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SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW BODY held in Council Headquarters, Newtown St Boswells, TD6 0SA on Wednesday, 8 November 2017 at 11.30 am

- Present:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, S. Mountford, C. Ramage and E. Small
- Apologies:- Councillors J. A. Fullarton, S. Hamilton and H. Laing
- In Attendance:- Chief Planning Officer, Solicitor (E. Moir), Democratic Services Team Leader, Democratic Services Officer (F. Walling).

1. CONTINUATION OF REVIEW OF 17/00239/FUL

With reference to paragraph 3 of the Minute of 18 September 2017 and following an accompanied site visit, the Local Review Body continued consideration of the request from Mr Robin Tuke, per Clarendon Planning & Development Ltd, 5a Castle Terrace, Edinburgh, to review refusal of the planning application in respect of the erection of a micro meat processing unit and byre on land at Hardiesmill Place, Gordon. In response to the request by the Local Review Body for additional information, there had been circulated a statement and associated documents provided by the applicant, and a response from the appointed planning officer. Included was comment from the appointed planning officer on the new evidence in the form of letters of support. The papers which accompanied the request for review had also been re-circulated. Members agreed that the accompanied site visit and additional information provided had been helpful in their understanding of the operation of the business and the setting of the development. Members recognised the positive economic benefits of the proposal both with respect to the business at Hardiesmill Place and the wider economy and also noted benefits relating to the environment and to animal welfare. Their discussion focused on whether these benefits were sufficient to outweigh the visual impact of the unit in terms of its shape and colour and how the visual impact could be mitigated by the proposed roof structure and additional screening to both the west and east of the building.

DECISION

AGREED that:-

- (a) the review could be determined without further procedure on the basis of the papers submitted, the accompanied site visit and the additional information provided by the applicant;
- (b) the development was consistent with the development plan and there were no other material considerations that would justify departure from the Development Plan; and
- (c) the decision of the appointed planning officer to refuse the application be reversed and the application for planning permission be granted, subject to conditions, for the reasons given in Appendix I to this Minute.

The meeting concluded at 12.05 pm

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APPENDIX I

**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: 17/00036/RREF

Planning Application Reference: 17/00239/FUL

Development Proposal: Erection of micro meat processing unit and byre

Location: Land at Hardiesmill Place, Gordon

Applicant: Mr Robin Tuke

DECISION

The Local Review Body reverses the decision of the appointed officer and grants planning permission for the reasons set out in this decision notice and subject to the conditions listed below.

DEVELOPMENT PROPOSAL

The application relates to the erection of a micro meat processing unit and byre on land at Hardiesmill Place, Gordon. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	Scale 1: 9,449
Block Plan	OS extract
Site Map	Vs 5 (dated 3 rd October 2017)
Plan view with Tunnels	Vs 3 (dated 2 nd October 2017)
Elevation (From North End)	Vs 3 (dated 2 nd March 2017)
Elevation (From South (road) Side)	Vs 3 (dated 2 nd March 2017)
Directional Plan	1625 – 300 (4.7.2017)
Modular Micro Abattoir	02 – 057 (Vs 3 11.10.2016)

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 initial meeting on 18th September 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Papers referred to in report; c) Consultations; and d) List of Policies, the LRB concluded that it did not have sufficient information to determine the review and that it required Further Procedure in the form of an accompanied site visit and further written submissions. In regard to the written submissions, the applicant was asked to provide the following:

- (i) plans showing the finished design and appearance of the micro meat processing unit and byre together with details of proposed screening;
- (ii) the reason why the design was different to that shown in the submitted drawings and the scope for mitigating the design of the building itself, if any;
- (iii) details of the operation of the facility including animal handling and the discharge of sewage and waste animal by-products; and
- (iv) whether it was proposed to make the facility available to process stock from out with the applicant's landholding;

The Review Body noted that there were letters of support for the development lodged with the review that were not before the appointed officer when the application was determined. Members determined that the letters of support would be accepted as new evidence and submitted to the appointed officer for comment as part of Further Procedure.

The accompanied site visit was held at 9.30am on Wednesday 8th November 2017, after which the Review Body re-convened at Council Headquarters 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 relevant listed policies were:

- Local Development Plan policies: PMD1, PMD2, HD3, ED7, EP13, EP16, IS7 & IS9

Other Material Considerations

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

The Local Review Body agreed that the site visit had been very helpful to their understanding of the operational requirements of the business and appreciation of the landscape context within which it was located.

The Review Body was satisfied the business was related to the farming operations at Hardiesmill Place, that there were sound operational reasons for the location chosen and that it was appropriate to this rural location. They were also content with terms of the applicant's business case and that the proposal would have positive economic and employment benefits; as well as potential environmental benefits. Members noted there were also clear benefits to animal welfare of removing long vehicular journeys to slaughter.

Members noted that whilst the operational components of the micro processing unit had already been erected on site, the proposed enclosing roofing structure had not been constructed. The Review Body had initially been concerned about the visual impact of the structures, as erected, as their white external colouring and angular shape, made them strident in the landscape. In addition, the nature of the proposed roof structure and any mitigating impact it would have, was unclear from the originally submitted drawings.

After examining the revised plans submitted as Further Procedure, the Review Body accepted that, as they did not alter the proposal significantly, no fresh planning application was required and they were free to determine the proposal on the basis of the lodged plans. Members were content that the revised plans clarified the roofing proposals and that such a roofing structure would help to reduce the overall visual impact of the processing unit. The use of a grey colouring for the roof cladding would also help the building recede into the landscape and match farm buildings in the locality. They noted that the building would be no higher than the adjoining trees and that the existing trees were to be retained.

In terms of landscape and visual mitigation, the Review Body noted that the bund to the western boundary of the site had already been formed and that some degree of planting had been carried out. However, to reduce further the extent of the white wall of the processing unit visible from this direction the Review Body required an increase in the height of the bund and additional mixed tree planting. On the eastern boundary, whilst it was accepted that a bund could not be provided, additional planting was required to supplement the existing hedgerow. In addition, Members asked whether it was possible to increase the length of the proposed roof structure over the "Dirty Unit" so that it matched the length of the western roof slope, giving the roof a symmetrical appearance. This would further reduce the extent of white wall visible from the eastern boundary. The Review Body was content that the matters could be addressed through the imposition of suitably worded conditions.

The Review Body concluded that, whilst the micro processing unit would have a degree of landscape and visual impact, this could be successfully mitigated and that, in any event, the economic benefits the development would bring significantly outweighed any such impacts.

CONCLUSION

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

DIRECTIONS

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.

CONDITIONS

1. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the external materials to be used in the construction of the roof structure enclosing the micro meat processing unit have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details and in accordance with an agreed timescale.

Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

2. No development to commence until a detailed drawing is submitted showing the roof structure enclosing the micro meat processing unit. The drawing is to illustrate whether it is practicable to increase the length of the eastern slope of the roof (over the "Dirty Unit") so that it matches the length of the western roof slope, giving the roof a symmetrical appearance. Thereafter, the roof structure shall be constructed in accordance with the approved plan.

Reason: To mitigate to visual impact of the building.

3. No development shall take place except in strict accordance with a scheme of landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):
 - existing and finished ground levels in relation to a fixed datum preferably ordnance
 - existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - proposals to increase the height of the existing bund to the western boundary of the site and additional tree planting along this boundary.
 - proposals for planting to enhance the hedgerow along the eastern boundary of the site
 - A programme for completion of the landscaping scheme and its subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

4. No development is to commence until a report has been submitted to and approved in writing by the Planning Authority providing evidence that arrangements are in place to ensure that the private drainage system is provided and thereafter maintained in a serviceable condition. The provisions of the approved report shall be implemented prior to the commencement of the operations hereby approved.

Reason: To ensure that the development does not have a detrimental effect on public health.

5. No development is to commence until a report setting out the details of the means of water supply for the development have been submitted to and approved in writing by the Planning Authority.

If the development is to be served by a private water supply then a report, by a suitably qualified person, shall be submitted demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surrounding supplies or properties.

The provisions set out in the approved details shall be implemented before the commencement of the operations hereby approved.

Reason: To ensure that the development is adequately serviced with water and that there will be no detrimental effect on the water supplies of surrounding properties.

6. In terms of the vehicular access and servicing of the site, the following shall be provided:

- The new accesses to be surfaced to the Council's specification for the first 3m i.e. 40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.
- Wheel washing facilities at the 'Dirty Access' to prevent debris being placed onto the public road.

- Measures to prevent the flow of water onto the public road.

Reason: In the interests of road safety and to ensure that the site is adequately serviced.

7. Any noise emitted by plant and machinery used on the premises shall 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.

8. The micro processing unit shall only handle stock from the applicant's own landholding, as identified in the application, and shall not process stock imported from out with that landholding, without the express written permission of the Planning Authority.

Reason: To ensure that the development is carried out in accordance with the terms of the application and the submitted business case.

INFORMATIVES

The Environmental Health Officer indicates that the premises will need to be registered with the Council before commencing operations. In order to ensure that the layout of the premises complies with the registration requirements the applicant should contact an Environmental Health Officer as the earliest stage possible. This can be done by calling 0300 100 1800 or emailing PLACEhealth@scotborders.gov.uk

In terms of condition 6 above, it should be borne in mind that only contractors first approved by the Council may work within the public road boundary.

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 T Miers
Chairman of the Local Review Body

Date.....14 November 2017

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