

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/00094/FUL

APPLICANT : Cleek Poultry Ltd

AGENT :

DEVELOPMENT : Erection of agricultural storage shed with welfare accommodation

LOCATION: Land West Of Former William Cree Memorial Church Kirkburn
Cardrona
Peebles
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
196 73D	Site Plan	Refused
196 72A	Elevations	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Roads Planning:

A number of applications for various agricultural proposals have been considered in this vicinity, all of which utilise the same access point onto the public road. Several of these proposals lacked information on traffic movements and were subsequently refused permission, in part due to the lack of this information.

A fresh batch of planning applications, including this one, has now been lodged all of which are for agricultural buildings. Again these submissions do not include any information on the number, type and frequency of vehicular movements associated with each 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.

Archaeology Officer:

Response awaited.

Landscape Architect:

Description of the Site

The site is a part of a larger north facing field on the southern side of the Tweed valley.

The site lies wholly within the Tweed Valley Special Landscape Area (SPA) and the designation recognises the special character of the valley landscape in the Designation statement as follows:

'The broad Tweed Valley is typical of the Borders, and is the most familiar of the Borders valleys.

Accordingly it has a strong sense of place, with certain views being instantly recognisable. The varied mix of landscape elements is highly representative, with forestry, woodland, open hillsides and pastoral farmland all juxtaposed. Added to this mix is a range of settlement types, with the valley providing the setting to several settlements. The landscape unfolds as the viewer follows the river through the valley, presenting new vistas alternately dominated by forestry, as around Walkerburn, or by the steep rocky slopes above Innerleithen. The contrast between the well settled valley and the bare heather and grass moors and landmark hills is striking. Well-designed forestry actively contributes to this visual experience in places.'

The Inventory Designed Landscape of Kailzie lies immediately across the minor road to the north.

The field slopes steeply down to the minor road that runs northeast/ southwest immediately to the north.

Nature of the Proposal

The proposal, in the case of each application, is for the erection a 12 x 18 x 7.5m high shed with staff facilities with 6m wide access track and associated parking on sloping land approximately 60 metres to the south of the B7062. Each site being considered as part of this response is located next to the previous one and the application is for an identical agricultural building.

Implications of the Proposal for the Landscape including any Mitigation

There is a precedent for development in this location. Approval was granted for 4 holiday sheds and a laundry building in the same part of the field and consent was granted for 8 lodges and a hub house on the lower slopes immediately to the north.

I have been looking at these four applications that are ranged across the sloping field. I have made the following calculations based on the limited information submitted and the previously submitted topographical plan as following:

17/00090/FUL (most easterly of row) - assuming centrally located on the 97 m contour with building height of 7.5m means a ridge height of 104.5

17/00092/FUL - assuming centrally located on the 99m contour with building height of 7.5m means a ridge height of 106.5

17/00093/FUL - assuming centrally located on the 101m contour with building height of 7.5m means a ridge height of 108.5

17/00094/FUL (most westerly of row) - assuming centrally located on the 101.5m contour with building height of 7.5m means a ridge height of 109.0

I am concerned that the shed(s), especially the westernmost two, may be visible locally from the B7062 when viewed looking into the site from the west and that they will potentially be visible from the A72 over the trees which we have judged to have an average height of 107.0m

It is these two sheds that cause the most concern, due to their relatively elevated location on the slope. However, the proposal to erect 4 no large sheds in a row on this slope means they could be perceived as an industrial scale development, especially during the winter months when the leaves are off the trees, which I could not support on visual impact grounds.

The attractive juxtaposition of valley side pastoral farmland with mixed and coniferous forestry and woodland could potentially be undermined by the introduction of industrial scale sheds. None of the applications include a visual assessment of the visual impact of the development(s) on receptors using the A72 or B7062, nor do they show how the proposal(s) might be mitigated by planting.

The difficulty of screening buildings taller than those already consented means that each proposal, on its own or together with the others, could have a negative cumulative visual impact on the local area.

Local Plan Policy EP5 states that '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.'

There is a precedent for development in this location, nonetheless, the number of proposed building(s) and the heights relative to the holiday sheds development previously approved means that, on landscape and visual grounds and for the reason stated above, I could not support this application.

Economic Development:

Economic Development cannot support the application for the erection of agricultural shed with welfare accommodation in land west of former William Cree Memorial church, Kirkburn, Cardrona:

This is due to the close proximity of the proposed location of the agricultural building and welfare accommodation to the existing approved application for holiday lodges and laundry building 15/00831/FUL (superseded by 16/00892/FUL). It is the opinion of Economic Development that siting agricultural buildings so close to holiday lodges would detract from a quality visitor experience.

AHSS: No comments.

Heritage and Design:

BACKGROUND

The proposed development lies close to the former William Cree Memorial Chapel at Kirkburn. This building dated 1921 was added to the statutory list in 1971 at category B. Works have now been carried out to convert the former chapel to residential use.

The issue that I will consider is whether the proposed adjacent development will have an adverse impact on the setting of the former chapel. The former chapel is a single storey stone structure built in an "arts and crafts" style. The building is on the site of former cottages and was originally planned as a small community hall before being converted to a memorial chapel. The "setting" of the chapel was presumably intended to reflect the open countryside around it being a memorial to the then owner of the Kailzie estate and a memorial window was installed in the gable end (this has since been removed).

This application is one of a further series of applications lodged for agricultural building on this site; there are three others in this "round" (shown on dwgs nos. 197 73G, 73F and 73E). I have previously commented on a tranche of three applications. The proposals submitted for this particular application show the shed to be further away from the former chapel from those shown on dwg 73G and 73F

ASSESSMENT OF PROPOSALS

No planting or screening proposals are shown either on the actual application site or the adjacent land which is in the ownership of the applicant and has already got an earlier consent for chalets etc; some planting in the area as a buffer would be useful as screening. I consider that content

I consider that the proposal, as submitted, will not have an adverse impact on the setting of the category B listed former church, although it would benefit from some screen planting.

RECOMMENDATION / RECOMMENDED CONDITIONS.

I do not object to the proposal as currently submitted.

Environmental Health:

Amenity and Pollution

Assessment of Application

Noise

Nuisance

Water Supply

This development proposes to use a private drainage system.

These can impact on public health if not properly installed and maintained.

Recommendation

Agree with application in principle, subject to Conditions and Informative.

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.

No development should commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition

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

No water supply other than public mains water shall be used for human consumption without the written consent of the Planning Authority.

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

Prior to occupation of the property written evidence shall be supplied to the planning Authority that the property has been connected to the public water supply network.

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

Informative

Private Drainage System

Private drainage systems often cause public health problems when no clear responsibility or access rights exist for maintaining the system in a working condition.

Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.

To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

Policy PMD2 Quality Standards

Policy EP8 Archaeology

Policy EP5 Special Landscape Areas

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 22nd March 2017

This application is now one of seven submitted for identical storage buildings on a plot by plot basis around the holiday chalet site. I consider that the issues debated under the first of these applications (16/01464/FUL) remain valid and the handling report relevant sections are stated below:

"The landscape impact reasons for refusal of previous applications at this landholding have been thoroughly rehearsed, connected with the need for development to be sympathetic to the landscape designation which the Tweed Valley now lies within. All decisions have taken cognisance of the potential screening effects of the trees to the south of the landholding, on both sides of the road, recognising that the holiday developments (being on lower land) would be satisfactorily screened, augmented by new planting. None of the other applications have respected the issues of landscape impact both from the A72 above the general tree line and from the B road itself next to the site. Two of the applications (15/00468/AGN and 15/00671/FUL) were potentially on excavated land and had ridge heights that were closer to being of limited impact above the tree line but these were ultimately still rejected as the requested amendments to ridge and ground heights were not agreed to.

What sets this application apart from the other non-holiday proposals is that it is proposed to occupy part of the site previously granted for holiday chalets (12/00902/FUL and 15/00965/FUL). These applications still demonstrated, through cross sectional and landscaping information, that any projection of the buildings above the general tree top heights was highly unlikely. Whilst there is one noted roadside tree of 110.43m AOD tree top height, the others vary from around the 105 - 108 m AOD height with one further west at 109m. There is no doubt that the average tree top height of screening afforded by the trees is nearer the 107m height and that the general impact of the holiday chalets was contained by the screening, albeit a condition was imposed to soften the abrupt nature of the roadside elevations, roof design and overall ridge heights - an attempt to limit and reduce visual impacts from the B Road below the site.

This proposed storage building will be 7.5m to ridge on land that is in the vicinity of 98-99m AOD. This is 1.5m higher than the chalets approved on this site but occupies a position that was formally approved for the higher hub house under consent 12/00902/FUL, albeit that was consented on land slightly lower down than now proposed. It is also the case that the storage building will be bulkier than the two chalets approved on this site and will have a high eaves line, something the condition imposed on 15/00965/FUL was seeking to soften and resolve. Visual impacts on the local B Road were the main reason for that condition but the concerns that there were over localised impact were outweighed by the economic benefits of the tourism development. That scheme was supported by a Business Plan and met the Policies in the LDP, the visual impacts being less than that currently proposed and being able to be resolved further by condition.

This scheme has no such justification, the localised impacts being greater than that envisaged by the approved chalets and there being no obvious demonstrated benefits to allow the visual impacts to be accepted and outweighed. Even with new planting to the roadside bank, the scheme would need to be justified as necessary for mitigation then to be considered as an acceptable method of reducing visual impacts. Despite the proposal not having an adverse impact from the A72 when viewed across the valley, I find that the increased localised visual impacts caused by an unjustified and unsubstantiated scheme are still contrary to LDP Policy on development within the countryside and within a Special Landscape Area."

Applications 90/92/93/94 all result in identical developments along the "inner" southern side of the proposed access road and, consequently, have a more limited impact on the wider landscape and on the public view from the B road. This is explained in more detail in the Landscape Architect's response where she looks at the increased height of these agricultural buildings compared to what has been approved in the way of holiday sheds and chalets. She concludes that the easternmost end of this row of four proposed buildings will be below or at the average tree canopy height when viewed from across the river from the A72 and that there will be insufficient impact to warrant refusal on landscape impact grounds. This also applies to the view from the B road where the easternmost plots are on lower contours away from the existing site entrance and furthest away from the view into the site from that entrance. This also recognises that 15/00965/FUL approved the Hub House (of similar height) near to the easternmost of the four current applications (17/00090/FUL). It is, therefore, not considered that there are landscape or visual impact reasons to oppose either of the two easternmost applications in the proposed row of four buildings. The westernmost plots should still be opposed for the same reasons.

Whilst there are archaeological and listed building setting concerns in relation to impacts on the Our Ladys Church Site, Graveyard and the converted Wm Cree Memorial Church, it is only the easternmost application (17/00090/FUL) that presents a larger building than the Hub House in much closer proximity than either the Hub House or any of the other holiday chalets. Without further visual materials and screening proposals (as was proposed with the holiday development), the advice from the Archaeologist and Heritage Officer is not to support 17/00090/FUL for reasons of impacts on setting of the listed building and sites of archaeological

interest. The AHSS are of a similar view. However, the three plots further west do not present the same scale of impact.

Returning to the Handling Report on application 16/01464/FUL, the following comments remain pertinent to these applications:

"For reasons fully explained in previous applications without a Business Plan, there is no adequate justification or demonstrated business need for a building of this scale and purpose on the small holding. The issues have been well rehearsed in other applications about how an 8.5 acre holding with a range of existing buildings could produce a need for another building on the site. As no Business Plan has again been submitted with this application, none of the previous reasons for refusal relating to compliance with the justification requirement of the relevant LDP Policy have been met by this proposal and it continues to remain in breach of the Policy.

A number of the previous applications have been refused partly on road access grounds as the proposals have not demonstrated what level of traffic is likely to be generated by the floorspace and descriptions proposed. This application is no different and the Roads Planning Service have noted that, without traffic information being submitted, they cannot be satisfied that the proposal can be safely accommodated by the road leading to the site or the junction, even if improved as per the approved design.

The Local Review Body had previously commented that there was a conflict in relationship between the consented holiday developments and the scale and proximity of the agricultural and other proposals on land adjoining. This application increases the potential for conflict due to it occupying part of the holiday chalets site. If approved and implemented, the storage building would replace two holiday chalets at the main entrance to the site and sit alongside others in very close proximity. This point is also raised by Economic Development in their response to the current application. I do not consider that this is a valid reason to oppose the planning application as the holiday consents have not been commenced. However, I do believe that the conflict would have needed to have been reconciled if this application was being approved, by means of a condition effectively preventing the development of the holiday chalets and sheds consents until a revised "masterplan" was submitted to show how the proposed development could be accommodated and comfortably co-exist with the remaining part of the holiday proposals. The fact that the matter could be handled by an appropriate planning condition determines that it is not grounds for refusal of the scheme for this particular reason."

The easternmost applications conflict with the holiday chalet approval and the westernmost applications with the holiday sheds approval - but there is no justification to oppose the applications for these reasons alone as described above.

The matters raised by Environmental Health, Heritage and Archaeology could have been addressed by a planning condition.

REASON FOR DECISION :

The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance relating to Special Landscape Area 2 - Tweed Valley 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 with adverse and cumulative visual impacts on the local environment. The proposed building is not of a design or scale that appears suited to 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 Guidance relating to Special Landscape Area 2 - Tweed Valley 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 with adverse and cumulative visual impacts on the local environment. The proposed building is not of a design or scale that appears suited to the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 2 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.

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

