

LOCAL REVIEW BODY
STATEMENT OF APPOINTED OFFICER
17/00239/FUL
Erection of micro meat processing unit and byre

ISSUES TO BE CONSIDERED:

For further consideration to be given to:

- 1) Plans showing the finished design and the appearance of the micro meat processing unit and byre together with details of the proposed screening;
- 2) The reasons why the design is different to that shown in the submitted drawings and the scope for mitigating the design of the building itself, if any;
- 3) Details of the operation of the facility including animal handling and the discharge of sewage and waste animal by-products; and
- 4) Whether it is proposed to make the facility available to process stock from out with the Applicant's landholding.

RESPONSE:

- 1) ***Plans showing the finished design and the appearance of the micro meat processing unit and byre together with details of the proposed screening***

The new proposal drawings describe a different development to that which was described by the drawings submitted in support of the planning application. This is firstly, in terms of the design of the actual micro-meat processing building proposed; and secondly, in terms of the site layout and configuration, which includes a bund along the southwest boundary of the site, and the byre building relocated to a different position. Furthermore, the building now described by the revised drawings is also notably different to the unit that was observed to have been installed on site (and which was recorded in the Planning Officer's photographs) in May this year. As such, this is a new planning proposal which the Applicant would more appropriately have referred through the planning application process as the subject of a new application, rather than continuing the appeal process.

However, if Members are minded to consider this new proposal, it is pointed out, firstly, that the drawings provided to describe the proposed micro meat processing building do not in fact describe the appearance of the gable elevations of this building (one of which is to face the public road). Secondly, there is no account within the layout, and in particular within the siting of the bund for any specific impacts upon the existing trees and tree-belt. Trees are shown indicatively, and the potential for damage and loss of trees is not described, or otherwise accounted for.

It is not considered that the proposed revised design has addressed the substance of the Planning Department's objection, with respect to the unsympathetic appearance of the building. In common with the proposal that was the subject of Planning Application 17/00239/FUL, the revised proposed micro meat processing building would not have the appearance of any structure that might be anticipated to be located in this isolated rural situation, such as a farm building. Instead, the building (in so far as it is actually

described by the revised proposal drawings) would have the profile of a suburban chalet, and would be more likely to be 'read' as a dwelling house rather than a working farm building. However, and again in common with the proposal that was the subject of Planning Application 17/00239/FUL, this is also not a design of building that would be supported by the Planning Department under the Council's New Housing in the Countryside Policy.

The Appellant suggested a bund at the time of Planning Application 17/00239/FUL, but was not encouraged to develop such proposals, owing to the adverse landscape and visual impacts that were anticipated to occur were an obviously artificial embankment to be constructed on or within the vicinity of this site, and in such close proximity to the public road. It is also material that the construction and accommodation of the bund would exaggerate even further, the adverse impacts of the development upon the existing trees and tree belt. Rather than remove or damage even more trees than is necessary, it is considered that the proposal should seek to conserve as much of the tree-belt as possible, with replacement and reinforcement planting. The bund could in theory, be planted up with new trees. However, trees are more likely to become established and thrive on natural rather than made up ground levels, while bunding can also affect drainage locally, and affect existing and new trees in this way as well. In short, it is not considered that a bund has anything positive to offer in this situation, and if anything, would only add to the incongruous appearance of the site, requiring more trees to be removed and introducing an obviously artificial land form into the foreground of views from the west, without any opportunities to mitigate even this appearance, since the land to the west again belongs within a third party ownership.

All in all, and notwithstanding the details of the revised proposal, the Planning Authority would maintain its objection, and in precisely the form in which it is recorded:

The proposal does not comply with Adopted Local Development Plan Policies ED7 and PMD2 in that the design of the micro meat processing building is unsympathetic to the rural character of the site and surrounding area, and would be readily visible from the public realm (including from the adjacent local road) as a consequence of the isolated, greenfield nature of the site and the lack of any existing effective screen within the surrounding landscape (beyond the immature and patchy tree belt on the site, which would require to be cleared in part, in order to accommodate the proposal). This unacceptably detrimental landscape and visual impact is not outweighed by the potential economic and environmental benefits of the proposal to the Applicant's farming and butchery businesses and wider rural economy.

However, had the bund *been* part of the proposal that was the subject of the determination under Planning Application 17/00239/FUL, it would have been appropriate to add an explicit reference to the unacceptably adverse landscape and visual impacts of the bund.

As a general point, it is noted that the application has been, and continues to be, the subject of what are at best abstract representations of what is proposed. In the event of approval, Members should consider whether the details provided are of sufficient clarity and quality in themselves as to be capable of regulating the appearance and operation of the development in future. If not, planning conditions could be imposed to require that appropriately detailed and accurate descriptions are provided for prior approval.

2) *The reasons why the design is different to that shown in the submitted drawings and the scope for mitigating the design of the building itself, if any;*

The Appellant does not address this point, but instead advises that the roof has not been installed because of “*ongoing discussions with the planning officer regarding colour, material and type of roof structure*”. This position is patently nonsensical.

The entire current installation of the micro meat processing unit (not just its roof) does not have planning consent. Planning Application 17/00239/FUL proposed an entire micro meat processing unit (and byre), and was refused on 31 May 2017. It is therefore entirely unclear why the Appellant, or his planning agents, would consider the application, or any aspect of it, still to be ‘under review’ by the Planning Officer up to this point in time; particularly while they themselves were actively progressing an appeal against the exact same refusal.

The Planning Officer has been involved in discussions with the Appellant with respect to the potential for a new planning application to be made for a revised version of the proposed development, but this did not include the review of any drawings or details of any revised proposal. The Appellant was simply advised that he had the opportunity to appeal the current decision if he wished, and that any new revised proposal should be made the subject of a new planning application. The current proposals forwarded by Clarendon Planning were only presented to the Planning Officer for the first time on 04 October, and have not been the subject of any previous, let alone any “ongoing”, discussions. And indeed, nor has any other proposed alternative design for the micro meat processing unit.

The Appellant offers no new or additional advice with respect to the scope for mitigating the design of the building itself.

In summary, it is not considered that the Appellant has answered the concerns of point 2.

3) *Details of the operation of the facility including animal handling and the discharge of sewage and waste animal by-products*

Members’ attention is drawn to the consultation responses of SEPA and Environmental Health, and the advice of the Report of Handling in these respects is maintained:

“Roads’ concerns, and those of SEPA and Environmental Health, are capable of being met by appropriately worded planning conditions and informatives, primarily requiring that appropriate service provision for the development be demonstrated in advance of installation, while Roads’ specifications with respect to the operation of the site access, would reasonably be required. While it is considered that there are valid amenity and environmental reasons for the Planning Authority to require the prior approval of appropriate details with respect to the management of water supply and drainage on-site, most of the direct concerns raised by Environmental Health are environmental health and not planning considerations, and are therefore only appropriately made the subject of informatives, rather than planning conditions”.

4) *Plans showing the finished design and the appearance of the micro meat processing unit and byre together with details of the proposed screening*

The Appellant’s concern only to process his own stock at the facility raises no concerns. In the event of approval, it would reasonably be required by condition that this should be the

case, to ensure that this rural site should not be available for general use, which has potential for impacts upon the local road network and local residential amenity that have not been taken into consideration within the description of the proposal that was the subject of Planning Application 17/00239/FUL.

As a general point, the use of the site would require to be controlled in the event of approval, to ensure that it does not become generally available for any commercial use.

SUPPORTING DOCUMENTS:

- 1) Adopted Scottish Borders Council Local Development Plan:

https://www.scotborders.gov.uk/info/20051/plans_and_guidance/121/local_development_plan

- 2) Planning Officer's Delegated Report of Handling.

Walling, Fiona

From: Herkes, Stuart
Sent: 02 October 2017 14:53
To: localreview
Subject: RE: Application 17/00239/FUL Review ref 17/00036/RREF Hardiesmill, Gordon

Fiona

With respect to the letters of support, I would advise, firstly, that these do not change the Planning Authority's position with respect to the appearance of the proposed facility and its impacts upon the visual amenities of the site and surrounding area.

Secondly - and notwithstanding the Local Review Body's concern to treat the letters of support as new information - they do largely confirm advice that the Applicant had already given to the Planning Authority at the time of the planning application; or are information that was otherwise included amongst consultation responses and advice provided from other sources at the time of the determination of the planning application. The Planning Authority did take account of the advice that the design responds to practical and technical considerations which need to be met within the meat processing process, particularly given the Applicant's understandable concern to meet the highest standards in terms of animal welfare and in securing the quality of his product. This consideration is set out within the Report of Handling and it is not considered that the letters of support introduce any new concerns or considerations that would require the original planning decision to be reviewed.

Accordingly, I would take this opportunity to confirm that the reason for refusal is maintained in full:

The proposal does not comply with Adopted Local Development Plan Policies ED7 and PMD2 in that the design of the micro meat processing building is unsympathetic to the rural character of the site and surrounding area, and would be readily visible from the public realm (including from the adjacent local road) as a consequence of the isolated, greenfield nature of the site and the lack of any existing effective screen within the surrounding landscape (beyond the immature and patchy tree belt on the site, which would require to be cleared in part, in order to accommodate the proposal). This unacceptably detrimental landscape and visual impact is not outweighed by the potential economic and environmental benefits of the proposal to the Applicant's farming and butchery businesses and wider rural economy.

Regards

Stuart

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

