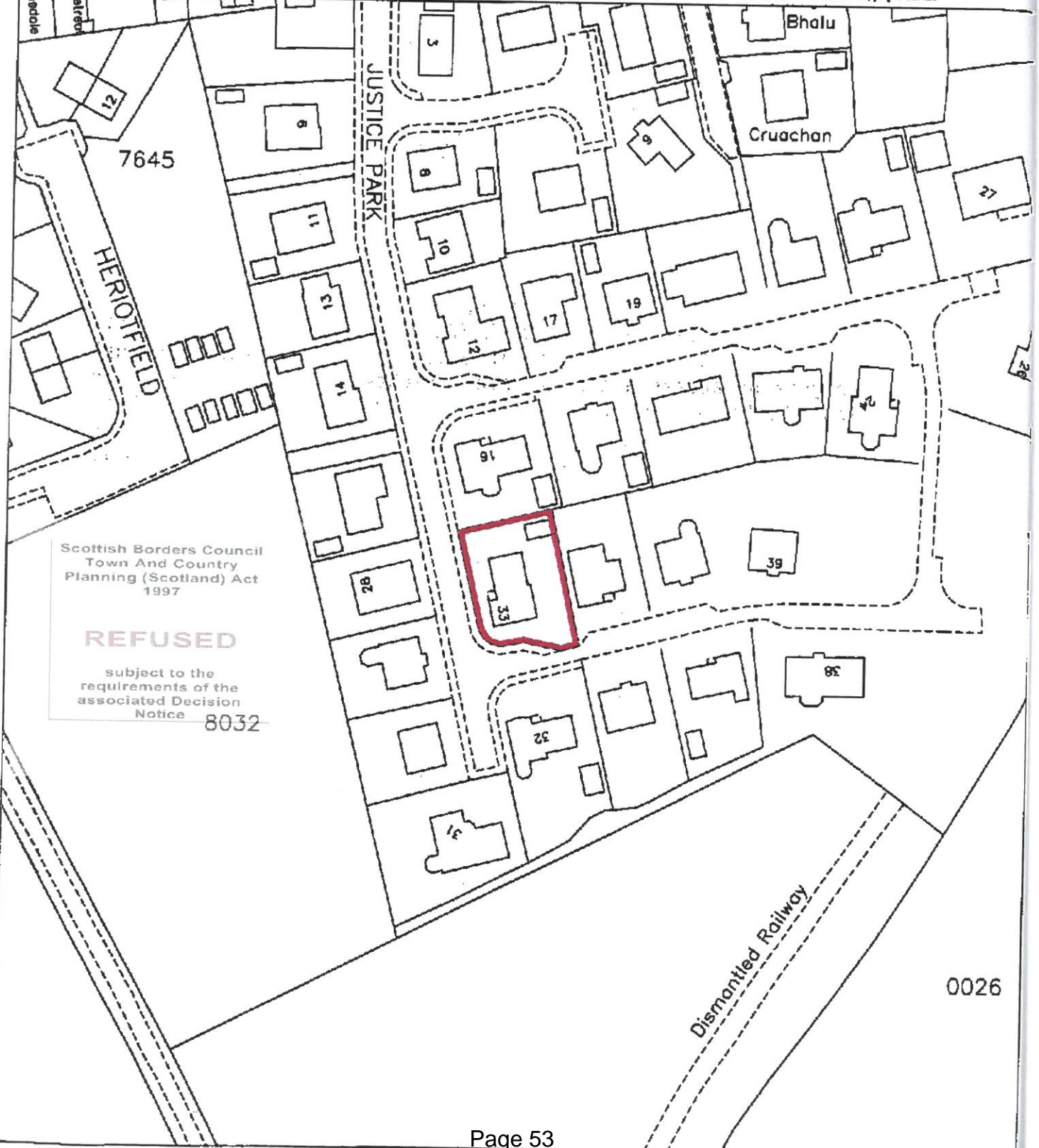
In the event that the situation with the existing fence is not now addressed by the Applicant and to the Planning Authority's satisfaction within a reasonable period of time, the Council will seek to pursue enforcement action to require the removal of the subject fence in its entirety.

With specific regard to the section of fencing whose position is described on the site plan by the line highlighted in blue, the Applicant's proposal that this should be reduced to 1m in height raises no concerns in that this proposed revision does not require planning approval. Accordingly, were the Applicant now to reduce this section of fencing to 1m or less in height, the fence so described could be maintained in this location as a permitted development. However, there is no planning approval for any fencing over this height, and accordingly any such fencing that is maintained on the site, will remain actionable, and will be followed up the Planning Authority's Enforcement Section when it revisits the site to ensure that all fencing that has been unlawfully erected, has been removed or reduced to 1m in height.

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

 LAND REGISTER OF SCOTLAND	Officer's ID / Date	TITLE NUMBER
	1383 6/6/2002	BER1658
 ORDNANCE SURVEY NATIONAL GRID REFERENCE	Scale	
	1/1250	
NT4953	Survey Scale	
	1/2500	

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Scottish Borders Council
 Town And Country
 Planning (Scotland) Act
 1997

REFUSED

subject to the
 requirements of the
 associated Decision
 Notice 8032

0026

Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED

subject to the
requirements of the
associated Decision
Notice

17/00308/FUL

Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

From: Herkes, Stuart
Sent: 26 June 2017 14:24
To: Marc Ridgway
Subject: RE: 17/00308/FUL No 33 Justice Park, Oxtou

REFUSED

subject to the
requirements of the
associated Decision
Notice

Mr Ridgway

Noted with thanks. For record purposes, I will confirm my understanding:

Firstly, that you wish the section of fencing described in plan by the line highlighted in orange on the attached drawing, to be included as part of the current proposal (Planning Application 17/00308/FUL);

Secondly, that you are content for the attached drawing itself to be used to illustrate the proposed siting of that section of fence; and

Thirdly, that your concern is that the fencing so described, should be maintained both in the position in which it has been sited (and in which it is described by the attached drawing) and that it should be maintained at its existing height, which I understand to be 6ft.

As advised, I will present the application for determination as soon as possible, and I would commit to having a decision for you by **30 June, this Friday**, at latest. I would be grateful if you would take this as the target date of a Planning Processing Agreement. As advised, I would expect to have a decision for you much sooner than this, but I am required to identify a timescale which includes what I anticipate as being the maximum time required to account for my managers' review and subsequent admin so have identified the end of the week as being a time that I would readily anticipate we could meet.

If you require further information/clarification, please do not hesitate to contact me.

Regards

Stuart

Stuart Herkes MRTPI
Planning Officer (Development Management)
Regulatory Services
Scottish Borders Council
Council Headquarters
Newtown St Boswells
Melrose
Scottish Borders
TD6 0SA
Tel: 01835 825039
Fax: 01835 825158
Email: sherkes@scotborders.gov.uk

To assist us with your enquiry, please quote the relevant Planning Reference Number in your correspondence.



eDevelopment.scot

Click here to make your planning application through the Scottish Government's online Portal

Make your Building Warrant applications online from August 2016 using the Scottish Government's portal

 Please do not print this e-mail unless absolutely necessary - SAVE PAPER

Find out more about Scottish Borders Council: [Web](#) | [Twitter](#) | [Facebook](#) | [Flickr](#) | [YouTube](#)

From: Marc Ridgway

Sent: 26 June 2017 14:10

To: Herkes, Stuart

Subject: Re: 17/00308/FUL No 33 Justice Park, Oxton

Hi.

As discussed, I can confirm that the section that you have highlighted in orange is to be maintained at 6ft.

Regards
Marc Ridgway

Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED

subject to the
requirements of the
associated Decision
Notice



Green line indicates site for 1.82m fence
Blue line indicates site for 1 metre fence

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TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference : 16/01554/FUL

To : Mr Marc Ridgway 33 Justice Park Oxtou Lauder United Kingdom

With reference to your application validated on **19th December 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

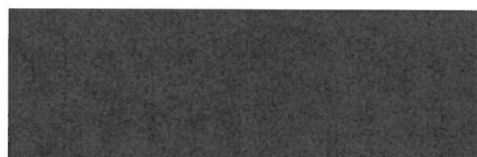
Proposal : Erection of boundary fence (retrospective)

At : 33 Justice Park Oxtou Scottish Borders TD2 6NZ

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule**.

Dated 20th February 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 16/01554/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused
	Photos	Refused

REASON FOR REFUSAL

- 1 The proposal is contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that:
- (i) there is an adverse impact on road safety due to the fence (as a consequence of height and siting) being liable to obstruct the view of pedestrians who are crossing the road or entering the shared surface area at this point; and
 - (ii) it is not compatible with, and does not respect, the open plan nature and character of the surrounding area, in that it is overbearing relative to the adjacent public footway, and is an incongruous form of development within the context of the wider street scene.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

INFORMATIVE NOTE 1:

The proposal in its current form is unacceptable and has therefore been refused. The Applicant must now remediate the position by removing and/or reducing the fence in order to comply with Householder Permitted Development Rights.

If the Applicant does maintain a concern to accommodate any section of fencing at 6ft in height in the area which lies within a forward position of the south elevation of the house relative to the public road, then it is anticipated that the Planning Authority would only be supportive of this, where such fencing (a) was sited on land that lies to the east of the point at which the public road narrows beyond the junction, and (b) was set back at least 1m from the public road verge on all sides. Some soft landscaping works would also likely be required to soften the appearance of any such fencing so installed.

In the event of a planning application now being made for a revised proposal, the Applicant would be able to make a new planning application without incurring a new planning application processing fee, subject to the application being made by the same applicant (Mr Marc Ridgway), for the same site (No 33 Justice Park), and for the same proposal ('erection of fence'), and within one year of the date of this Decision Notice.

In the event that the situation with the existing fence is not now addressed by the Applicant and to the Planning Authority's satisfaction within a reasonable period of time, the Council will seek to pursue enforcement action to require the removal of the subject fence in its entirety.

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 16/01554/FUL

APPLICANT : Mr Marc Ridgway

AGENT :

DEVELOPMENT : Erection of boundary fence (retrospective)

LOCATION: 33 Justice Park
Oxton
Scottish Borders
TD2 6NZ

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused
	Photos	Refused

NUMBER OF REPRESENTATIONS: 1

SUMMARY OF REPRESENTATIONS:

One general comment has been received from a member of the public, which advises that notwithstanding support for the principle of a fence, it is considered that the specific fence installed raises concerns for the safety of pedestrians and other road users, chiefly in that it obstructs the views of pedestrians leaving the footpath to cross the road, and in turn, obstructs the views of road users, of the footpath. The identification of potential to remove and/or reduce the fence by 1m is supported.

The Roads Planning Section: is unable to support this proposal as it stands. The location of the fence obstructs the view of pedestrians when crossing the road, or entering the shared surface area. In order to gain Roads' support, the fence should either be lowered to a height of no greater than 1m, or set back 1m from the edge of the carriageway.

PLANNING CONSIDERATIONS AND POLICIES:

SBC LDP 2016

Policy PMD2
Policy HD3

Recommendation by - Stuart Herkes (Planning Officer) on 17th February 2017

This application proposes retrospective consent for a fence, 6ft in height, which has now been erected along the boundary of the residential property at No 33 Justice Park, Oxton, immediately adjacent to the public footpath and public road.

The case was first referred to the Planning Authority within the context of an Enforcement case, and it was put to the Applicant at that time by the Council's Enforcement Section, that the fence (only then partially erected) could be reduced to 1m in height and maintained as it had been sited under PD rights, otherwise a planning application would need to be made if there were an intention to maintain or erect for any higher fence.

The Applicant explicitly acknowledges (within their completed planning application form) advice it was given by Enforcement at the time of the enforcement case. This includes advice that it was anticipated that the fence would have to be set back 1m from the boundary with the public road if it were to be supported by the Roads Authority in the event of an application. While the Applicant acknowledges this advice, there is no explicit advice from him as to any concern he may or may not have in fact to reduce or remove the fence in accordance with the direction of the Enforcement Officer. Moreover, in the time that the application has been made and awaiting determination, a fence has in fact now been erected to the full 6ft, and sited along the property boundary, immediately adjacent to the road.

I consider that the Applicant's proposal is only reasonably interpreted as the maintenance of the fence in the form in which it has been erected.

Given that the boundary affected is that with the public road, there are no unacceptable impacts upon the residential amenity of any individual properties, but the proposals do raise concerns with respect to road safety and visual amenity.

The Roads Planning Authority is not supportive of the fence being retained in its current location, or at its current height, for road safety reasons. Roads has advised that it would require the fence to be reduced to 1m in height if it were to be retained in its current position, or set back a distance of 1m from the property boundary. The first option could be achieved without planning approval, and an informative could reiterate this point for the Applicant's benefit.

In addition to the Roads' safety concern, and further to my site inspection, I consider that the fence as erected, is having unacceptably detrimental impact upon the visual amenities of the site and surrounding area. This is not only as a consequence both of its height and its immediate proximity to the public road; but is also a consequence of the lack of any opportunity for soft landscaping to be accommodated between the fence and the boundary with the public road. Accordingly, the fence projects out into the public realm as an obvious salient. The overall effect, I consider, is unacceptably harsh and overbearing in its character, with no opportunities for mitigation. It would also be a concern if this appearance were to be replicated on other surrounding properties, which would result in an altogether more oppressive sense of enclosure and shrinkage of the public realm, and the prevalence of an ancillary, dull and uninteresting character, in place of a predominantly open, inviting and green public realm which contributes to a pleasant setting for the dwellinghouses collectively.

There is some fencing of equivalent height to the proposal on some neighbouring properties, but this only occurs within rear garden areas, and also with such fencing being set back in line with the dwellinghouse itself, such as to conserve space between the fence and public road, which is sufficiently sized as to contribute to the collectively open setting of the properties. In short, I do not consider that this is in anyway equivalent to the impacts of the proposal, which is altogether insensitive in its impacts upon the wider public realm.

For the above noted reasons I consider that the application is only appropriately refused. An informative might note however, firstly, that there is potential for the fence to be maintained as sited, if it is now reduced to under 1m so as to conform with PD rights. I consider also, though, that there would be some potential to accommodate a higher fence further back into the site, at least towards the rear of the property, provided: (i) this were set back from the public road verge by at least 1m; (ii) provided the sections of fence to the front of the property, and along the southern boundary, critically to the west of the point at which the public road narrows, is not higher than 1m, and (iii) provided in the area to the east of the point at which the public road narrows, some soft planting, shrubs and/or climbing plants are established to soften the appearance of the new higher (6ft) section of fence. It is anticipated that all three considerations would have to be met to the Planning Authority's satisfaction, before any such amended proposal could be supported.

For the avoidance of doubt, since the fence is existing and since the concerns raised above relate to a combination of both its siting and height, the current planning application is not capable of support subject to planning conditions. However, matters are capable of being addressed without a further planning application necessarily being made; either that, or subject to a new planning application responding to the advice of the previous paragraph.

REASON FOR DECISION :

The proposal is contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that:

(i) there is an adverse impact on road safety due to the fence (as a consequence of height and siting) being liable to obstruct the view of pedestrians who are crossing the road or entering the shared surface area at this point; and

(ii) it is not compatible with, and does not respect, the open plan nature and character of the surrounding area, in that it is overbearing relative to the adjacent public footway, and is an incongruous form of development within the context of the wider street scene.

Recommendation: Refused with informatives

1 The proposal is contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that:

(i) there is an adverse impact on road safety due to the fence (as a consequence of height and siting) being liable to obstruct the view of pedestrians who are crossing the road or entering the shared surface area at this point; and

(ii) it is not compatible with, and does not respect, the open plan nature and character of the surrounding area, in that it is overbearing relative to the adjacent public footway, and is an incongruous form of development within the context of the wider street scene.

Informatives

It should be noted that:

1 **INFORMATIVE NOTE 1:**

The proposal in its current form is unacceptable and has therefore been refused. The Applicant must now remediate the position by removing and/or reducing the fence in order to comply with Householder Permitted Development Rights.

If the Applicant does maintain a concern to accommodate any section of fencing at 6ft in height in the area which lies within a forward position of the south elevation of the house relative to the public road, then it is anticipated that the Planning Authority would only be supportive of this, where such fencing (a) was sited on land that lies to the east of the point at which the public road narrows beyond the junction, and (b) was set back at least 1m from the public road verge on all sides. Some soft landscaping works would also likely be required to soften the appearance of any such fencing so installed.

In the event of a planning application now being made for a revised proposal, the Applicant would be able to make a new planning application without incurring a new planning application processing fee, subject to the application being made by the same applicant (Mr Marc Ridgway), for the same site (No 33 Justice Park), and for the same proposal ('erection of fence'), and within one year of the date of this Decision Notice.

In the event that the situation with the existing fence is not now addressed by the Applicant and to the Planning Authority's satisfaction within a reasonable period of time, the Council will seek to pursue enforcement action to require the removal of the subject fence in its entirety.

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

REGULATORY SERVICES



To: **Development Management Service**
FAO Stuart Herkes

Date: **23rd March 2017**

From: **Roads Planning Service**
Contact: **Keith Patterson**

Ext: **6637**

Ref: **17/00308/FUL**

Subject: Erection of Boundary Fence (Retrospective), 33 Justice Park, Oxton.

Whilst I suggested as part of the earlier application that either the fence be set back 1m or reduced in height to no greater than 1m, I can confirm that the proposal to do both of these options, whilst unusual and may result in an area of garden ground which is difficult to maintain, raises no objections.

AJS

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LIST OF POLICIES

Local Review Reference: 17/00040/RREF

Planning Application Reference: 17/00308/FUL

Development Proposal: Erection of boundary fence (retrospective)

Location: 33 Justice Park, Oxton

Applicant: Mr Marc Ridgway

SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN 2016

POLICY PMD1: SUSTAINABILITY

In determining planning applications and preparing development briefs, the Council will have regard to the following sustainability principles which underpin all the Plan's policies and which developers will be expected to incorporate into their developments:

- a) the long term sustainable use and management of land
- b) the preservation of air and water quality
- c) the protection of natural resources, landscapes, habitats, and species
- d) the protection of built and cultural resources
- e) the efficient use of energy and resources, particularly non-renewable resources
- f) the minimisation of waste, including waste water and encouragement to its sustainable management
- g) the encouragement of walking, cycling, and public transport in preference to the private car
- h) the minimisation of light pollution
- i) the protection of public health and safety
- j) the support to community services and facilities
- k) the provision of new jobs and support to the local economy
- l) the involvement of the local community in the design, management and improvement of their environment

POLICY PMD2: QUALITY STANDARDS

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

Sustainability

- a) In terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology,
- b) it provides digital connectivity and associated infrastructure,
- c) it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance,
- d) it encourages minimal water usage for new developments,
- e) it provides for appropriate internal and external provision for waste storage and presentation with, in all instances, separate provision for waste and recycling and, depending on the location, separate provision for composting facilities,
- f) it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the

LIST OF POLICIES

wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,

- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

Placemaking & Design

- h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
- i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
- j) it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
- k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
- l) it can be satisfactorily accommodated within the site,
- m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
- n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

Accessibility

- o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,
- p) it incorporates, where required, access for those with mobility difficulties,
- q) it ensures there is no adverse impact on road safety, including but not limited to the site access,
- r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,
- s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

Greenspace, Open Space & Biodiversity

- t) It provides meaningful open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
- u) it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements.

Developers are required to provide design and access statements, design briefs and landscape plans as appropriate.

POLICY HD3 – PROTECTION OF RESIDENTIAL AMENITY

Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:

LIST OF POLICIES

- a) the principle of the development, including where relevant, any open space that would be lost; and
- b) the details of the development itself particularly in terms of:
 - (i) the scale, form and type of development in terms of its fit within a residential area,
 - (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sunlighting provisions. These considerations apply especially in relation to garden ground or 'backland' development,
 - (iii) the generation of traffic or noise,
 - (iv) the level of visual impact.

LIST OF POLICIES



NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail? Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|--------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

THE SITE IS WITHIN A WORKING SMALLHOLDING AND A SITE VISIT CAN BE ARRANGED BY CALLING THE OWNER USING 07768 682646

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

WITHIN THE EXISTING CROFT OR SMALLHOLDING THERE IS NO OPEN SHED WITH ADEQUATE HEIGHT FOR MANAGING AND STORING ROUND HAY AND STRAW BALES. THIS IS CAUSING A FINANCIAL IMPEDIMENT AS SMALLER SQUARE BALES ARE EXPENSIVE AND GETTING HARDER TO SOURCE.

THE SITE CHOSEN IS NOT SEEN FROM OUTWITH THE SMALLHOLDING BECAUSE OF THE TREE PLANTING CARRIED OUT A NUMBER OF YEARS AGO. TO CONFIRM THIS ONE HAS TO VISIT THE SITE. THE HEIGHT OF THE STRUCTURE IS DWARFED BY THE RISING BANKING TO THE REAR OF THE PROPOSED STRUCTURE. THE BUILDING IS TUCKED INTO A SMALL CORNER WHICH IS WRAPPED BY THE STEEP BANKING.

THE MATERIALS CHOSEN FOR THE BUILDING ARE SYNONYMOUS FOR A BUILDING OF THIS TYPE AND THE COLOURS WILL HELP THE BUILDING BLEND INTO ITS ENVIRONMENT. FURTHERMORE, ON THE BLOCK PLAN YOU WILL NOTE THE TREE-TOP HEIGHTS HAVE BEEN SURVEYED TO ENSURE THE BUILDING LIES BELOW THE SCREEN FORMED BY THE TREES.

TRAFFIC IMPACT WILL BE LESS IN THAT THE INCREASED VOLUME OF STORAGE WILL ENABLE LESS DELIVERIES TO BE MADE AS MORE HAY/STRAW CAN BE STORED WITHIN THE CROFT. THE CURRENT SITE ACCESS HAS BEEN THE SUBJECT OF A PLANNING CONSENT (GRANTED) FOR IMPROVEMENT AND THIS WORK IS TO BE IMPLEMENTED IN DUE COURSE.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

N/A

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

REFUSAL NOTICE 17 01112/FUL
 STATEMENT SUBMITTED WITH THE ORIGINAL PLANNING APPLICATION
 DRAWINGS 196 HAY 01/02/03

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed [REDACTED] Date

The Completed form should be returned to the Head of Corporate Administration, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA.

CLEEK POULTRY LTD

Application for Planning Consent to erect a Hay Shed
Site to West of Existing Building
Kirkburn, Cardrona

Statement

The site is a small area of yard to the west end of the existing buildings at my small-holding at Kirkburn. The ground is enclosed on two sides by an existing concrete retaining wall.

Given the sensitivity of the site (previous applications for a building here have all been refused) it was felt necessary to take an in-depth look at the heights of the ground and the height of the trees which screen the site from the A72. I commissioned a further topographical survey that has investigated these matters. This can be found on Drawing No '196 HAY 1'.

The height of the existing yard is currently 104.07m. The proposed new building is designed to accommodate 'round' bales of Hay and Straw and hence the height requirement, to enable a telehandler to access and manage the bales. The height to eaves is 6.5m, whilst the height to ridge is 6.9m. Therefore, the height of the ridge is 110.97m.

I asked the surveyor specifically to pick up the tree-top heights of the trees which screen the site from the A72. These heights are marked on the same drawing. They are reference 'TRL' and you will note that the TRL values immediately to the north of the proposed structure are generally 116.5m, some 5.5m above the ridge line of the building.

I have also shown on drawing No '196 HAY 02' the rear banking slopes relative to the gables of the proposed building. These demonstrate how the building is 'dwarfed' by the land rising behind it. The bankings here are generally planted with trees and to lessen the impact it is proposed the new building will be green in colour. The materials are also noted on this drawing.

My farming activities at Kirkburn require this building. I have previously asked Scottish Borders Council for consent for larger buildings for the same use, but have been unsuccessful. Hence my approach now - to ask for a simple and modest structure within the group of existing buildings.

Signed

A J Cleghorn for Cleek Poultry Ltd

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference : 17/01112/FUL

To : Cleek Poultry Ltd The Tractor Shed Kirkburn Cardrona Peebles Scottish Borders

With reference to your application validated on **8th August 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of hay shed

At : Field No 0328 Kirkburn Cardrona Scottish Borders

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule.**

**Dated 5th October 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Depute Chief Planning Officer

APPLICATION REFERENCE : 17/01112/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
196 HAY 03	Location Plan	Refused
196 HAY 1	Site Plan	Refused
196HAY 02	Elevations	Refused

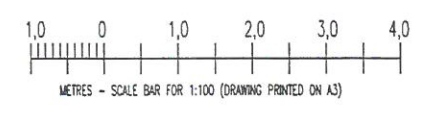
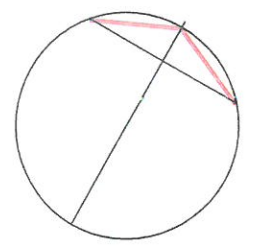
REASON FOR REFUSAL

- 1 The application is contrary to Policies PMD2, ED7 and EP5 of Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance on Local Landscape Designations in that the height and design of the proposal is incongruous with the appearance of the existing adjoining building and would result in an unacceptable adverse visual impact on the character and quality of the designated landscape. No operational justification to override these concerns and justify an exceptional form of permission in this rural location has been demonstrated.
- 2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.



Page 79

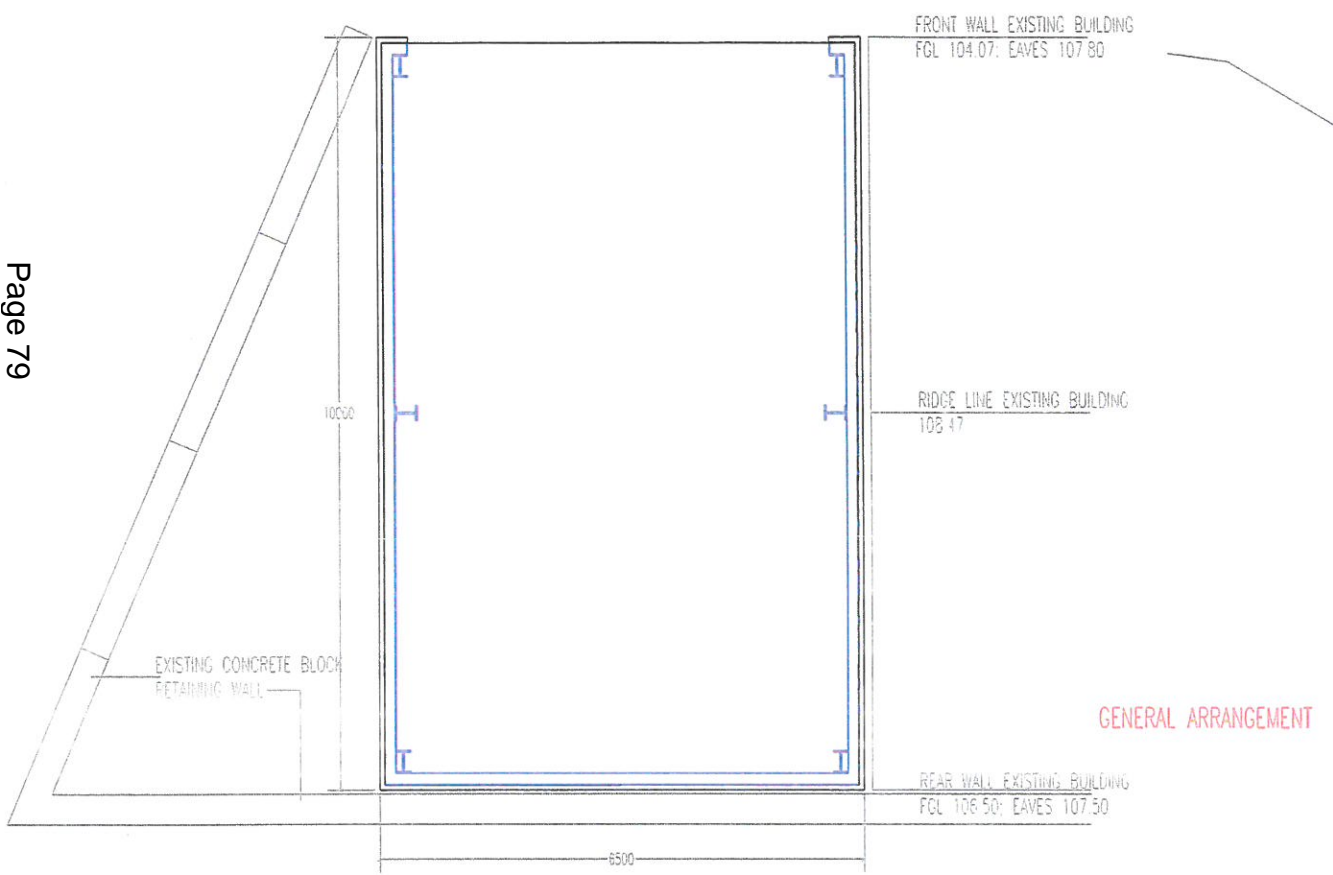
Scottish Borders Council
Environment &
Infrastructure

5 OCT 2017

Town & Country Planning (Scotland) Act
REFUSED

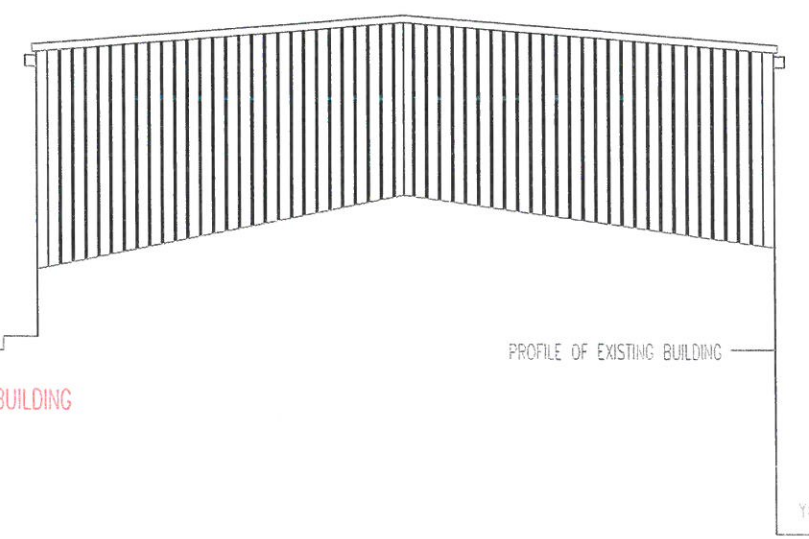
PROPOSED HAY SHED TO WEST OF EXISTING
BUILDING
KIRKBURN, CARDRONA, PEEBLES
for Cleek Poultry Ltd

drawing No 196 HAY 02



GENERAL ARRANGEMENT

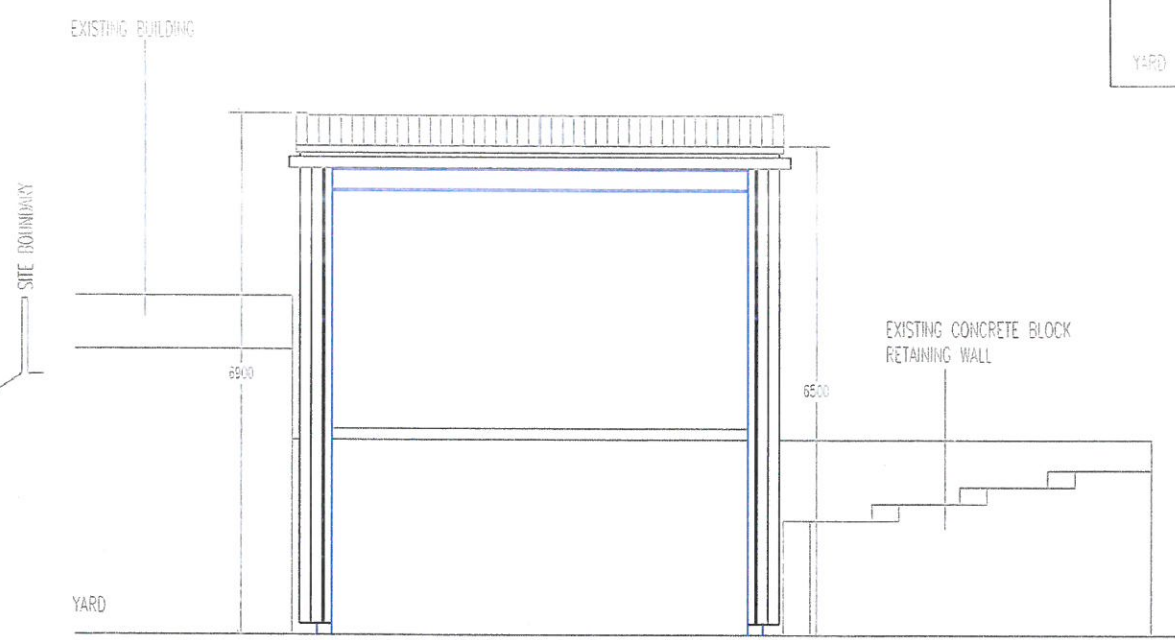
TRUE GROUND LINE AT WEST GABLE OF EXISTING BUILDING



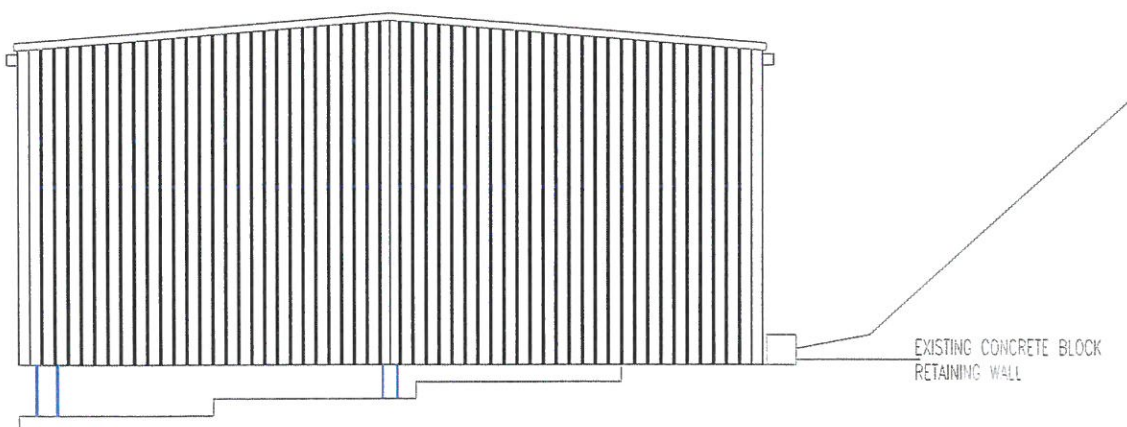
EAST ELEVATION THRO' EXISTING BUILDING

DESCRIPTION - STEEL PORTAL BUILDING WITH SHEETING RAILS, ROOF FINISHED IN MARLEY ETERNIT BIC 6 MINERAL BOARD CORRUGATED SHEETS, COLOUR SHERWOOD GREEN; WALLS FINISHED IN PROFILED STEEL CLADDING COLOUR FOREST GREEN

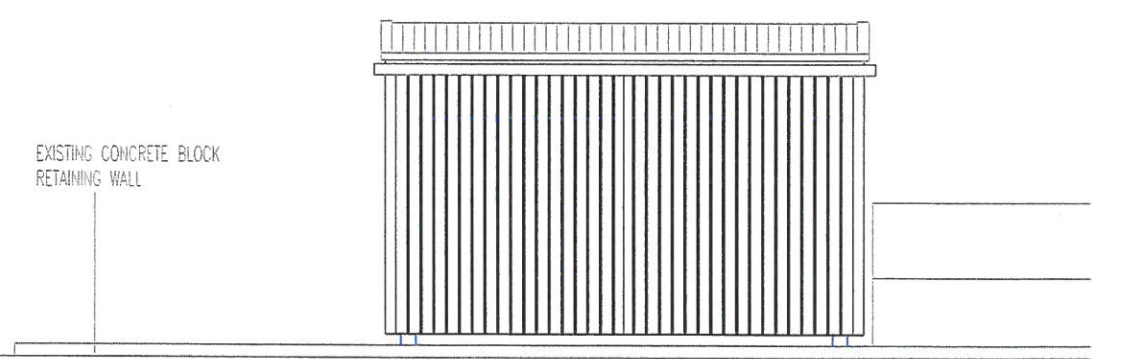
TRUE GROUND LINE AT WEST GABLE OF PROPOSED HAY SHED



NORTH ELEVATION



WEST ELEVATION

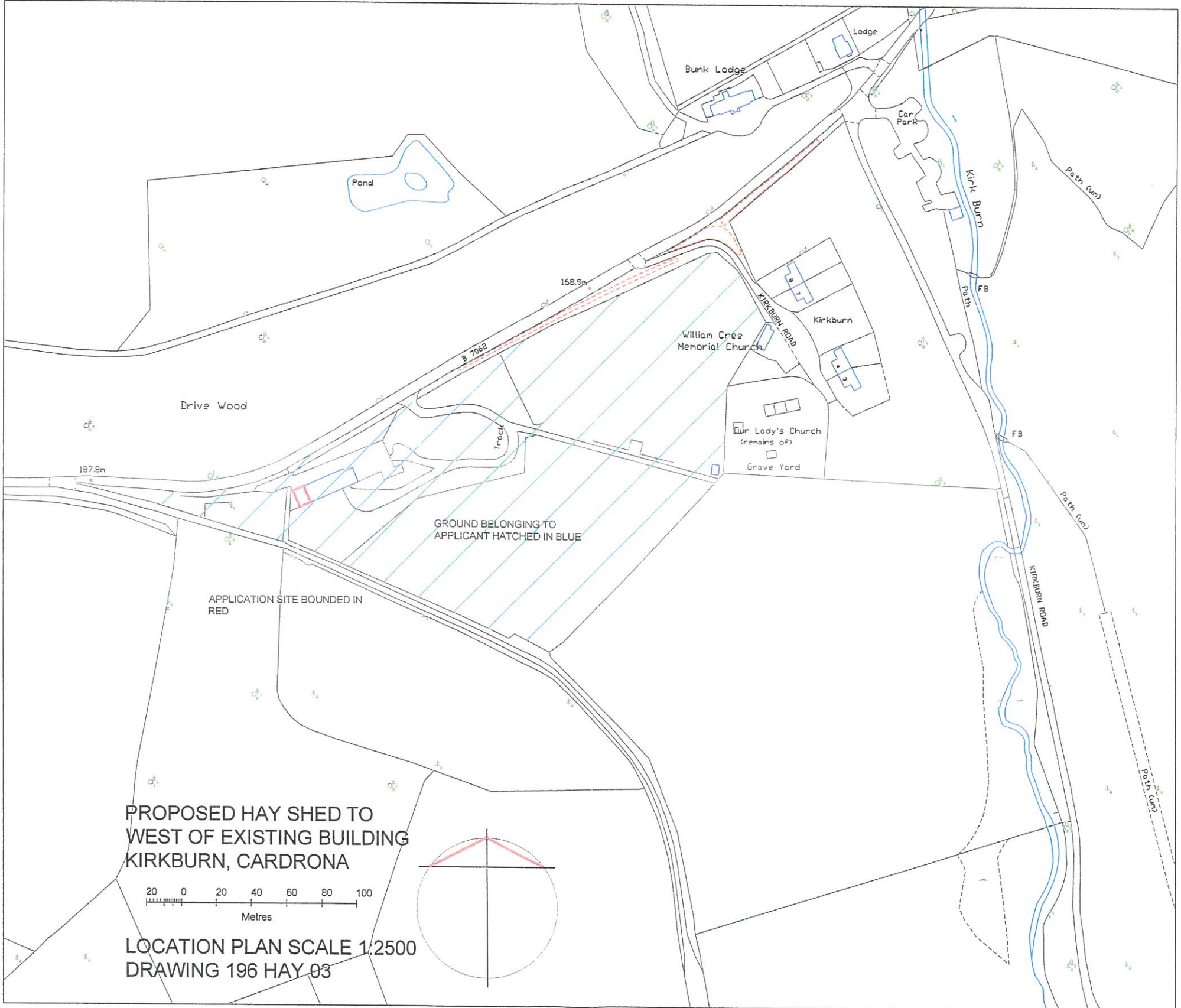


SOUTH ELEVATION

Scottish Borders Council
 Environment &
 Infrastructure

5 OCT 2017

Town & Country Planning (Scotland) Act
REFUSED



PROPOSED HAY SHED TO
 WEST OF EXISTING BUILDING
 KIRKBURN, CARDRONA

20 0 20 40 60 80 100
 Metres

LOCATION PLAN SCALE 1:2500
 DRAWING 196 HAY 03

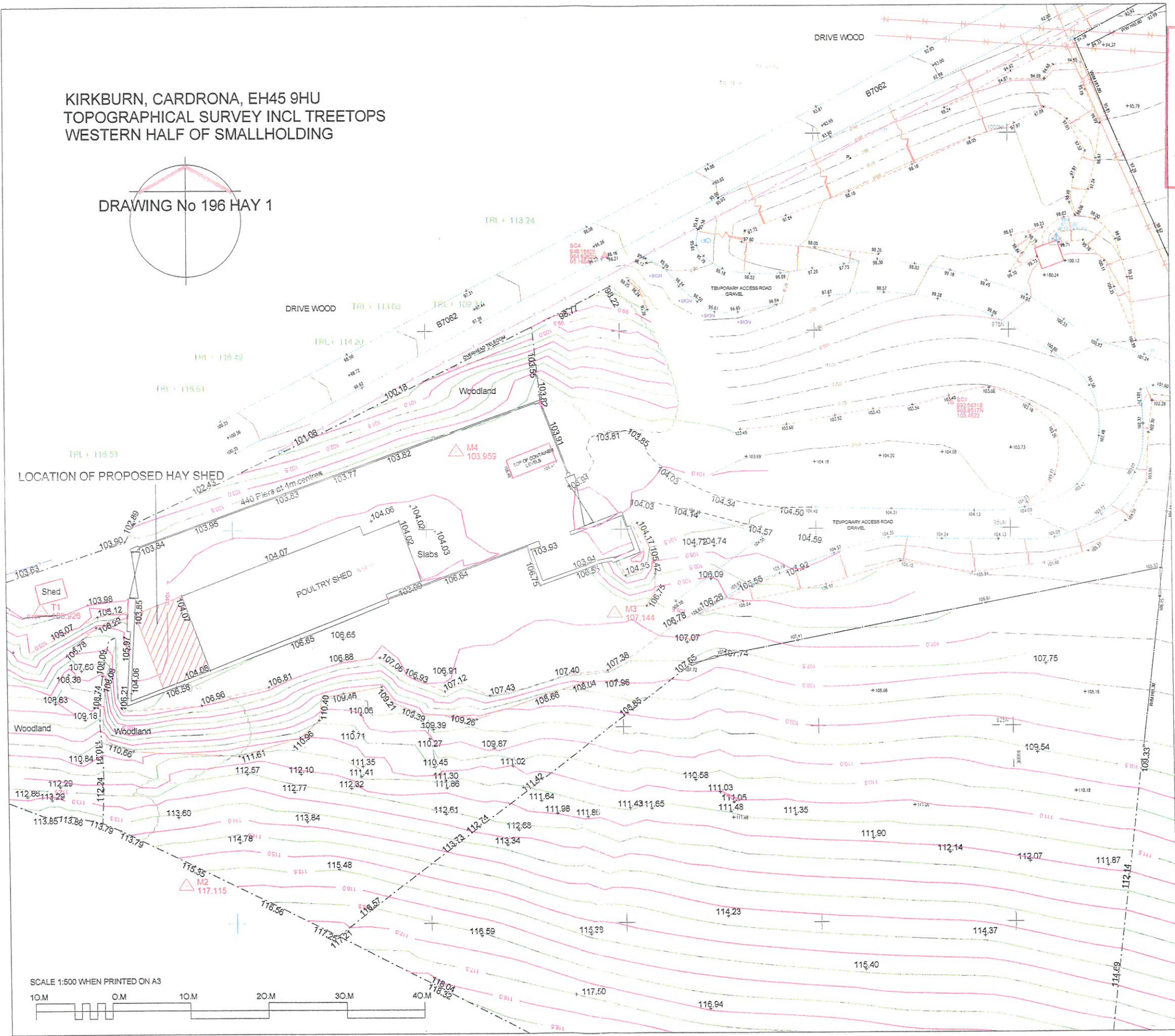
KIRKBURN, CARDRONA, EH45 9HU
TOPOGRAPHICAL SURVEY INCL TREETOPS
WESTERN HALF OF SMALLHOLDING

DRAWING No 196 HAY 1

Scottish Borders Council
Environment &
Infrastructure

5 OCT 2017

Town & Country Planning (Scotland) Act
REFUSED



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SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/01112/FUL
APPLICANT : Cleek Poultry Ltd
AGENT :
DEVELOPMENT : Erection of hay shed
LOCATION: Field No 0328 Kirkburn
 Cardrona
 Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
196 HAY 03	Location Plan	Refused
196 HAY 1	Site Plan	Refused
196HAY 02	Elevations	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Archaeology Officer: There are no archaeological implications for this proposal. The site in question underwent a watching brief in 2005 which failed to identify archaeological features or finds.

Environmental Health: Noise from vehicle maintenance and operations associated with this development can affect the amenity of other occupiers and impact on local amenity. No objection is raised provided conditions to control the; use of the shed in accordance with a management plan, noise levels and maintenance of plant and machinery.

Landscape Architect: The roof height of the proposal will be approximately 2.5m above the roof height of the existing shed. The topographical survey shows the tip heights of the trees on the north side of the B7062 within the Kailzie estate. This information confirms that these trees will screen the shed from views across the valley therefore no objection is raised on landscape and visual grounds.

Roads Planning: Further information on the number, type and frequency of vehicular movements associated with the proposal is required to determine if the access which serves the development can accommodate these vehicular impacts. Refusal is recommended if this information is not provided.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Council Local Development Plan 2016:

PMD2 - Quality Standards for New Development
EP5 - Special Landscape Areas
EP8 - Archaeology
ED7 - Business Tourism and Leisure Development in the Countryside

Supplementary Planning Guidance on;

Local Landscape Designations 2012

Recommendation by - Scott Shearer (Planning Officer) on 4th October 2017

The application seeks permission to erect a pitched roofed hay shed to the south west of an existing building which is described as a poultry shed on the submitted plan. The building has a ridge height of 6.9m and is to be finished with green coloured steel profile cladding. Four previous applications to add taller agricultural buildings in this location have been refused. The Local Review Body also refused an appeal against the last refusal on this site for a machinery storage building (Ref; 16/01507/FUL). The site is located within the Tweed Valley SLA.

A related application, ref 17/01113/FUL for the erection for a tractor shed has been applied for to the north east of the poultry building and is being handled separately.

The reasons for refusing the previous applications on this site is summarised below;

1. The scale, siting and design of the buildings will be prominent in the landscape and poorly related to the adjoining building leading the proposal to detrimentally impact on the character and quality of the SLA.
2. No overriding justification has been provided to vindicate the developments as an exceptional form of development in this rural area.
3. Proposals have not demonstrated that the traffic generated from developments can access the site without detriment to road safety.

The heights of buildings previously refused on this site range from 6 to 7.3m tall with a variety of building designs which include flat roofs, pitched roofs and lean-to forms. The last application, ref; 16/01507/FUL was for a building 7m tall with a lean-to roof design which at its peak would stand 2.5m above the ridge line of the adjacent building.

This latest application has included a topographical survey of the heights of the trees on the north side of the B7062 which form part of the Kailzie estate. This information has not been included within previous applications. The height of this proposal is similar to the height of previous proposals on this site. The visibility of previous proposals from across the valley and in particular the A72 has been a concern raised against previous applications. Our landscape architect is satisfied that the topographical information demonstrates that the identified trees will screen the development from views across the valley. The proposals should not be visible from the A72 and consequently I accept that this topographical assessment illustrates that the proposals will not have detrimental landscape and visual impacts over long distances.

The adverse visual impacts of the proposals over long distances were not the sole visual concerns of the previous proposals. Previous proposals were viewed to be prominent to the B road, especially on approach from the west and their scale and design were viewed to be incongruous with the appearance of the existing buildings. Having assessed the merits of this latest proposal, this development has not addressed these concerns and the reasons for this are explained below.

The planting on the embankment which separates the site from the B7062 does provide some screening to the existing building. The planting is at its thinnest at this end of the embankment so there will be some visibility through the gaps in these trees which would reveal glimpses of this structure. The heights of these trees have not been surveyed and they do appear shorter than those which have been surveyed in Kailzie Estate, therefore the proposals may be visible above these trees.

The existing building is low and appears to have standard proportions. This additional building would stand 2.4m above the ridge line of the existing building and has a much shallower roof pitch. It is considered that revised proposal still displays incongruous elements of the previous applications where there is still a dramatic jump in eave and ridge height. The height change and the shallow roof pitch of this proposal alongside a building with a steeper pitch would produce a poor juxtaposition between the two buildings. While the existing roadside planting does afford some screening for these proposals, these trees are not protected so they are removable. If the trees were to be removed they would expose a very poor composition of buildings which would be visually discordant with the rural character of the area and the scale of this proposal on an already elevated site would dominate views on approach from the west. While tree screening is a material consideration, to impose a condition requiring the retention of the trees as a means of hiding an otherwise unsympathetic development would not be a sustainable approach. The development itself should fundamentally relate well to its context, and this development does not.

Policy ED7 seeks to promote developments which are appropriate to their rural location and positively contribute to the rural economy. Previous applications have been consistently opposed on grounds that they have failed to demonstrate the economic requirement for the development with credible justification or Business Plan. It is understood that context of the landholding has remained unchanged from the last application on this site where the landholding only extends to 8 acres, of which 3 benefit from planning permissions for tourist developments. The holding already benefits from existing buildings to assist with the agricultural use of the land. Having checked the planning history at this land holding, previous proposals for buildings to store hay which have been refused across the holding including one on this particular site, application reference 11/01451/FUL. Within the statement provided it is suggested that this latest application is for a more modest structure than the previous hay sheds. Indeed, all previously refused applications had larger floor areas but it is notable that the height of this building is taller than the 2011 structure. The intended use of the building for the storage of hay may be an acceptable building use in this rural area. Previous determinations have opposed new agricultural developments at Kirkburn on grounds that proposals have not provided evidence or an economic justification that this landholding required additional agricultural buildings. I note, however, that Policies PMD2 and ED7 do not explicitly require that existing agricultural businesses provide such justification. With this in mind I do not recommend that this application is refused on these grounds. That said, there is also no justification or evidence that would enable me to determine that the adverse visual impacts of this development should be overridden by the operational needs of the business.

The proposed development is likely to result in vehicular movements to transport hay to and from the site. In determining the last application for a building to store machinery on this site, the LRB added a reason for refusal on lack of information to determine road safety impacts. Similar to previous applications Roads Planning Officers has sought additional information to be provided to demonstrate if the site access junction with the public road can safely cater for vehicle movements generated by this development. No such information has been provided. The proposal has failed to demonstrate if the development can be properly accessed in a manner which does not adversely impact on road safety and therefore fails to meet accessibility requirement of policy PMD2 and, in turn, Policy ED7.

If the application were to be approved environmental health concerns can be addressed by an informative note, as the matter of managing a building within an existing agricultural unit, where no specific amenity problem has been identified, is best addressed through separate environmental protection controls. There are no archaeological implications as there had been a previous watching brief at this western end of the steading.

REASON FOR DECISION :

The application is contrary to Policies PMD2, ED7 and EP5 of Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance on Local Landscape Designations in that the height and design of the proposal is incongruous with the appearance of the existing adjoining building and would result in an unacceptable adverse visual impact on the character and quality of the designated landscape. No

operational justification to override these concerns and justify an exceptional form of permission in this rural location has been demonstrated.

The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

Recommendation: Refused

- 1 The application is contrary to Policies PMD2, ED7 and EP5 of Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance on Local Landscape Designations in that the height and design of the proposal is incongruous with the appearance of the existing adjoining building and would result in an unacceptable adverse visual impact on the character and quality of the designated landscape. No operational justification to override these concerns and justify an exceptional form of permission in this rural location has been demonstrated.
- 2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

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

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 16/01507/FUL
APPLICANT : Cleek Poultry Ltd
AGENT :
DEVELOPMENT : Erection of machinery storage building
LOCATION: Field No 0328 Kirkburn
 Cardrona
 Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
196 80	Elevations	Refused
196 81	Site Plan	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Roads Planning:

The previous application for this proposal (15/01254/FUL) raised no objection due to it being a small extension to the existing building, therefore I have no objections in principle to this proposal.

Environmental Health:

Amenity and Pollution

Assessment of Application

Air quality

Noise

Nuisance

Private Water Supply

Recommendation

Delete as appropriate - Agree with application in principle, subject to Conditions

Conditions

Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 - 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any

plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2
Reason To protect the residential amenity of nearby properties.

All plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.

Reason To protect the residential amenity of nearby properties.

Landscape Architect:

Nature of the Proposal

The proposal is for the erection of a machinery storage building onto the end of the existing shed.

Implications of the Proposal for the Landscape including any Mitigation

I am concerned that the shed will be visible to receptors using the B7062 travelling eastwards from Peebles the building is higher than the existing shed and will be overly dominant in this small scale setting. I suggest that the existing trees along the north boundary may not provide adequate screening to the shed when seen from this direction, especially during the winter months.

The roof height will be approximately 2.5m above the roof height of the existing shed and as such has potential to be visible above the existing tree belt from sensitive locations across the valley e.g. from the A72.

Conclusion

I have a concern that the proposal will have a negative visual impact on this part of the Tweed valley and impact on receptors using the minor road immediately to the north.

If the building height could be kept to the height of the existing, adjacent building, I wouldn't have the same concerns about the visibility of the building from outwith the site.

On landscape and visual grounds, I cannot support this application.

Archaeology Officer:

There are no implications for this proposal. This application area was subject to a watching brief in 2005 which failed to identify archaeological deposits or objects.

Economic Development: No comments.

Peebles and District Community Council: Response awaited.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

Policy PMD2 Quality Standards for New Development

Policy EP5 Special Landscape Areas

Policy EP8 Archaeology

Policy ED7 Business Tourism and Leisure Development in the Countryside

"Special Landscape Area 2 - Tweed Valley" - Supplementary Planning Policies

Recommendation by - Craig Miller (Lead Planning Officer) on 30th January 2017

There have been three previous applications to add a higher extension on to this western end of the existing building, all having been refused. The most recent application for an agricultural machinery building (15/01254/FUL) proposed an identical extension to that previously refused under 15/00600/FUL. The assessment of the history, landscape impacts and need for the proposals are contained within the previous reports on the timber processing building and agricultural storage buildings. Sections are repeated below as follows:

"The timber processing building exhibits the same issues of height, albeit being one metre lower than the Flotation Tank building. It nevertheless has a ridge line 2.75m above the current building ridge lines. Given the fact that the existing buildings are close to the top line of the trees when viewed from across the river, a further 2.75m height extension will cause the same problems of prominence and landscape impact as the other proposals which have been rejected, albeit of slightly lesser degree.

Of particular impact will be the building when viewed from the B-road, especially on the approach from the west. An application was refused in 2011 for a building of similar scale and dimensions in the same location. At that time, the building was described for hay storage purposes and it was the same floor area and eaves height of 6m but with a flat roof. That application was refused for the following reason:

"...the proposals are of inappropriate form, scale and materials and are unsympathetic to both the existing building and the amenity of the surrounding rural area".

In the report on that application, it was stated :

"The proposals fail to comply with these requirements in that none of these elements are in sympathy with the existing building. The abrupt change from pitched to flat roof form is exacerbated by the 1.5m height increase and the lack of any fenestration, together with the high steel doors which are higher than the eaves of the existing building. As the extension will also be flush with the front and back of the existing building, the lack of any step back also increases the unsympathetic relationship with the existing building.

These concerns have been raised with the agent who has offered to alter the proposal to clad it in metal sheeting rather than the proposed blockwork. The shape, form and bulk of the extension would only be slightly reduced in impact by the use of matching material and it is concluded that the design would still be inappropriate as an extension to the existing building especially within the attractive and historic rural environment that it is located. The building will be visible from the public roads to the front and rear of the site and a better design of extension is warranted in the location proposed."

The new application still exhibits many of the incongruous elements of the previous design, albeit dropping the flat roof in favour of a pitch. This, however, increases the height by a further 1.3m, causing a visual jump up in ridge lines and the eaves line being dramatically different. Again, the roller shutter door will be above the eaves of the existing buildings and the impact from the western direction on the public road will be dominant, faced with a 7.3m high blank gable on already elevated land.

It is concluded that the impacts from the A72, compounded by those from the B-road in relation to the dominance of the building and its incongruous relationship with the existing buildings, determine that the proposal would have a significant visual impact on the designated landscape."

Repeating the application , albeit with a different intended use, has not addressed these concerns in any way, the building remaining prominent to the B road, especially from the western approach, and from the A72. The Landscape Architect continues to object for these reasons. There have been several opportunities to address the excessive height of the building but none have been taken. I would have to conclude that re-submitting the application has still not addressed the landscape reasons for refusal."

All these concerns still apply to the current application which presents a lean-to face to the public road at least 2.5m above the existing buildings ridge lines. Although it is narrower in width and does not follow the asymmetrical shape of the remaining ground, the building will still exhibit all the landscape impact problems of the previous three buildings proposed. The fact that the front face is open to the inside makes no particular difference to the visual impacts. References to previous tree top lines on applications behind the existing buildings have not been repeated on this application and there is no demonstration of how effective that would be in reducing landscape or visual impacts here. It remains a proposal which is contrary to relevant LDP Policy and Supplementary Planning Guidance on visual and landscape impact.

In terms of the intended use of the building, extracts from previous reports on lack of justification for additional buildings are as relevant with this application. The following extract was from 15/01254/FUL:

"In terms of the intended use of the building, the proposed use is for storage for agricultural machinery and, in particular, a telehandler which is stated as requiring height for maintenance. A previous application at the

other end of the steading (15/00563/FUL) rehearsed the issue of additional storage in relation to Policy D1 as follows:

"Policy D1 looks for uses which are related to the ground on which they are located, for purposes which are generated by the land and any particular activity carried out on the land. It is known that the landholding is only 8 acres, of which 3 have been earmarked for the consented chalet development and some of the remainder are occupied already by buildings and the yard area. The stated purpose of the buildings and their scale raise issues over need and justification, as with the other proposals and in the absence of a co-ordinated Business Plan. It is also questioned whether such a modest holding, already with a range of buildings (including a consented cold storage building and tractor shed) can justify such large additional accommodation which appears duplication. In the absence of a Business Plan, there is no demonstration of the required need for such buildings on this small holding.

It is concluded that the application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed buildings that would justify an exceptional permission in this rural location and therefore the development would appear as unwarranted development in the open countryside. The proposed buildings are not of a design or scale that appear suited either to the proposed use for which they are intended or the size of the holding on which they would be situated, which further undermines the case for justification in this location."

As there has not been any Business Plan or justification submitted to address the previous reason for refusal in relation to lack of compliance with Policy D1 or respond to the aforementioned concerns, I would have to consider that the current application still fails to comply with Policy D1. There has been no demonstration of how the current modest farmholding justifies further storage buildings nor how housing for a telehandler can be required for the farmholding. Clearly, even if it was demonstrated that the farmholding justifies such machinery, a lower building would allow garaging whilst maintenance of the telescopic elements would need to be carried out outwith the building.

I would have to conclude that this new application proposing similar agricultural machinery storage use as previously proposed, without a Business Plan, has still not addressed the business justification reasons for refusal."

All of this still applies, subject to reference to updated LDP Policies.

The environmental health concerns can be addressed by a condition on any approval. There are no archaeological implications as there had been a previous watching brief at this western end of the steading.

Roads Planning consider the proposal is essentially an extension to the existing building and are not opposed to the proposal.

REASON FOR DECISION :

The application is contrary to Policies PMD2, ED7 and EP5 of Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape, will be poorly visually related to the existing buildings adjoining and will have a significant detrimental impact on the character and quality of the designated landscape.

The application is contrary to Policies PMD2 and ED7 of Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building and use are not of a scale or purpose that appear related to the nature or size of the holding on which the building would be situated, which further undermines the case for justification in this location.

Recommendation: Refused

- 1 The application is contrary to Policies PMD2, ED7 and EP5 of Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape, will be poorly visually related to the existing buildings adjoining and will have a significant detrimental impact on the character and quality of the designated landscape.

- 2 The application is contrary to Policies PMD2 and ED7 of Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building and use are not of a scale or purpose that appear related to the nature or size of the holding on which the building would be situated, which further undermines the case for justification in this location.

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

**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY DECISION NOTICE**

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND
LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Local Review Reference: 17/00009/RREF

Planning Application Reference: 16/01507/FUL

Development Proposal: Erection of machinery storage building

Location: Field No 0328 Kirkburn, Cardrona

Applicant: Cleek Poultry Ltd

DECISION

The Local Review Body (LRB) varies the decision of the appointed officer and refuses planning permission for the reasons set out in this decision notice and on the following grounds:

- 1 The application is contrary to Policies PMD2, ED7 and EP5 of Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape, will be poorly visually related to the existing buildings adjoining and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies PMD2 and ED7 of Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building and use are not of a scale or purpose that appear related to the nature or size of the holding on which the building would be situated, which further undermines the case for justification in this location.
- 3 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

DEVELOPMENT PROPOSAL

The application relates to the erection of a machinery storage building at Kirkburn, Cardrona. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Site Plan	19681
General Arrangement	19680

PRELIMINARY MATTERS

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 17th April 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Officer's Report; c) Papers referred to in Report; d) Consultations and e) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case.

REASONING

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the most relevant of the listed policies were:

- Local Development Plan policies: PMD2, EP5, EP8 and ED7.

Other Material Considerations

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

The Review Body noted that the proposal was to erect a machinery storage building to the west of the existing buildings in the yard at the applicant's land holding at Kirkburn. The building, which has a footprint of 7m x 10m, would be placed on the lower yard and at 7m in height it would project 2.5m above the ridgeline of the existing buildings which it was to be attached to.

The Review Body noted that the applicant sought to contain his activities within the existing nucleus of buildings at the holding. However, Members did not agree with the applicant that the building was of "limited height" and that he had demonstrated that "... the building would be hidden from view for the A72". They were concerned that, due to the height of the building, it would be prominent from more distant views across the valley and would extend above the tree cover to the northern boundary of the landholding. Members agreed with the view of the landscape architect that this

was harmful on visual and landscape grounds and therefore unacceptable. They concluded that it would constitute a prominent feature on an elevated site, which would detract from the intrinsic qualities of the Tweed Valley Special Landscape Area.

The Review Body accepted that, if the building was required for the storage and maintenance of tipping trailers and telescopic handlers, the internal height proposed would be necessary. However, the application was not supported by a business plan or any statement that set out the development strategy for the landholding for the activities carried out at the site. In the circumstances, they had no evidence before them as why the new building was needed for this small holding. In the absence of a credible or sustainable economic justification for the building on this size of landholding they had no reason to set aside the strong landscape objections to the development and overturn the decision.

The Review Body reiterated their request that the applicant submit a business case/masterplan for the landholding that would set out clearly the objectives for the landholding with any subsequent planning applications lodged with the planning authority.

Members were concerned that the application was deficient in term of the traffic information (showing the number, type and frequency of vehicular movements associated with this proposal) and, in their view, it had not been possible to undertake a full assessment of the road safety implications of the development. In the circumstances, the Review Body varied the terms of the decision and added an additional reason for refusal on road safety grounds.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused.

Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Signed.....Councillor R Smith
Chairman of the Local Review Body

Date.....24 April 2017

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO THE HEAD OF PLANNING
AND REGULATORY SERVICES**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 11/01451/FUL

APPLICANT : Mr A Cleghorn

AGENT : Fouin & Bell Architects Ltd

DEVELOPMENT : Erection of hay store

LOCATION: Field No 0328 Kirkburn
Cardrona
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
(PL)09.2	Site Plan	Refused
(PL)09.3	Location Plan	Refused
(PL)09.4	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS: N/A

CONSULTATIONS CARRIED OUT AND SUMMARY OF CONSULTATION RESPONSES:

Peebles and District Community Council: Object: Previous Enforcement orders have not been complied with and no further development should be permitted until site is compliant.

PLANNING CONSIDERATIONS AND POLICIES:

RELEVANT PLANNING POLICIES:

Scottish Borders Structure Plan 2018

Policy N20 – Design
Policy E16 – Rural Economic Development

Scottish Borders Consolidated Local Plan 2011

Policy G1 – Quality Standards for New Development
Policy D1 – Business, Tourism and Leisure Development in the Countryside

“Placemaking and Design” Scottish Borders Council SPG

Recommendation by - Craig Miller (Principal Planning Officer) on 30th January 2012

This proposal is to provide an addition to the western end of an existing agricultural building at Kirkburn between Peebles and Cardrona. A recent approval was granted for a small lean-to addition to the eastern end which has been constructed. The difference with this application is that the proposed extension is 1.5m higher than the pitched roof existing building, clad in blockwork (not sheeting) and has a bulky square form and flat roof out of context with the existing building.

Policies G1, D1 and the Design SPG require extensions to existing buildings to be of a scale, height and massing appropriate to the existing building. The proposals fail to comply with these requirements in that none of these elements are in sympathy with the existing building. The abrupt change from pitched to flat roof form is exacerbated by the 1.5m height increase and the lack of any fenestration, together with the high steel doors which are higher than the eaves of the existing building. As the extension will also be flush with the front and back of the existing building, the lack of any step back also increases the unsympathetic relationship with the existing building.

These concerns have been raised with the agent who has offered to alter the proposal to clad it in metal sheeting rather than the proposed blockwork. The shape, form and bulk of the extension would only be slightly reduced in impact by the use of matching material and it is concluded that the design would still be inappropriate as an extension to the existing building especially within the attractive and historic rural environment that it is located. The building will be visible from the public roads to the front and rear of the site and a better design of extension is warranted in the location proposed.

REPORT BY – Craig Miller (Principal Planning Officer) on 30 January 2012.

RECOMMENDATION:

The application is recommended for refusal for the listed reason.

REASON FOR DECISION :

The application is contrary to Policies N20 of the Scottish Borders Structure Plan 2018, Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 and the advice contained within the “Placemaking and Design” SPG in that the proposals are of inappropriate form, scale and materials and are unsympathetic to both the existing building and the amenity of the surrounding rural area.

Recommendation: Refused

- 1 The application is contrary to Policies N20 of the Scottish Borders Structure Plan 2018, Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 and the advice contained within the “Placemaking and Design” SPG in that the proposals are of inappropriate form, scale and materials and are unsympathetic to both the existing building and the amenity of the surrounding rural area.

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

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations
2008**

Application for Planning Permission

Reference : 11/01451/FUL

To : Mr A Cleghorn per Fouin & Bell Architects Ltd 1 Johns Place Edinburgh EH6 7EL

With reference to your application validated on **7th November 2011** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of hay store

at : Field No 0328 Kirkburn Cardrona Scottish Borders

The Scottish Borders Council hereby refuse planning permission for the reason(s) stated on the attached schedule.

**Dated 30th January 2012
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed


.....
Head of Planning and Regulatory Services

APPLICATION REFERENCE : 11/01451/FUL**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
(PL)09.2	Site Plan	Refused
(PL)09.3	Location Plan	Refused
(PL)09.4	Location Plan	Refused

REASON FOR REFUSAL

- 1 The application is contrary to Policies N20 of the Scottish Borders Structure Plan 2018, Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 and the advice contained within the "Placemaking and Design" SPG in that the proposals are of inappropriate form, scale and materials and are unsympathetic to both the existing building and the amenity of the surrounding rural area.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose, TD6 OSA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

REGULATORY SERVICES



To: **Development Management Service**
FAO Scott Shearer

Date: **18 Sept 2017**

From: **Roads Planning Service**
Contact: **Paul Grigor**

Ext: **6663**

Ref: **17/01112/FUL**

Subject: Erection of hay shed
Field No 0328, Kirkburn, Cardrona

A similar proposal was considered under application 16/01506/FUL and the additional information requested at that time has not been submitted as part of this application. I have copied the previous response below;

Similar proposals for agricultural storage buildings in this area which are served by the same access have requested additional information regarding traffic movements, in order to assess the impact these proposals would have on the junction with the public road.

The current submission does not include any information on the number, type and frequency of vehicular movements associated with this proposal. As a result, I am unable to make an informed decision of the impact this proposal will have on the junction with the public road and the section of private road leading to the site.

Until I receive this additional information, I must recommend refusal of this application.

AJS

Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	17/01112/FUL
Uniform Ref	17/02485/PLANCO
Proposal	Erection of hay shed
Address	Field No 0328 Kirkburn Cardrona Scottish Borders
Date	6/9/17
Amenity and Pollution Officer	David A. Brown
Contaminated Land Officer	Reviewed – no comments

Amenity and Pollution

Assessment of Application

Noise
Nuisance

This is an Application to erect a Hay Shed.

Noise from vehicle maintenance and operations can cause noise annoyance and affect the amenity of other occupiers.

These developments can also subsequently be used for other purposes which may impact on local amenity.

Recommendation

Agree with application in principle, subject to Conditions

Conditions

Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within all noise sensitive properties (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2

Reason: To protect the amenity of nearby properties.

All plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.

Reason: To protect the amenity of nearby properties.

The shed shall not be used for any purpose from which environmental or amenity impacts may arise without first submitting a Management Plan, for the prior approval of the Planning Authority.

Reason: To protect the amenity of nearby properties.

PLANNING CONSULTATION

To: Landscape Architect

From: Development Management

Date: 11th August 2017

Contact: Scott Shearer ☎ 01835 826732

Ref: 17/01112/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 1st September 2017, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 1st September 2017, it will be assumed that you have no observations and a decision may be taken on the application.

Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.

Name of Applicant: Cleek Poultry Ltd

Agent: N/A

Nature of Proposal: Erection of hay shed

Site: Field No 0328 Kirkburn Cardrona Scottish Borders

OBSERVATIONS OF: Landscape Architect

CONSULTATION REPLY – 31 Aug 2017

Nature of the Proposal

The proposal is for the erection of a hay shed onto the end of the existing shed.

Implications of the Proposal for the Landscape including any Mitigation

I note that a topographical survey, showing the tip height of trees on the north side of the B7062 (within the Kailzie estate) This information demonstrates that the existing trees along the north boundary should adequate screening the shed when seen from this direction across the valley.

The roof height will be approximately 2.5m above the roof height of the existing shed but given the assessed tip height of adjacent trees, it should not be an intrusion in the landscape when seen across the valley.

Conclusion

Given that the topographical survey shows that the roof height will be lower than the adjacent trees and thus will be screened from views across the valley, on landscape and visual grounds, I do not object to this application.

Siobhan McDermott
LANDSCAPE ARCHITECT

PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 11th August 2017

Contact: Scott Shearer ☎ 01835 826732

Ref: 17/01112/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 1st September 2017, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 1st September 2017, it will be assumed that you have no observations and a decision may be taken on the application.

Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.

Name of Applicant: Cleek Poultry Ltd

Agent: N/A

Nature of Proposal: Erection of hay shed

Site: Field No 0328 Kirkburn Cardrona Scottish Borders

OBSERVATIONS OF: Archaeology Officer

CONSULTATION REPLY

There are no archaeological implications for this proposal. The site in question underwent a watching brief in 2005 which failed to identify archaeological features or finds.

LIST OF POLICIES

Local Review Reference: 17/00043/RREF

Planning Application Reference: 17/01112/FUL

Development Proposal: Erection of hay shed,

Location: Field No 0328 Kirkburn, Cardrona

Applicant: Cleek Poultry Ltd

Scottish Borders Local Development Plan 2016

POLICY PMD2: QUALITY STANDARDS

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

Sustainability

- a) In terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology,
- b) it provides digital connectivity and associated infrastructure,
- c) it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance,
- d) it encourages minimal water usage for new developments,
- e) it provides for appropriate internal and external provision for waste storage and presentation with, in all instances, separate provision for waste and recycling and, depending on the location, separate provision for composting facilities,
- f) it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

Placemaking & Design

- h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
- i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
- j) it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
- k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
- l) it can be satisfactorily accommodated within the site,
- m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
- n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

LIST OF POLICIES

Accessibility

- o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,
- p) it incorporates, where required, access for those with mobility difficulties,
- q) it ensures there is no adverse impact on road safety, including but not limited to the site access,
- r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,
- s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

Greenspace, Open Space & Biodiversity

- t) It provides meaningful open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
- u) it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements.

Developers are required to provide design and access statements, design briefs and landscape plans as appropriate.

POLICY ED7: BUSINESS, TOURISM AND LEISURE IN THE COUNTRYSIDE

Proposals for business, tourism or leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:

- a) the development is to be used directly for agricultural, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or
- b) the development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and, where relevant, it is in accordance with the Scottish Borders Tourism Strategy and Action Plan;
- c) the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the particular countryside location, and that it cannot be reasonably be accommodated within the Development Boundary of a settlement.

In addition the following criteria will also be considered:

- a) the development must respect the amenity and character of the surrounding area,
- b) the development must have no significant adverse impact on nearby uses, particularly housing,
- c) where a new building is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available, and where conversion of an existing building of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding,
- d) the impact of the expansion or intensification of uses, where the use and scale of development are appropriate to the rural character of the area,

LIST OF POLICIES

- e) the development meets all other siting, and design criteria in accordance with Policy PMD2, and
- f) the development must take account of accessibility considerations in accordance with Policy IS4.

Where a proposal comes forward for the creation of a new business including that of a tourism proposal, a business case that supports the proposal will be required to be submitted as part of the application process.

POLICY EP5: SPECIAL LANDSCAPE AREAS

In assessing proposals for development that may affect Special Landscape Areas, the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development, including the visual impact. Proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local importance.

EP8: ARCHAEOLOGY

(A) National Archaeological Sites

Development proposals which would destroy or adversely affect the appearance, fabric or setting of Scheduled Monuments or other nationally important sites will not be permitted unless:

the development offers substantial benefits, including those of a social or economic nature, that clearly outweigh the national value of the site, and there are no reasonable alternative means of meeting the development need.

(B) Battlefields

The Council may support development proposals within a battlefield on the Inventory of Historic Battlefields Register, or a regionally significant site, that seek to protect, conserve, and/or enhance the landscape characteristics or important features of the battlefield. Proposals will be assessed according to their sensitivity to the battlefield.

(C) Regional or Local Archaeological Assets

Development proposals which will adversely affect an archaeological asset of regional or local significance will only be permitted if it can be demonstrated that the benefits of the proposal will clearly outweigh the heritage value of the asset.

In all of the above cases, where development proposals impact on a Scheduled Monument, other nationally important sites, or any other archaeological or historical asset, developers may be required to carry out detailed investigations.

Any proposal that will adversely affect a historic environment asset or its appropriate setting must include a mitigation strategy acceptable to the Council.

OTHER MATERIAL CONSIDERATIONS

- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

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NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail? Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|--------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

THE SITE IS WITHIN A WORKING SMALLHOLDING AND A SITE VISIT CAN BE ARRANGED BY CALLING THE OWNER USING 07768 682646

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

WITHIN THE EXISTING CROFT OR SMALLHOLDING IT IS REQUIRED TO HAVE A BUILDING SUITABLE FOR THE STORAGE AND MAINTENANCE OF EQUIPMENT SUCH AS TRACTORS AND TELEPORTERS. THE PROPOSED BUILDING WILL FULFILL THIS NEED.

THE BUILDING IS TO BE TACKED AGAINST THE EXISTING RANGE OF BUILDINGS. THE HEIGHT IS REQUIRED FOR THE MAINTENANCE OF THE TELEPORTER USED TO HANDLE FEEDSTUFFS WITHIN THE CROFT.

THE MATERIALS CHOSEN FOR THE BUILDING ARE SYNONYMOUS FOR A BUILDING OF THIS TYPE AND THE COLOURS WILL HELP THE BUILDING BLEND INTO ITS ENVIRONMENT. FURTHERMORE, ON THE BLOCK PLAN YOU WILL NOTE THE TREE-TOP HEIGHTS HAVE BEEN SURVEYED TO ENSURE THE BUILDING LIES BELOW THE SCREEN FORMED BY THE TREES.

PREVIOUS PLANNING APPLICATIONS HAVE BEEN MADE FOR HIGHER BUILDINGS TO THE EAST OF THE CROFT. THESE HAVE GENERALLY BEEN REFUSED. THE EXISTING PROPOSAL KEEPS ALL THE AGRICULTURAL USE GROUPED INTO THE WEST SECTOR OF THE SITE WHERE THE LANDSCAPING BETTER HIDES THE STRUCTURES.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

N/A

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

REFUSAL NOTICE 17 01113/FUL
 STATEMENT SUBMITTED WITH THE ORIGINAL PLANNING APPLICATION
 DRAWINGS 196 TRACTOR 01/02/03

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed [REDACTED] Date

The Completed form should be returned to the Head of Corporate Administration, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA.

CLEEK POULTRY LTD

Application for Planning Consent to erect a Tractor Shed
Site to East of Existing Building
Kirkburn, Cardrona

Statement

The site is within the existing yard at my small-holding at Kirkburn. The ground lies below and to the north of the existing concrete retaining wall which runs East to West.

Given the sensitivity of the site it was felt necessary to take an in-depth look at the heights of the ground and the height of the trees which screen the site from the A72. I commissioned a further topographical survey that has investigated these matters. This can be found on Drawing No '196 TRACTOR 01'.

The height of the existing yard is currently 104.07m. The proposed new building is needed to protect and maintain a telehandler which is used for general feeding of the stock and the management of Hay and Straw. The height to eaves is 6.5m, whilst the height to ridge is 6.9m. Therefore, the height of the ridge is 110.97m. The height is needed to maintain the extending boom of the machine.

I asked the surveyor specifically to pick up the tree-top heights of the trees which screen the site from the A72. These heights are marked on the same drawing. They are reference 'TRL' and you will note that the TRL values immediately to the north of the proposed structure are generally around 113.0m, some 2,0m above the ridge line of the building.

The new building will be green in colour. It will have a gable roller-shutter door and a pent-roof following the contours of the slopes behind. The building is designed to merge into the countryside, rather than dominate it. The massing of the building relative to the retaining wall and existing building is also shown on the elevations.

My farming activities at Kirkburn require this building. I have previously asked Scottish Borders Council for consent for larger buildings for similar use, but have been unsuccessful. Hence my approach now - to ask for a simple and modest structure within the group of existing buildings, enabling me to improve on the quality of the continued management of the small-holding.

Signed

A J Cleghorn for Cleek Poultry Ltd

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference : 17/01113/FUL

To : Cleek Poultry Ltd The Tractor Shed Kirkburn Cardrona Peebles Scottish Borders

With reference to your application validated on **8th August 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

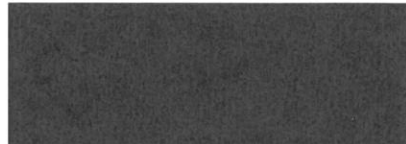
Proposal : Erection of tractor shed

At : Field No 0328 Kirkburn Cardrona Scottish Borders

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s)** stated on the attached schedule.

Dated 5th October 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA

Signed



.....
Depute Chief Planning Officer

APPLICATION REFERENCE : 17/01113/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
196 TRACTOR 03	Location Plan	Refused
196 TRACTOR 01	Site Plan	Refused
196 TRACTOR 02	Elevations	Refused

REASON FOR REFUSAL

- 1 The application is contrary to Policies PMD2, ED7 and EP5 of Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance on Local Landscape Designations in that the height and design of the proposal is incongruous with the appearance of the existing adjoining building and would result in an unacceptable adverse visual impact on the character and quality of the designated landscape. No operational justification to override these concerns and justify an exceptional form of permission in this rural location has been demonstrated.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

RECEIVED - 8 AUG 2017

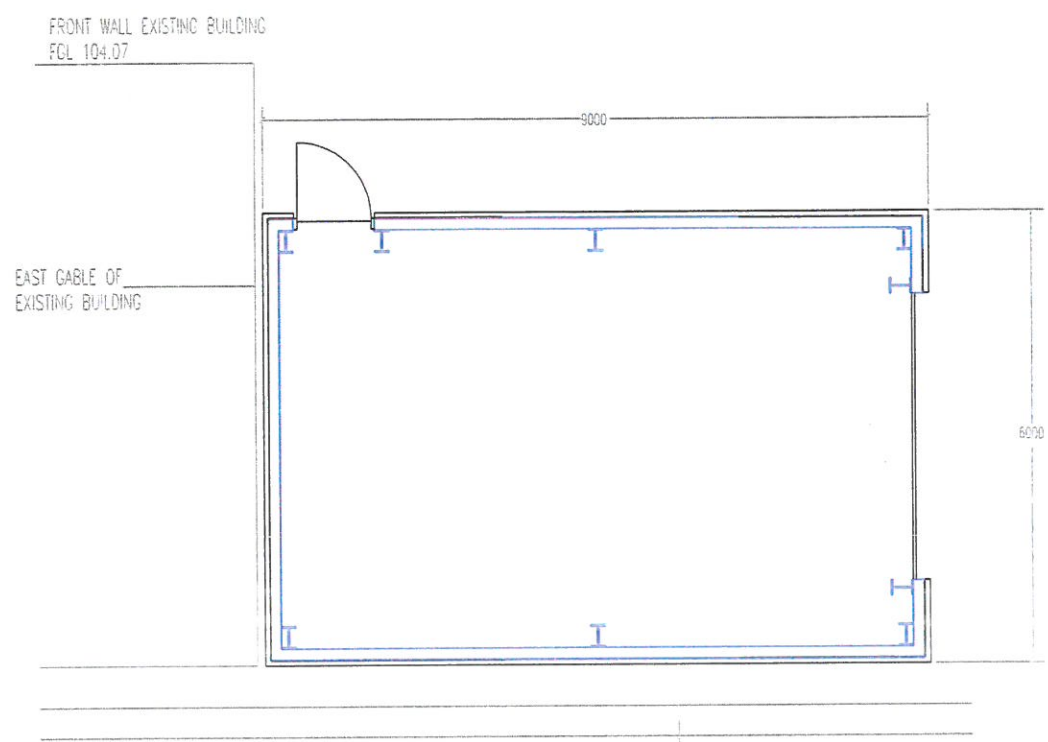
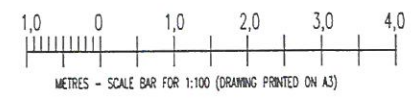
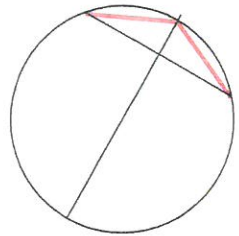
PROPOSED TRACTOR SHED TO EAST OF EXISTING BUILDING
KIRKBURN, CARDRONA, PEEBLES
for Cleek Poultry Ltd

drawing No 196 TRACTOR 02

Scottish Borders Council
Environment & Infrastructure

5 OCT 2017

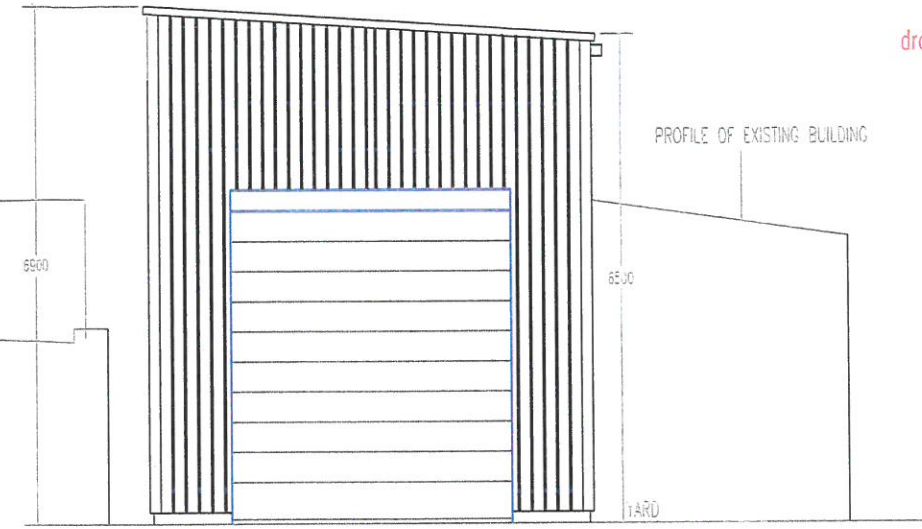
Town & Country Planning (Scotland) Act
REFUSED



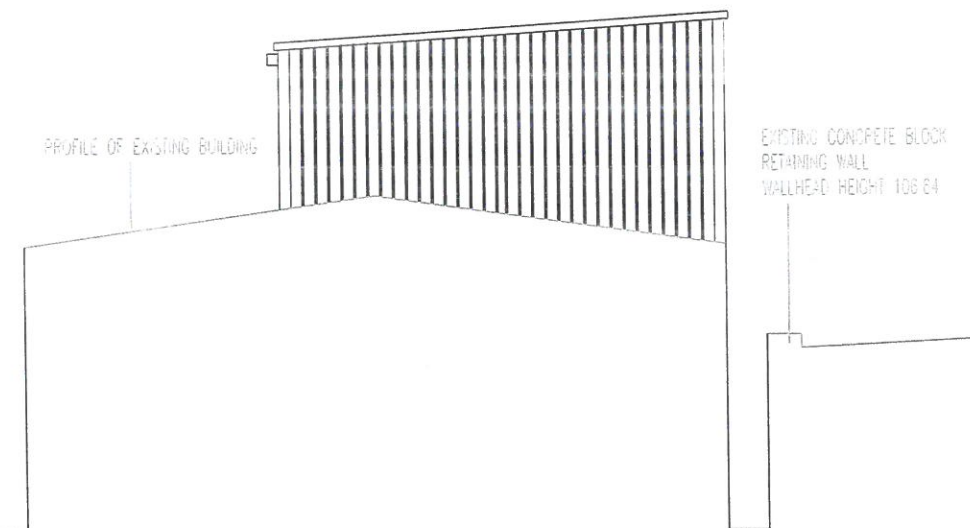
GENERAL ARRANGEMENT

DESCRIPTION - STEEL PORTAL BUILDING WITH SHEETING RAILS, ROOF FINISHED IN WARLEY ETERNIT BIG 6 MINERAL BOARD CORRUGATED SHEETS, COLOUR SHERWOOD GREEN, WALLS FINISHED IN PROFILED STEEL CLADDING COLOUR FOREST GREEN

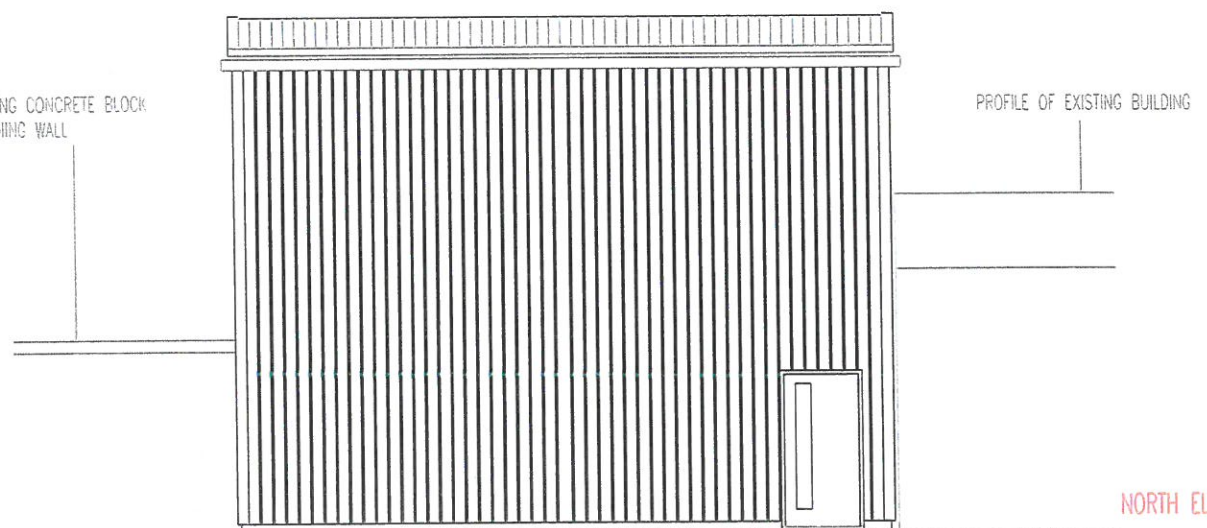
EXISTING CONCRETE BLOCK RETAINING WALL WALLHEAD HEIGHT 106.64



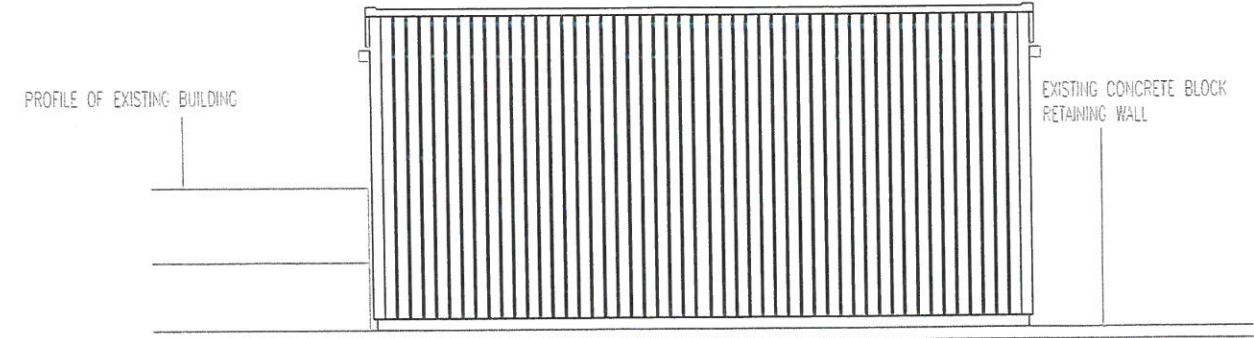
EAST ELEVATION



WEST ELEVATION



NORTH ELEVATION

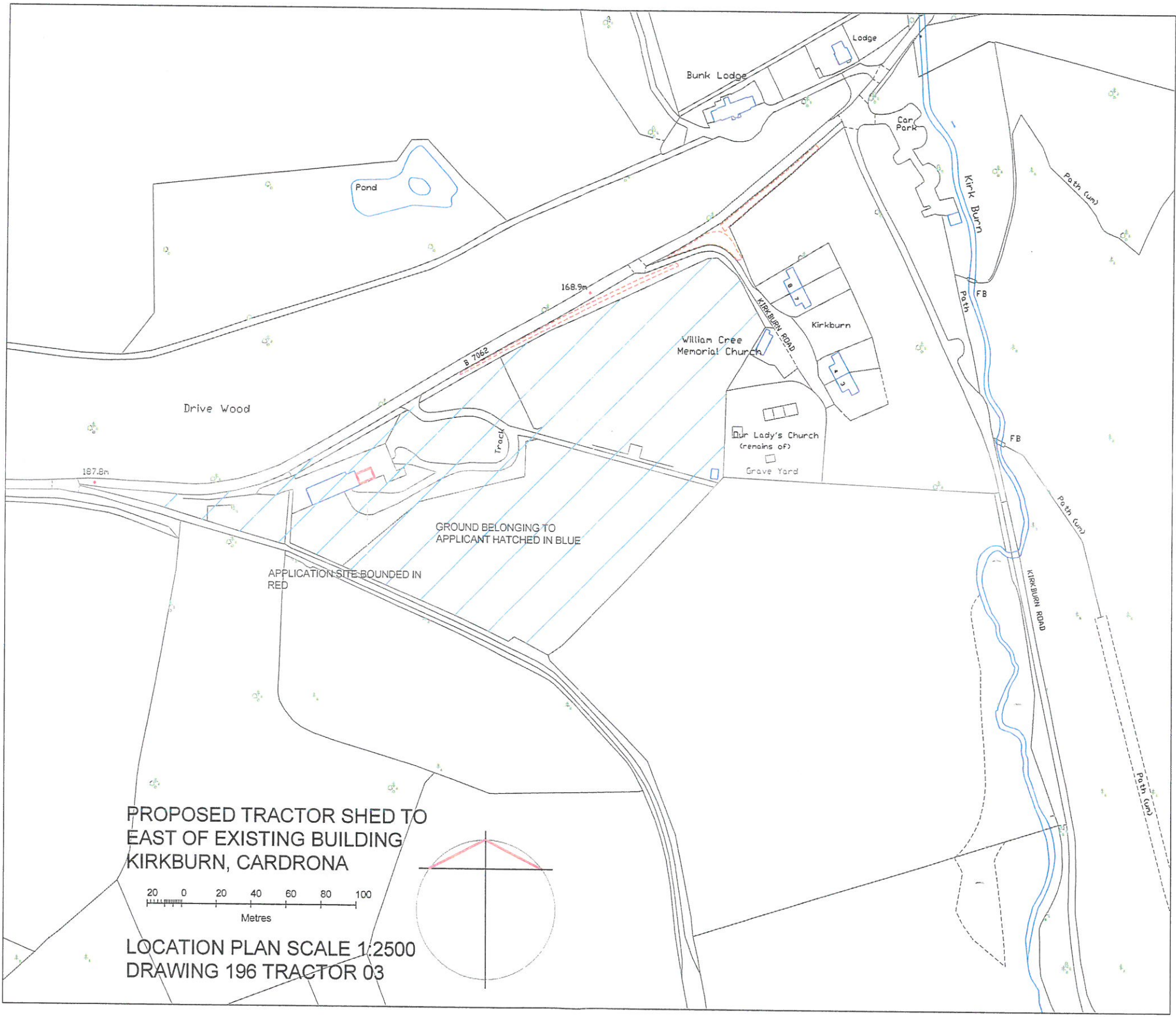


SOUTH ELEVATION

Scottish Borders Council
Environment &
Infrastructure

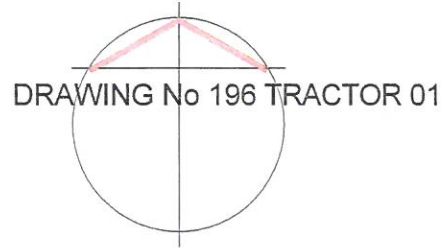
5 OCT 2017

Town & Country Planning (Scotland) Act
REFUSED



RECEIVED - 8 AUG 2017

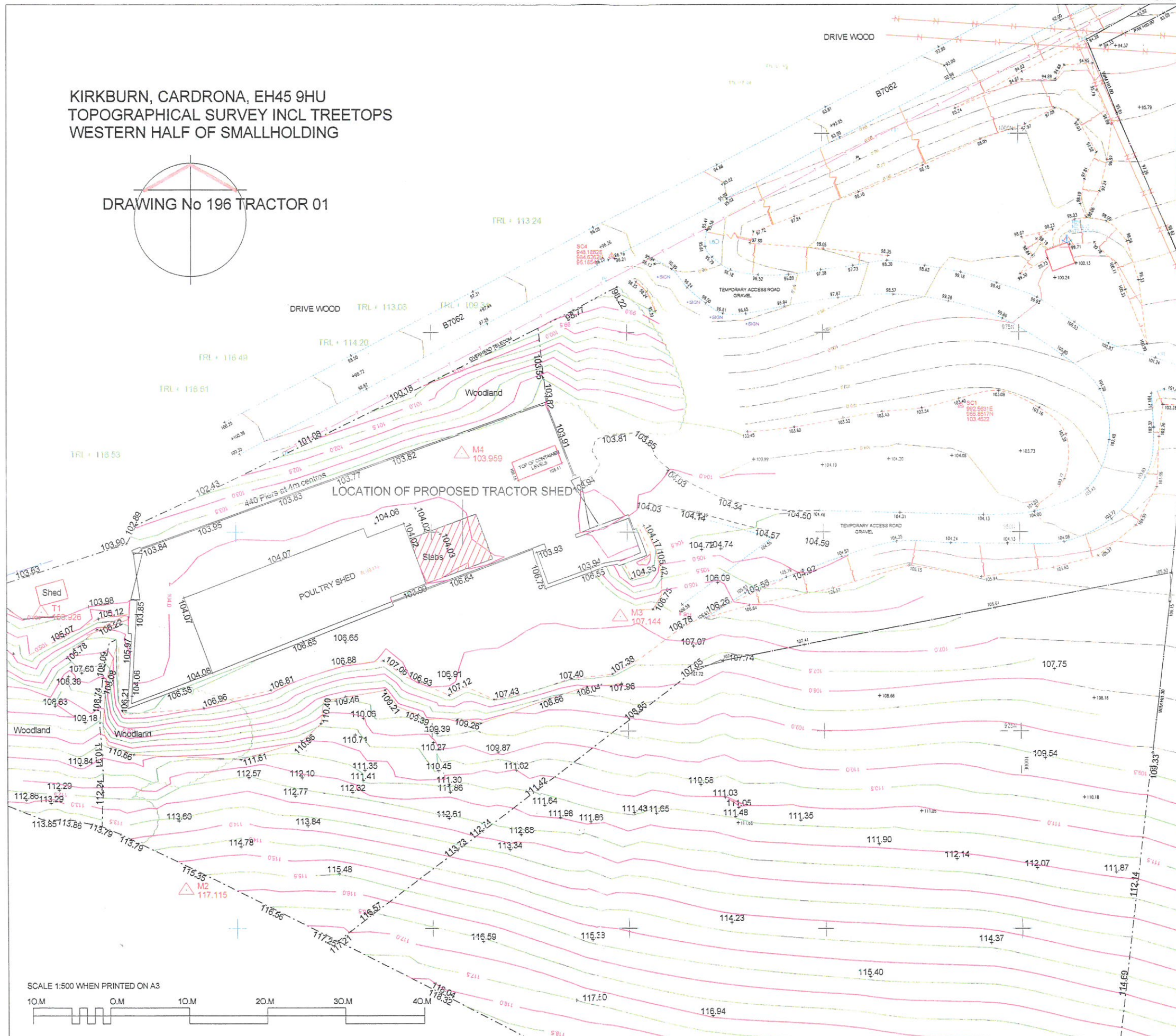
KIRKBURN, CARDRONA, EH45 9HU
TOPOGRAPHICAL SURVEY INCL TREETOPS
WESTERN HALF OF SMALLHOLDING



Scottish Borders Council
Environment &
Infrastructure

5 OCT 2017

Town & Country Planning (Scotland) Act
REFUSED



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SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/01113/FUL
APPLICANT : Cleek Poultry Ltd
AGENT :
DEVELOPMENT : Erection of tractor shed
LOCATION: Field No 0328 Kirkburn
 Cardrona
 Scottish Borders
TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
196 TRACTOR 03	Location Plan	Refused
196 TRACTOR 01	Site Plan	Refused
196 TRACTOR 02	Elevations	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Archaeology Officer: There are no archaeological implications for this proposal. The site in question underwent a watching brief in 2005 which failed to identify archaeological features or finds.

Environmental Health: Noise from vehicle maintenance and operations associated with this development can affect the amenity of other occupiers and impact on local amenity. No objection is raised provided conditions to control the noise levels and maintenance of plant and machinery.

Landscape Architect: The roof height of the proposal will be approximately 2.5m above the roof height of the existing shed. The topographical survey shows the tip heights of the trees on the north side of the B7062 within the Kailzie estate. This information confirms that these trees will screen the shed from views across the valley. It would have been preferred to see a shed of a similar height to the existing, to limit any potential impact when seen from the B7062 but it is recommended that there will only be a limited visual effect on receptors on the B7062 therefore no objection is raised on landscape and visual grounds.

Roads Planning: No objections to this relatively small unit for storing an agricultural vehicle within the existing compound at Kirkburn.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Council Local Development Plan 2016:

PMD2 - Quality Standards for New Development
EP5 - Special Landscape Areas
EP8 - Archaeology
ED7 - Business Tourism and Leisure Development in the Countryside

Supplementary Planning Guidance on;

Local Landscape Designations 2012

Recommendation by - Scott Shearer (Planning Officer) on 4th October 2017

The application seeks permission to erect a lean-to tractor shed to the north east of an existing complex of buildings which consist of a pitched roofed building with adjoining flat roofed extension. The flat roofed structure is not shown on the elevation drawings however the block plan suggests that this structure is to be retained. This latest proposed building has a ridge height of 6.9m and is to be finished with green coloured steel profile cladding and a shutter door. The site is located within the Tweed Valley SLA.

A related application, ref 17/01112/FUL for the erection for a hay shed has been applied for to the south west of the poultry building and is being handled separately.

This latest application has followed a number of previous applications for agricultural buildings which have been applied for around the existing buildings. All proposals have been refused apart from permission to the constructed flat roof building which was approved in 2011. Most of the refusals are been sited to the south west of the existing buildings. The last application which was sought for permission at this side of the building applied for a straw storage building on the land which rises above this site to its rear, ref: 16/01506/FUL and this refusal was upheld by the LRB.

The reasons for refusing the previous applications around site is summarised below;

1. The scale, siting and design of the buildings will be prominent in the landscape and poorly related to the adjoining building leading the proposal to detrimentally impact on the character and quality of the SLA.
2. No overriding justification has been provided to vindicate the developments as an exceptional form of development in this rural area.
3. Proposals have not demonstrated that the traffic generated from developments can access the site without detriment to road safety.

The siting of this structure has moved down from the elevated site where application 16/1506/FUL was located so that the proposal will sit alongside the existing structures on a similar ground level. On refusing previous applications, the Planning Authority has raised concerns that as a result of the height and siting of proposals on elevated sites those developments would stand in the region of 2.5m above the ridge height of the existing buildings. Despite this structure moving down from the elevated ground behind, the building stands at 6.9m tall so it will extend 2.4m above the highest part of the existing building. This scale suggests that similar visual concerns will exist.

This latest application has included a topographical survey of the heights of the trees on the north side of the B7062 which form part of the Kailzie estate. This information has not been included within previous applications but the survey confirms that the heights of the trees will screen this building from views from across the valley. The proposal should therefore not be visible from the A72 and consequently I accept that this topographical assessment illustrates that the proposals will not have detrimental landscape and visual impacts over long distances.

The adverse visual impacts of the proposals over long distances were not the sole visual concerns of the previous proposals. Previous proposals were viewed to be prominent to the B road. The planting on the embankment which separates the site from the B7062 does provide some screening to the existing building and the planting is more robust at the eastern side of the embankment. The heights of these trees have not been surveyed and they do appear shorter than those which have been surveyed in Kailzie Estate, therefore the proposals may be visible above these trees.

The existing complex of buildings is low in height and this proposal displays incongruous elements of the previous applications where there is a dramatic jump in building height. This is compounded by the high wall height of this building extending above the ridge of the existing pitched roofed building to produce a poor juxtaposition alongside this range of buildings. While the existing roadside planting may limit the visual effect on receptors on the B7062 as suggested by our landscape architect, because the height of these trees have not been surveyed it is not conclusively proven that this is the case. Fundamentally, the trees which may screen the development from the B7062 are not protected so they are removable. If the trees were to be removed they would expose a very poor composition of buildings which would be visually discordant with the rural character of the area and also the scale of this proposal on an already elevated site would dominate views from the B7062. While tree screening is a material consideration, to impose a condition requiring the retention of the trees as a means of hiding an otherwise unsympathetic development would not be a sustainable approach. The development itself should fundamentally relate well to its context, and this development does not.

Policy ED7 seeks to promote developments which are appropriate to their rural location and positively contribute to the rural economy. Previous applications have been consistently opposed on grounds that they have failed to demonstrate the economic requirement for the development within a creditable justification or Business Plan. It is understood the context of the landholding has remained unchanged from the last application on this site where the landholding only extends to 8 acres, of which 3 benefit from planning permissions for tourist developments. The holding already benefits from existing buildings to assist with the use of the land. Having checked the landholdings planning history, the flat roofed building was approved under application 11/01437/FUL when the building was described on its plan as a tractor shed. The flat roofed building is only 2.4m tall and the case officers doubts about the ability to use this building for its intended purpose appear to have been confirmed in this application where the submitted plan make reference to all of the existing structures being a poultry shed. The intended use of the building for the storage of hay may be an acceptable building use in this rural area. Previous determinations have opposed new agricultural developments at Kirkburn on grounds that proposals have not provided evidence or an economic justification that this landholding required additional agricultural buildings. I note, however, that Policies PMD2 and ED7 do not explicitly require that existing agricultural businesses provide such justification. With this in mind I do not recommend that this application is refused on these grounds. That said, there is also no justification or evidence that would enable me to determine that the adverse visual impacts of this development should be overridden by the operational needs of the business.

Roads Planning Officers have not suggested that this particular form of development would pose a risk to road safety which would require further information to determine if the road network can safely cater for associated vehicle movements. If the application were to be approved environmental health concerns can be addressed by an informative note, as the matter of managing a building within an existing agricultural unit, where no specific amenity problem has been identified, is best addressed through separate environmental protection controls.

REASON FOR DECISION :

The application is contrary to Policies PMD2, ED7 and EP5 of Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance on Local Landscape Designations in that the height and design of the proposal is incongruous with the appearance of the existing adjoining building and would result in having a significantly adverse visual impact on the character and quality of the designated landscape.

The application is contrary to Policies PMD2 and ED7 of Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the

development would appear as unwarranted development in the open countryside. The proposed building and use are not of a scale or purpose that appear related to the nature or size of the holding on which the building would be situated, which further undermines the case for justification in this location.

Recommendation: Refused

- 1 The application is contrary to Policies PMD2, ED7 and EP5 of Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance on Local Landscape Designations in that the height and design of the proposal is incongruous with the appearance of the existing adjoining building and would result in an unacceptable adverse visual impact on the character and quality of the designated landscape. No operational justification to override these concerns and justify an exceptional form of permission in this rural location has been demonstrated.

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

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 16/01506/FUL
APPLICANT : Cleek Poultry Ltd
AGENT :
DEVELOPMENT : Erection of straw storage building
LOCATION: Field No 0328 Kirkburn
 Cardrona
 Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
196 85	Site Plan	Refused
196 86	Elevations	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Roads Planning:

Similar proposals for agricultural storage buildings in this area which are served by the same access have requested additional information regarding traffic movements, in order to assess the impact these proposals would have on the junction with the public road.

The current submission does not include any information on the number, type and frequency of vehicular movements associated with this proposal. As a result, I am unable to make an informed decision of the impact this proposal will have on the junction with the public road and the section of private road leading to the site.

Until I receive this additional information, I must recommend refusal of this application.

Environmental Health:

Amenity and Pollution

Assessment of Application

Air quality

Noise

Nuisance

Private Water Supply

Recommendation

Delete as appropriate - Agree with application in principle, subject to Conditions

Conditions

The building shall not be used for any other purpose other than the storage of straw, without the written consent of the Planning Authority.

Reason: To protect the amenity of other occupiers.

Landscape Architect:

I refer to landscape response to application 16/01114/FUL for a cold shed and hay store on land immediate to the east. My comments on that application apply to this current application for a straw storage building.

I have concerns that that the proposal will have a negative impact on the quality of the Special Landscape Area and especially on views driving along the minor road immediately to the north and the immediate area.

No landscape mitigation been proposed to help reduce the visual impact on sensitive receptors.

I therefore, on landscape and visual grounds, would not support this application.

Archaeology Officer:

There are no known archaeological implications for this proposal. There was an archaeological watching brief in 2005 immediately adjacent to the application area that failed to locate archaeological deposits or materials.

Economic Development: No comments.

Peebles and District Community Council: Response awaited.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

Policy PMD2 Quality Standards for New Development

Policy EP5 Special Landscape Areas

Policy EP8 Archaeology

Policy ED7 Business Tourism and Leisure Development in the Countryside

"Special Landscape Area 2 - Tweed Valley" - Supplementary Planning Policies

Recommendation by - Craig Miller (Lead Planning Officer) on 31st January 2017

There have been several previous applications to add a building up behind the existing buildings at upper yard level, all having been refused. The most recent application for an animal flotation unit (16/00495/FUL) proposed a very similar building in scale and form, the current proposal being slightly shorter but deeper. This was rejected at Local Review Body. The fact that this application is the first to propose an infill position between the top of the existing cold store and the back of the existing buildings makes no difference to the assessment of landscape impact. The assessment of the history, landscape impacts and need for the proposals are contained within the previous report on that building and the comments are equally applicable to this proposal, as follows:

"The application for the storage building and animal flotation tank building cause the same issues of landscape impact. Whilst it is accepted that at least they would have the appearance of being more visually related to the existing buildings in terms of location to the rear of existing buildings, the level of projection above the ridge of the existing buildings would still be excessive, ranging from 3.7m for the flotation tank building to 5.6m for the storage shed building. It is acknowledged that the line of tree cover north of the

public road is a little higher at this end of the land holding and the existing buildings are screened by those trees - but only just. It is considered that there is not a further 3.7-5.6m vertical height screening above the tree tops to enable such large buildings set at higher level to be effectively screened, either from the A72 or from the public road adjoining the site. Whilst there may be a second topographical survey plan which could have covered this end of the site, this has not been submitted with the application and it would be highly unlikely, in any case, that there would be any demonstration of adequate existing screening given the height differentials between the existing building ridges and those proposed - especially the storage building ridge. It certainly appears that the existing contours would be similar to those being proposed for the rabbit/mushroom sheds. without the cutting into ground levels as proposed for those buildings. Excavation in this location would also cause difficulties with the upper yard, access and impacts on the rear of the existing buildings. It is concluded that the impacts on the landscape would be significant with this proposal, affecting the character and quality of the designated landscape and particularly noticeable from the A72. This is the conclusion of the Landscape Officer."

Although there have been several other decisions on planning applications since the above was written, none have changed the position in relation to landscape impact. Nor have the new LDP Policies altered the Council's position on landscape impact in a Special Landscape area. Whilst the previous associated storage building would have been the most prominent which has now been dropped from the proposals, the previous application was still refused on the basis of the landscape impact of the animal flotation building too, it being considered that 3.7m of height extension above the current building ridge lines was not acceptable and would lead to unacceptable landscape prominence. The switch in ridge position would not be sufficient to reduce the impacts to acceptable levels. The Council Landscape Architect continues to oppose the application for these reasons.

The previous application was also refused on road safety grounds due to lack of information . The previous Handling Report stated the following:

"Roads Planning also consider there to be a lack of information in terms of the number of vehicle movements this proposal (and the others) will bring. They have requested a Transport Statement to be submitted which details the type, number and size of vehicle trips which will be generated by this proposal along with the frequency of trips. The statement must also include anticipated traffic movements for all other proposed development served by this access.

Given the uncertainty over the scale of the buildings and their suitability for the purposes intended, it is understandable that there are Roads concerns over the ability of the access to accommodate the development without further information being submitted. In the absence of such information, it has not been adequately demonstrated that the access is capable of safely accommodating the traffic generated by the proposed development. This would be contrary to Policy D1 of the Consolidated Local Plan."

These concerns still exist, even with the fact that the application is only for the flotation unit.

Economic Development have commented on the lack of a Business Plan again with this application, despite the application only being for the flotation unit. The comments in the previous Handling Report remain pertinent to the resubmitted application, albeit Policies PMD2 and ED7 have replaced Policies G1 and D1, as follows:

"Policy D1 looks for uses which are related to the ground on which they are located, for purposes which are generated by the land and any particular activity carried out on the land. It is known that the landholding is only 8 acres, of which 3 have been earmarked for the consented chalet development and some of the remainder are occupied already by buildings and the yard area. The stated purpose of the buildings and their scale raise issues over need and justification, as with the other proposals and in the absence of a co-ordinated Business Plan. It is also questioned whether such a modest holding, already with a range of buildings (including a consented cold storage building and tractor shed) can justify such large additional accommodation which appears duplication. In the absence of a Business Plan, there is no demonstration of the required need for such buildings on this small holding.

It is concluded that the application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed buildings that would justify an exceptional permission in this rural location and therefore the development would appear as unwarranted development in the open countryside. The proposed buildings

are not of a design or scale that appear suited either to the proposed use for which they are intended or the size of the holding on which they would be situated, which further undermines the case for justification in this location."

All of this still applies, subject to reference to updated LDP Policies. The proposed building is a little lower than that proposed by 16/00495/FUL (rejected by the LRB) but will still be more than 2.5m above the ridge line of the existing buildings, a projection not considered acceptable by the Landscape Architect nor demonstrated to be adequately screened by the riverside tree belt. Similarly, the justification for the building, for straw storage, has not been provided on the smallholding where buildings already exist.

The environmental health concerns can be addressed by a condition on any approval. There are no archaeological implications as there had been a previous watching brief at this western end of the steading.

REASON FOR DECISION :

The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.

The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a design or scale that appears justified by the size of the holding on which it would be situated, which further undermines the case for justification in this location.

The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

Recommendation: Refused

- 1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a design or scale that appears justified by the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 3 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY DECISION NOTICE**

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND
LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Local Review Reference: 17/00008/RREF

Planning Application Reference: 16/01506/FUL

Development Proposal: Erection of straw storage building

Location: Field No 0328 Kirkburn, Cardrona

Applicant: Cleek Poultry Ltd

DECISION

The Local Review Body (LRB) upholds the decision of the appointed officer and refuses planning permission for the reasons set out in this decision notice and on the following grounds:

- 1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a design or scale that appears justified by the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 3 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

DEVELOPMENT PROPOSAL

The application relates to the erection of a straw storage building at Kirkburn, Cardrona. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Site Plan	19685
General Arrangement	19686

PRELIMINARY MATTERS

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 17th April 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Officer's Report; c) Papers referred to in Report; d) Consultations and e) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case.

REASONING

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the most relevant of the listed policies were:

- Local Development Plan policies: PMD2, EP5, EP8 and ED7.

Other Material Considerations

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

The Review Body noted that the proposal was to erect a straw storage building to the south of the existing buildings in the yard at the applicant's land holding at Kirkburn. The building, which had a footprint of 8m x 18m, would be placed on the upper yard on elevated ground and would project by a minimum of 2.5m above the ridgeline of the existing buildings in the main yard.

The Review Body noted that the applicant sought to contain his activities within the existing nucleus of buildings at the holding. However, whilst Members accepted that this was a building of a modest scale, they were still concerned that, due to its elevation, the building would be prominent from more distant views across the valley and would extend above the tree cover to the northern boundary of the landholding. Members agreed with the view of the landscape architect that this was harmful on visual and landscape grounds and therefore unacceptable. They concluded that it

would constitute a prominent feature on an elevated site, which would detract from the intrinsic qualities of the Tweed Valley Special Landscape Area.

The Review Body accepted that a small holding may need to store straw. However, the application was not supported by a business plan or any statement that set out the development strategy for the landholding or the activities carried out at the site. In the circumstances, they had no evidence before them as why the new straw building was needed for this small holding. In the absence of a credible or sustainable economic justification for the building on this size of landholding they had no reason to set aside the strong landscape objections to the development or overturn the decision.

The Review Body reiterated their request that the applicant submit a business case/masterplan for the landholding that would set out clearly the objectives for the landholding with any subsequent planning applications lodged with the Council.

Members noted the comments of the Roads Planning officer and agreed that the application was deficient in term of the required traffic information (showing the number, type and frequency of vehicular movements associated with this proposal) to enable a full assessment of the road safety implications of the development to be undertaken.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused.

Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Signed.....Councillor R Smith
Chairman of the Local Review Body

Date.....24 April 2017

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO THE HEAD OF PLANNING
AND REGULATORY SERVICES**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 11/01437/FUL
APPLICANT : Mr A Cleghorn
AGENT : Fouin & Bell Architects
DEVELOPMENT : Extension to form agricultural storage shed
LOCATION: Field No 0328 Kirkburn
Cardrona
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
(PL)08.3	Location Plan	Approved
(PL)08.4	Location Plan	Approved
(PL)08.2	Site Plan	Approved

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS: N/A

CONSULTATIONS CARRIED OUT AND SUMMARY OF CONSULTATION RESPONSES:

Roads Planning: No objections.

Peebles Community Council: Object: Previous Enforcement orders have not been complied with and no further development should be permitted until site is compliant.

PLANNING CONSIDERATIONS AND POLICIES:

RELEVANT PLANNING POLICIES:

Scottish Borders Structure Plan 2018

Policy N20 Design
Policy E16 Rural Economic Development

Scottish Borders Consolidated Local Plan 2011

Policy G1 Quality Standards for New Development
Policy D1 Business, Tourism and Leisure Development in the Countryside

Recommendation by - Craig Miller (Principal Planning Officer) on 21st December 2011

This application is for an extension of the existing agricultural building to form a tractor shed. The application was initially submitted as a Prior Notification until it was detected that the building would lie within 25m of the tarmac of the public road. It is understood that the main building was erected under Prior Notification procedures initially.

The extension is a blockwork enclosure with sheeting roof, 8m x 5m and has already been erected in advance of this decision. It is described as a tractor shed yet the main doors are only 2.4m high and it is doubtful that it could be effectively used for this purpose. Nevertheless, as an agricultural extension to an existing building within a holding that appears to be in operation, there can be no opposition to the principle of the addition. The application description wording should, however, be changed to reflect agricultural storage use of the building rather than the more specific tractor storage.

The Community Council do not believe any further development can be allowed until the existing enforcement procedures are completed regarding the owner's unauthorised occupation of the on-site caravan. There are also concerns regarding the potential future use of the existing shed and newly constructed extension.

However, the application can only be dealt with on its own merits and against current Policies and guidance. It is a small extension to a large shed that was accepted as part of an agricultural enterprise initially – and there is no information to suggest that the holding does not continue to be operated for agricultural purposes. More specifically, the use of the main shed has not been challenged and it is noted that additional agricultural land has been leased by the applicant, enlarging the holding significantly. Whilst the use of the extension may be limited in terms of height and use for tractors, there is no reason to oppose a small addition to the main building for other agricultural storage purposes.

The building itself will be constructed of blockwork as is the main shed. A flat roof and uPVC windows are also proposed. In terms of relationship with the main building, it is lower and narrower, appearing naturally as an ancilliary addition. It is also located within the yard and whilst it will be visible from the public road alongside the site and partly from the road to Laverlaw to the rear, there are no reasons to oppose the application on grounds of amenity impacts on the surrounding rural area or the private dwellinghouses some distance to the east at Kirkburn.

As Development Plan Policies encourage rural economic development, there are no justifiable reasons to oppose the application for extension to an existing agricultural building.

REPORT BY – Craig Miller (Principal Planning Officer) on 21 December 2011.

RECOMMENDATION:

The application is recommended for approval subject to the listed condition.

REASON FOR DECISION :

The application complies with Development Plan Policies on rural agricultural development in that the proposals are for a small addition to an existing agricultural building within an existing agricultural holding without any wider impacts on the visual amenity of the area or nearby residential property.

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 by the Planning etc. (Scotland) Act 2006.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Application for Planning Permission

Reference : 11/01437/FUL

To : Mr A Cleghorn per Fouin & Bell Architects 1 Johns Place Edinburgh EH6 7EL

With reference to your application validated on **21st October 2011** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Extension to form agricultural storage shed

at : Field No 0328 Kirkburn Cardrona Scottish Borders

The Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

subject to the conditions on the attached schedule imposed by the Council for the reasons stated

**Dated 21st December 2011
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed

.....
Head of Planning and Regulatory Services

APPLICATION REFERENCE : 11/01437/FUL**Schedule of Plans and Drawings Approved:**

Plan Ref	Plan Type	Plan Status
(PL)08.3	Location Plan	Approved
(PL)08.4	Location Plan	Approved
(PL)08.2	Site Plan	Approved

REASON FOR DECISION

The application complies with Development Plan Policies on rural agricultural development in that the proposals are for a small addition to an existing agricultural building within an existing agricultural holding without any wider impacts on the visual amenity of the area or nearby residential property.

SCHEDULE OF 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 by the Planning etc. (Scotland) Act 2006.

FOR THE INFORMATION OF THE APPLICANT

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Notice of Initiation of Development

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is enclosed with this decision notice for this purpose.

Notice of Completion of Development

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

REGULATORY SERVICES



To: **Development Management Service**
FAO Scott Shearer

Date: **18 Sept 2017**

From: **Roads Planning Service**
Contact: **Paul Grigor**

Ext: **6663**

Ref: **17/01113/FUL**

Subject: Erection of tractor shed
Filed No 0328 Kirkburn, Cardrona, Scottish Borders

I have no objections to this relatively small unit for storing an agricultural vehicle within the existing compound at Kirkburn.

AJS

Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	17/01113/FUL
Uniform Ref	17/02484/PLANCO
Proposal	Erection of tractor shed
Address	Field No 0328 Kirkburn Cardrona Scottish Borders
Date	6/9/17
Amenity and Pollution Officer	David A. Brown
Contaminated Land Officer	Reviewed – no comments

Amenity and Pollution

Assessment of Application

Noise
Nuisance

This is an Application to erect a Tractor Shed.
Noise from vehicle maintenance and operations can cause noise annoyance and affect the amenity of other occupiers.

Recommendation

Agree with application in principle, subject to Conditions

Conditions

*Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within all noise sensitive properties (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2
Reason: To protect the residential amenity of nearby properties.*

*All plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.
Reason: To protect the residential amenity of nearby properties.*

PLANNING CONSULTATION

To: Landscape Architect

From: Development Management

Date: 11th August 2017

Contact: Scott Shearer ☎ 01835 826732

Ref: 17/01113/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 1st September 2017, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 1st September 2017, it will be assumed that you have no observations and a decision may be taken on the application.

Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.

Name of Applicant: Cleek Poultry Ltd

Agent: N/A

Nature of Proposal: Erection of tractor shed

Site: Field No 0328 Kirkburn Cardrona Scottish Borders

OBSERVATIONS OF: Landscape Architect

CONSULTATION REPLY

Nature of the Proposal

The proposal is for the erection of a tractor shed onto the end of the existing shed.

Implications of the Proposal for the Landscape including any Mitigation

I note that a topographical survey, showing the tip height of trees on the north side of the B7062 (within the Kailzie estate) This information demonstrates that the existing trees along the north boundary should adequate screening the shed when seen from this direction across the valley.

The roof height will be approximately 2.5m above the roof height of the existing shed. At this (east) end of the existing shed I would have preferred to see a shed of a similar height to the existing, to limit any potential impact when seen from the B7062, but given the assessed tip height of adjacent trees, it should not be an intrusion in the landscape when seen across the valley.

Conclusion

Given that the topographical survey shows that the roof height will be lower than the adjacent trees and thus will be screened from views across the valley, and that there will be only limited visual effect on receptors on the B7062, on landscape and visual grounds, I do not object to this application.

Siobhan McDermott
LANDSCAPE ARCHITECT

PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 11th August 2017

Contact: Scott Shearer ☎ 01835 826732

Ref: 17/01113/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 1st September 2017, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 1st September 2017, it will be assumed that you have no observations and a decision may be taken on the application.

Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.

Name of Applicant: Cleek Poultry Ltd

Agent: N/A

Nature of Proposal: Erection of tractor shed

Site: Field No 0328 Kirkburn Cardrona Scottish Borders

OBSERVATIONS OF: Archaeology Officer

CONSULTATION REPLY

There are no archaeological implications for this proposal. The site in question underwent a watching brief in 2005 which failed to identify archaeological features or finds.

LIST OF POLICIES

Local Review Reference: 17/00044/RREF

Planning Application Reference: 17/01113/FUL

Development Proposal: Erection of tractor shed

Location: Field No 0328 Kirkburn, Cardrona

Applicant: Cleek Poultry Ltd

SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN 2016**POLICY PMD2: QUALITY STANDARDS**

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

Sustainability

- a) In terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology,
- b) it provides digital connectivity and associated infrastructure,
- c) it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance,
- d) it encourages minimal water usage for new developments,
- e) it provides for appropriate internal and external provision for waste storage and presentation with, in all instances, separate provision for waste and recycling and, depending on the location, separate provision for composting facilities,
- f) it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

Placemaking & Design

- h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
- i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
- j) it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
- k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
- l) it can be satisfactorily accommodated within the site,
- m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
- n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

LIST OF POLICIES

Accessibility

- o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,
- p) it incorporates, where required, access for those with mobility difficulties,
- q) it ensures there is no adverse impact on road safety, including but not limited to the site access,
- r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,
- s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

Greenspace, Open Space & Biodiversity

- t) It provides meaningful open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
- u) it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements.

Developers are required to provide design and access statements, design briefs and landscape plans as appropriate.

POLICY ED7: BUSINESS, TOURISM AND LEISURE IN THE COUNTRYSIDE

Proposals for business, tourism or leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:

- a) the development is to be used directly for agricultural, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or
- b) the development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and, where relevant, it is in accordance with the Scottish Borders Tourism Strategy and Action Plan;
- c) the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the particular countryside location, and that it cannot be reasonably be accommodated within the Development Boundary of a settlement.

In addition the following criteria will also be considered:

- a) the development must respect the amenity and character of the surrounding area,
- b) the development must have no significant adverse impact on nearby uses, particularly housing,
- c) where a new building is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available, and where conversion of an existing building of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding,
- d) the impact of the expansion or intensification of uses, where the use and scale of development are appropriate to the rural character of the area,

LIST OF POLICIES

- e) the development meets all other siting, and design criteria in accordance with Policy PMD2, and
- f) the development must take account of accessibility considerations in accordance with Policy IS4.

Where a proposal comes forward for the creation of a new business including that of a tourism proposal, a business case that supports the proposal will be required to be submitted as part of the application process.

POLICY EP5: SPECIAL LANDSCAPE AREAS

In assessing proposals for development that may affect Special Landscape Areas, the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development, including the visual impact. Proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local importance.

EP8: ARCHAEOLOGY

(A) National Archaeological Sites

Development proposals which would destroy or adversely affect the appearance, fabric or setting of Scheduled Monuments or other nationally important sites will not be permitted unless:

the development offers substantial benefits, including those of a social or economic nature, that clearly outweigh the national value of the site, and there are no reasonable alternative means of meeting the development need.

(B) Battlefields

The Council may support development proposals within a battlefield on the Inventory of Historic Battlefields Register, or a regionally significant site, that seek to protect, conserve, and/or enhance the landscape characteristics or important features of the battlefield. Proposals will be assessed according to their sensitivity to the battlefield.

(C) Regional or Local Archaeological Assets

Development proposals which will adversely affect an archaeological asset of regional or local significance will only be permitted if it can be demonstrated that the benefits of the proposal will clearly outweigh the heritage value of the asset.

In all of the above cases, where development proposals impact on a Scheduled Monument, other nationally important sites, or any other archaeological or historical asset, developers may be required to carry out detailed investigations.

Any proposal that will adversely affect a historic environment asset or its appropriate setting must include a mitigation strategy acceptable to the Council.

OTHER MATERIAL CONSIDERATIONS

- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

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