

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**6 NOVEMBER 2017**

**APPLICATION FOR PLANNING PERMISSION**

<b>ITEM:</b>	17/00623/FUL
<b>OFFICER:</b>	Paul Duncan
<b>WARD:</b>	East Berwickshire
<b>PROPOSAL:</b>	Erection of poultry building and associated works
<b>SITE:</b>	Hutton Hall Barns, Hutton, Scottish Borders
<b>APPLICANT:</b>	Mrs Angela Maclean
<b>AGENT:</b>	Kevin White Architecture

**CONSIDERATION BY PLANNING AND BUILDING STANDARDS COMMITTEE**

This application was previously presented to the Planning and Building Standards Committee on 2 October 2017. At that meeting, the Committee resolved that it should be continued to allow Members the opportunity to visit the site themselves. Members visited the site on 30 October and the application is now presented for determination.

**SITE DESCRIPTION**

The application site is located around 400m south-west of the edge of Hutton Hall Barns hamlet, around 1.8km west of Hutton village, and 2.2km east of Allanton village. The site can be accessed from an existing field access located off the minor road which connects Hutton Hall Barns with the B6460 road around 1km to the south of the site. The site sits in the south-west of a large undulating agricultural field which partially borders the Cabby Burn to the south, and extends over a low ridge to a boundary on the north which is defined wholly by the same burn. To the east, the field boundary is established by the minor road, and overhead lines cross the far south west corner of the site.

**PROPOSED DEVELOPMENT**

It is proposed to erect a single poultry building to house 32,000 free-range birds for the purpose of egg production around 100m east of the minor road which connects Hutton Hall Barns with the B6460. The building would be of steel portal frame construction and would be partially dug into the side of existing slopes. A large level site would be created to accommodate the building which would have a footprint of approximately 122m by 29m with a ridge height of 7m and eaves height of 3m. The proposed building's dimensions were amended during the application process from an original footprint of roughly 120m by 25m with the same ridge height of 7m, but with an eaves height of 3.6m. Whilst this change resulted in a larger proposed building overall, the number of birds that would be housed remained the same. The building would be finished in juniper green coloured box profile steel sheeting with a 450mm dwarf wall. The building would require extract ventilation and this would be provided by 4 gable wall fans, and 38 exhaust air fans/ fresh air inlet chimneys, all computer controlled. As well as the main area for hens, the building would also house a staff toilet, a small office and a small egg store. Feed bins would be formed on concrete plinths outside the poultry building and there is an intention to cover the roof with photovoltaic (solar) panels.

There is an existing access into the site from the minor road which would be upgraded to the Roads Authority's required specifications. A new access track would connect the proposed building with the minor road and a large area of hardstanding would be formed to the north-west and west of the building. Surface water drainage would be dealt with by a Sustainable Urban Drainage System (SUDS) with outflow to the Cabby Burn.

A substantial planting scheme featuring around 1850 trees has been proposed to help screen the building and smooth flowing mounds would also be formed from excavated material to the north, west and south of the building to screen the building.

## **PLANNING HISTORY**

There is no planning history at this site but there have been a number of poultry developments previously approved in the vicinity:

- 06/00326/FUL - Siting of Mobile Poultry Unit, Land East Of Hutton Hall Barns, Hutton. Approved 24 March 2006. Later modified in Respect of Extension of Period of Consent 07/01741/FUL.
- 07/01752/FUL - Erection of Mobile Poultry Unit, Extension of Access Road and Erection of Shed for Roadside Sales. Land North East of Hutton Hall Barns, Hutton. Approved 8 October 2007.
- 08/02047/FUL - Erection of Mobile Poultry Unit and Extension of Access Road. Land North East of Hutton Hall Barns, Hutton. Approved 25 March 2009.
- 10/00036/FUL - Erection of poultry unit for free-range hens and associated infrastructure Land North East Of Hutton Hall Barns. Approved 10 May 2010.
- 14/01347/FUL - Siting of mobile Poultry Unit land North East of Hutton Hall Barns, Hutton. Approved 10 February 2015.
- 15/01173/FUL - Erection of poultry building and associated works Hutton Hall Barns Scottish Borders. Approved 1 February 2016.
- 16/01430/FUL - Erection of poultry building and associated works. Hutton Hall Barns Hutton Scottish Borders. Approved 6 March 2017.

## **REPRESENTATION SUMMARY**

Letters of objection have been received from 10 separate households. The principal grounds of objection can be summarised as follows:

- Adverse impact on the landscape
- Industrial appearance
- Concentration of poultry buildings/ encirclement of dwellings
- Elevated site
- No consideration to residents north of the site (visual impact)
- Planting scheme unimaginative
- No minimum height has been defined for the screening mounds. Additional cross section plans should be provided and the existing Y-Y section should be with updated min/ max heights.
- 400m ruling to proximity of neighbours

- Noise from ventilation system
- Road safety
- Unnecessary formation of new junction
- Increase in traffic, including articulated lorries at unsocial hours
- Environmental Assessment required
- Prime agricultural land
- Adverse impact on local amenity/ tourism businesses
- Close to SSSI
- The development would act as a deterrent to any future renovations and maintenance of nearby listed buildings
- The development would erode the setting and character of nearby listed buildings
- Increase in vermin
- Manure management/ uncovered trailers
- Inadequate muck shed capacity
- Odour nuisance/ prevailing wind will carry odour to residents
- Dust
- Litter
- Employment benefits have not been demonstrated
- Uncertainty regarding whether the field meets stocking density regulations
- Planning conditions attached to a previously approved neighbouring poultry building have not been adhered to.

In addition to the objections received from members of the public, objections were also received from Hutton and Paxton Community Council and comments were received from Edrom, Allanton and Whitsome Community Council. The site is located within the boundary of the latter, therefore the comments received from Edrom, Allanton and Whitsome CC are listed under the later Statutory Consultees section. Hutton and Paxton CC grounds for objection are summarised here and are as follows:

- This could amount to a total of seven very large poultry buildings with around 140,000 birds encircling a small hamlet of residents who were living there before this enterprise arrived. The mix of local housing and intensive poultry farming is not appropriate and a tipping point has now passed.
- This is an industrial development being placed around an existing community.
- The CC supports objections from residents covering issues such as odour, vermin, manure spillage, visibility and traffic. These objections are valid.
- Manure storage, disposal and management are inadequate.
- The development would be contrary to the Prime Agricultural Land policy.

## **APPLICANT'S SUPPORTING INFORMATION**

The applicant has provided a substantial supporting statement which sets out the detail of the proposed development, future operations, and the reasons for it. The full document can be found on the Council's Public Access system but the key points are as follows:

- The free-range egg market in the United Kingdom remains popular with pressure continuing to be exerted on food businesses by not only welfare groups, but by customers wishing to buy and consume free-range eggs.
- Free range egg production means hens are given access to outdoors during the daytime in line with legislation. European Union egg marketing legislation stipulates that for eggs to be termed 'free range', hens must have continuous daytime access to

runs which are mainly covered with vegetation and a maximum stocking density of 2,500 birds per hectare.

- During 2016 several large supermarket chains committed to source eggs from cage-free hens by 2025. The date of 2025 is to allow producers such as Maclean Eggs to obtain planning consent and to make the significant investment in creating additional free range poultry houses to meet these changing market demands.
- It is intended that the proposed new poultry unit would come on stream during 2018. A contract is available for these eggs.
- Based on poultry industry standards the proposed development could provide up to two full time and two part time posts within the poultry house and the office.
- The applicant wishes to develop and grow a good agri-business in line with government policy while still protecting the natural environment.
- The proposal meets with the requirements of the Scottish Borders Corporate Plan for the five-year period 2012/13 to 2017/18 and Scottish Borders Economic Strategy 2023 by encouraging sustainable economic growth.

Separately, the applicant has also responded to objections and provided Freedom of Information request results to enquiries made by the applicant to Scottish Borders Council and SEPA for information on any complaints made regarding the working practices of MacLean Eggs or any related businesses at Hutton Hall Barns between 1 April 2016 and 31 May 2017. The applicant sought this information as evidence that the objections made to this application do not reflect actual complaints that have arisen in connection with their businesses. This correspondence is all available on the planning pages of the Council's website.

## **CONSULTATION RESPONSES**

### Scottish Borders Council Consultees

**Roads Planning Service:** No objection, subject to conditions requiring the construction of a passing place between the site and the B6460 and the access to be suitably surfaced.

**Environmental Health Service (Amenity and Pollution):** No objection, subject to conditions to require a plan for the management and control of potential nuisances, and confirmation of water supply arrangements. A condition and informative has also been requested in relation to drainage arrangements. There are no comments with respect to potential land contamination concerns.

**Ecology Officer:** No objection, subject to condition requiring mitigation with respect to a potential impact on badgers. There are no concerns with respect to breeding birds. The Ecology Officer notes that SEPA have no objections to the development with regard to possible pollution prevention and control, which SEPA would in future regulate once the number of birds on the overall poultry site (i.e. including the two most recently approved poultry buildings) exceeds 40,000. The site is 900m to the south west of the Whiteadder Water, designated as an SAC/ SSSI as a tributary to the River Tweed. Connectivity exists to the designated site via the Cabby Burn.

**Archaeology Officer:** No objection and no mitigation required. Records indicate the former presence of cultivation terracing on the site. These terraces were identified in the 1920s, but have since had their visible elements removed. Evidence of prehistoric activity has been recorded in the area surrounding Hutton Hall Barns and this suggests a low level of archaeological potential in areas where sub-soils can contain cut features and deposits of human origin. The recorded presence of cultivation terraces historically indicates that buried features (such as furrows or the remains of platforming) may have existed below top-soil

depth. Evidence has subsequently been presented that the field has undergone substantial sub-soiling and stone removal which suggests buried archaeology will not now be present within the field.

**Landscape Architect:** No objection subject to conditions and minor changes which have since been adopted. The main visual receptors would be the properties at Hutton Hall Barns and a short section of the public road to the west of the site. At distances of 400m and more the visual impact of the new building is expected to be fairly limited but, as originally submitted, may have been visible on the skyline as viewed from Hutton Castle Barns. Requested adjustments have involved moving the building a little further south and a little lower down the slope and making more use of excavated material to create smooth flowing earth mounds that would provide partial screening. In view of the limited number of affected receptors and the separation distance from the nearest house and the improvements to the design through the above earthworks and planting mitigation measures, the Landscape Architect is satisfied that the building can be successfully accommodated into the landscape without undue landscape or visual impacts. Once the planting has developed, the building should be virtually invisible from sensitive receptors.

**Flood Officer:** No objection. SEPA flood mapping indicates that the site is not at risk from a flood event with a return period of 1 in 200 years. The applicant has provided topographical information in the form of 2 cross sections which confirm that the development site is at an acceptable height in relation to the Cabby Burn and outwith the functional floodplain. The proposed screening mound to the southern boundary of the site is also outwith the functional floodplain and will not affect local flooding issues. The applicant should be aware that flooding can occur from other sources including run-off from surrounding land, blocked road drains, surcharging sewers and blocked bridges and culverts.

#### Statutory Consultees

**Edrom, Allanton and Whitsome Community Council:** The Community Council have not objected to the proposals but do make the following comments and observations:

- HGV collections and deliveries should be made via designated routes avoiding times of school transport.
- At least two passing areas should be constructed on the minor road from the B6460.
- Where possible, all vehicles should maintain a voluntary speed restriction on access routes.
- Clear signage is required at the junctions from B6460 and B6437 in both directions.
- Transport, storage and removal of manure should adhere to relevant legislation and guidelines.
- Due diligence should be shown regarding any spillage of manure during transport and prompt clearance of such spillage.
- It would be preferable for screening to be implemented as soon as practical and maintained for the lifetime of the buildings.

Other comments have also been provided regarding gritting and maintenance of public roads but are not relevant to the consideration of this application.

**SEPA:** No objection. The site is not currently regulated by SEPA however the overall poultry site (i.e. including the two most recently approved poultry buildings) will fall within the remit of the Pollution Prevention and Control Regulations (PPC) once the threshold of 40,000 birds is exceeded. Once permitted under PPC, SEPA will be the lead agency. If permitted, the PPC licence will need to be varied to reflect the increase for the third poultry building or

they could apply for this capacity from the outset – this decision is for the applicant. SEPA have no concerns regarding the proposal at this stage and have confirmed from an initial assessment that the proposal is potentially consentable under the PPC Regulations.

## **DEVELOPMENT PLAN POLICIES:**

### **Scottish Borders Local Development Plan 2016**

PMD1 Sustainability  
PMD2 Quality Standards  
ED7 Business, Tourism and Leisure Development in the Countryside  
ED10 Protection of Prime Quality Agricultural Land and Carbon Rich Soils  
HD3 Protection of Residential Amenity  
EP2 National Nature Conservation Sites and Protected Species  
EP3 Local Biodiversity  
EP7 Listed Buildings  
EP8 Archaeology  
EP13 Trees, Woodlands and hedgerows  
EP15 Development Affecting the Water Environment  
EP16 Air Quality  
IS7 Parking Provision and Standards  
IS8 Flooding  
IS9 Waste Water Treatment Standards and Sustainable Urban Drainage

## **OTHER PLANNING CONSIDERATIONS:**

Scottish Planning Policy  
SBC Biodiversity SPG

## **KEY PLANNING ISSUES:**

The key issues with this proposal are:

- The landscape impacts of the proposed poultry building.
- The potential impact on biodiversity.
- The potential impact on amenity within the area, including residential amenity.
- The impact of associated traffic movements on the surrounding road network.

## **ASSESSMENT OF APPLICATION**

### **Policy Principle**

Local Development Plan policy ED7 (Business, Tourism and Leisure Development in the Countryside) aims to allow appropriate employment generating development in the countryside whilst protecting the environment and ensuring that development is appropriate to its location. In principle, proposals for business development in the countryside will be approved where the development is to be used directly for agricultural operations or for uses which by their nature are appropriate to the rural character of an area. This proposal therefore has policy support in principle.

The policy caveats that support with a list of additional, detailed considerations. To meet the requirements of the policy the development must respect the amenity and character of the surrounding area and have no significant adverse impact on nearby uses, particularly housing. The use and scale of the development should be appropriate to the rural character

of the area and any impact on roads and transportation should be taken account of. These matters are all considered below, and are assessed alongside other linked planning policies.

### **Impact on the landscape**

A potential adverse visual impact on the rural landscape was one of the primary concerns cited in objections and is a key consideration in assessing the proposal. Local Development Plan Policy PMD1 (Sustainability) sets out the Planning Authority's sustainability principles in determining all planning applications within the Scottish Borders. These principles include the protection of natural resources and landscapes. This proposed site is not located within an area of designated landscape protection.

In considering the impact on the landscape, a primary consideration is the appearance of the structure itself and its suitability within a rural setting. Objectors have referred to the proposed building having an industrial appearance, but it is not considered that the building would have a wholly dissimilar appearance to other agricultural buildings found within the Borders, particularly in materials and design, although it would undoubtedly be amongst the larger of such buildings. The impact of the structure must also be considered in the context of where it would be sited, beneath a low ridge on south facing land, separating the primary visual receptors which are to the north of the site. Early discussions with the applicant resulted in the building being moved slightly further south to increase the natural screening from the landform. Excavated material from the site preparation would be used to create smooth flowing earth mounds to the west, south and north of the proposed building which would further aid its concealment.

The site would otherwise be most prominent from a short section of the public road to the west of the site. The screen mounds and planting would eventually almost entirely screen the building from the road. The access into the site would however be prominent and the retention of the stone dyke would be desirable where possible. Other key visual receptors would include the neighbouring properties including the property at Hutton Castle Barns, around 400m to the north. At such distances, the visual impact resulting from the erection of the building should be limited but the building may be visible on the landscape until the substantial proposed planting scheme of around 1850 trees becomes established, when it should be entirely screened from view. In the interim period, the natural landform and screening mounds with soften the impact of the building.

The proposed planting scheme has been subject to various revisions during the application process to increase planting and to replace the planting of ash resulting from the spread of the Ash Dieback disease. An appropriate mix of native species is proposed, to be planted at irregular intervals. A 5m strip would be kept clear to avoid overhead lines but should not diminish the overall effect of the scheme.

There is an intention to cover the roof with photovoltaic panels. These are not shown on the submitted plans but raise no concerns and would be unlikely to require approval through a planning application. No drawings have been provided for the proposed feed bins or their location but this can be covered by condition.

A concern that residents at Hutton Hall Barns are being encircled by poultry buildings has been put forward and this concern is acknowledged. However, in landscape terms, because all of the buildings are largely screened from the building group itself, it is considered that there would be no unacceptable adverse impact resulting from the development either in isolation or cumulatively, taking account of previously approved developments within the area.

## Ecology

Pollution arising from poultry buildings is controlled by local authorities until overall farm sites (i.e. cumulative bird capacity across multiple poultry buildings) exceed capacity for 40,000 hens, at which point regulatory control would pass to SEPA. The applicant has confirmed that they are in the process of applying to SEPA for a Pollution Prevention and Control (PPC) permit for their previously approved poultry buildings nearby. If members were minded to approve this application the applicant would apply to SEPA to modify that PPC permit accordingly. SEPA have been consulted on the application and no objection has arisen from their initial assessment of the proposal. SEPA have also confirmed that the proposal is potentially consentable under PPC regulations.

In terms of protected species, badgers are known to be active within the area and the Council Ecology Officer requires mitigation as a precaution. A condition is therefore attached requiring the implementation of a Badger Protection Plan similar to that agreed at the previous approved 16/01430/FUL poultry building nearby. The applicant has written to agree to this. There are no concerns with regards to breeding birds as the site is not considered to provide a suitable habitat. In conclusion, any potential effects on protected species can be mitigated satisfactorily.

The site is located around 1km south west Whiteadder Water, designated as a Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI) as a tributary to the River Tweed. Connectivity exists via the Cabby Burn, but SEPA have raised no concerns with respect to any potential impact on the Burn and the proposal would not impact the designated sites.

## Neighbouring amenity

Members will note from the letters of objection that considerable concern has been raised about the effect the proposed poultry would have on residential amenity. There is concern that the poultry unit would lead to increased levels of odour nuisance, vermin, noise, dust and litter which would result in an unacceptable adverse effect on the amenity of nearby residential properties.

Such matters would be assessed under Local Development Plan policy HD3 (Protection of Residential Amenity) which is used to ensure that development does not have an adverse effect on neighbouring residential amenity. The application site in this instance is located approximately 400m south west of the closest residential property. There has been reference by at least one objector to a 400m rule governing the distance from such developments to residential properties. Whilst such a clause applies to agricultural permitted development rights, this simply requires the submission of a planning application for consideration for poultry developments within 400m of the curtilage of a dwelling house, so that impacts can be assessed and does not preclude developments within this distance. The Scottish Government's Prevention of Environmental Pollution from Agricultural Activity guidance note encourages agricultural developments to be sited 400m from residential developments, but this is a good practice recommendation rather than a requirement. For clarity, it is noted that while the *curtilage* of the nearest dwelling is within 400m of the proposed building, the nearest house would be located over 400m from it.

Whilst the proposed building would be located some distance from the nearest residential property, impacts on residential amenity must still be assessed. Members will be aware however that the free-range poultry business is heavily regulated and modern poultry buildings such as that proposed are set up to minimise impacts on neighbouring dwellings. The proposed building would incorporate many of the latest technologies, including computer controlled climate system connecting to 4 gable fans and 38 exhaust air fans and



fresh air inlet chimneys which would help reduce the amount of noise, smells and dust emanating from the building. Environmental Health have considered the proposal and have no objection subject to conditions including the agreement of a nuisance management plan. The applicant has submitted such a plan which details the applicant's proposals for mitigating and reducing nuisances. The nuisance management plan has had an initial inspection by Environmental Health and is to their general satisfaction. A condition is proposed to require the management plan to be formally agreed and would provide the option to amend the plan for practical operational reasons in the future. It should be noted that many of the potential amenity impacts would ultimately be controlled via the previously mentioned PPC permit that the applicant would apply to SEPA for. A planning condition is also proposed to control noise nuisance emanating from plant or machinery.

A number of objections have raised concerns with existing and proposed manure practices. A manure management plan has been provided which sets out proposed arrangements for dealing with foul waste arising from the development. This states that hen manure produced on the site (by MacLean Eggs) would be sold to MacLean and Company (the family farm business) to be stored in the family farm manure store. It is important to note that were any manure to be stored on the site this would be regulated by SEPA by means of the PPC. The manure collected by MacLean and Company would be stored in the family farm manure store, which is understood to be covered, until capacity was reached, when it would then either be spread on the family farm, exported for spreading by other farmers or collected by contractors.

It is understood that the family farm does not need additional manure supplies, so the additional excess which would result from the proposed development would result in an increase in the volume of manure being sold to other farmers. This is complicated by the location of the farm and proposed site within the Lothian and Borders Nitrate Vulnerable Zone (NVZ), where water is at risk of pollution from agricultural nitrate. NVZs cover a large area of rural Scotland and limit the period within which manure can be spread during 'closed periods'. However, there are no such controls over manure-spreading on farms outwith NVZs and excess manure would be sold to such farms during the exempt period where necessary. Environmental Health have inspected the manure management plan and have no objections to the proposals. The applicant has also provided correspondence which indicates that there is good demand for hen manure for spreading on land both within the NVZ and outwith the NVZ.

A concern has also been raised regarding potential littering on the site but there is no reason to believe the proposed development would give rise to such a problem.

### **Road safety, access and parking**

The applicant has given consideration to potential roads and access issues, and details of vehicle trips, as well as proposed access alterations have been put forward as part of their application. The site would be accessed via an existing field access which would require a major upgrade to the Roads section's specifications. An increase in traffic has been a particular focus of objection and it has therefore been appropriate down the anticipated post-construction vehicle trips that would result from the development. The applicant has stated that one load of feed would be delivered to the site, by articulated lorry, per week. Eggs would be collected by the three egg collection trips per week which already service the existing poultry buildings. No additional egg collection trips are therefore anticipated. Manure would be collected by two tractor and trailer loads per week. At the end of the flock cycle every 13 months, birds would be removed from the building to allow it to be cleaned and made ready for restocking. This would require an envisaged four loads over two days. Pullets (young female birds before the point of lay) would then be delivered to the site by another four loads over two days. It must be assumed that there would be additional trips

associated with staff/ management movements and occasional visits to the building by the various specialist services referred to in the operational plan. Overall however, the increase in traffic would be relatively modest and the road network is considered capable of accommodating the trips associated with the development, in isolation and cumulatively, subject to the construction of an additional passing place at a location to be agreed between the access to the site and the B6460. The Roads Planning Service have raised no objection to the proposal, subject to conditions requiring the construction of a passing place between the site and the B6460 and the access to be suitably surfaced. Similarly to previous applications, a condition would be attached to control the hours of deliveries and collections.

## **Services**

Surface water drainage would be dealt with by a SUDS scheme – likely to be a multiple cell system based on infiltration basins with a final restricted piped outflow to the Cabby Burn - which would be designed by consultants from the Scottish Agricultural College for review and sign off by SEPA. Discharge from the single staff toilet would be dealt with by way of a septic tank with discharge to a soakaway to land. Mains water is available at the applicant's farm steading to the north and would be extended to this poultry house. This would be controlled by planning condition to ensure an appropriate supply is available.

Mains power supply is proposed and is available close to the proposed building. As referred to above, there is also an aspiration to mount photovoltaic panels on the roof of the building to power operations and potentially provide a surplus back to the grid.

## **Other matters**

It has been suggested that the proposal could adversely affect the setting and character of listed buildings in the area, or act as a deterrent to investment in the maintenance of such buildings. The nearest listed buildings are the category C listed cottages and steading buildings at Hutton Hall Barns over 500m from the proposed site. Local Development Plan policy EP7 seeks to conserve and protect the character, integrity and setting of listed buildings. The development would not be visible from these buildings, and it is not considered that the development would affect their setting, integrity or character. There is no reason to believe the development would act as a deterrent to investment in the area. The Archaeologist was minded to seek archaeological mitigation but the applicant has provided evidence which suggests buried archaeology will not be present within the field.

Whilst the site is recorded as Prime Agricultural Land it forms a small part of the field and there would be no adverse impact in terms of the availability of land given the scale of the development and the contribution that the proposal would make to agriculture. The cumulative effects of the proposals have been considered under separate headings above. There are no further cumulative impact concerns. There was no requirement for an EIA.

There is no flood risk associated with the proposal but an informative would be added to provide the applicant with the Flood Officer's advice with respect to flood risk from other sources.

There has been an objection which refers to previous non-compliance with conditions attached to previous planning approvals. It should however be noted that there have been no recent allegations reported to the Planning or Enforcement services in connection previous poultry buildings and there is no reason to believe the applicant would not comply with conditions in the future. The objector will be advised of the process for formally referring such complaints to the Planning Authority enforcement service should they wish to do so.

Finally, it should be noted that objections related to animal welfare or stocking density regulations do not raise material planning concerns and would be controlled under the appropriate regulatory regimes.

## **CONCLUSION**

There is clear policy support for the principle of the proposed development which meets the requirements of the Council's policies on economic development within the countryside, and could provide up to two full time and two part time jobs. The focus of the assessment has therefore been on the potential adverse impacts which could result from the development.

The building itself is appropriate in terms of design, massing and materials and a major planting scheme, together with screening mounds, will ensure the building sits comfortably within the landscape. Any adverse impact on the landscape will be limited, particularly once the planting scheme becomes established.

In terms of amenity considerations, the building would be located a significant distance from residential properties and, subject to compliance with conditions and other regulatory controls, the development would not have an unacceptable adverse impact on amenity. The site would eventually be regulated by SEPA and a PPC permit would be required. Nevertheless, a nuisance management plan would be required by condition to provide further control of potential nuisances which objectors have also raised. Overall, SEPA and Environmental Health are both broadly satisfied by the proposals in principle, subject to the further controls afforded by the PPC permit process and the proposed planning conditions.

Traffic and road safety concerns have been raised but only a modest increase in traffic is anticipated. The Roads Authority considers that this could be reasonably accommodated by the existing network subject to the formation of a new passing place. The existing access would be suitably upgraded to meet the new resulting access needs.

Any potential ecological concerns would be satisfactorily mitigated. There are no concerns with respect to archaeology and there would be no adverse impacts upon the character, integrity or setting of listed buildings.

## **RECOMMENDATION BY CHIEF PLANNING OFFICER:**

It is recommended that the application is approved subject to the following conditions and informatives:

### Conditions

1. The development hereby permitted shall not be carried out other than in complete accordance with the plans and specifications approved by the Planning Authority, unless otherwise agreed in writing by the Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.
2. The Badger Protection Plan approved in connection with the development approved under planning application 16/01430/FUL shall be adapted for the proposed site and submitted and approved in writing by the Planning Authority prior to the commencement of development. Thereafter, development shall be carried out wholly in accordance with the approved Protection Plan.  
Reason: In the interests of preserving biodiversity.

3. Prior to the occupation of the development, a plan for the management and control of potential nuisances (including noise, odour, air quality, flies and other pests) that would be liable to arise at the site as a consequence of the development shall be submitted and approved in writing by the Planning Authority. The approved development shall operate in compliance with the approved nuisance control management plan thereafter unless otherwise agreed by the Planning Authority.  
Reason: To ensure that the operation of the poultry building hereby approved has no unacceptable impacts upon the amenity of the surrounding area or upon the amenity of any neighbouring residential properties, by ensuring that all potential sources of nuisance are appropriately managed and controlled.
4. No development shall commence until the full details of the finalised SUDS drainage scheme have been submitted for the written approval of the planning authority, in consultation with SEPA. The agreed scheme to be implemented in full thereafter, and completed prior to the occupation of the development.  
Reason: To ensure adequate protection of the water environment from surface water runoff.
5. No development shall commence until a report has been submitted to and approved in writing by the Planning Authority that demonstrates that the public mains water supply is available and can be provided for the development. Prior to the occupation of the building, written confirmation shall be provided for the approval of the Planning Authority that the development has been connected to the public mains water supply.  
Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.
6. No development shall commence until a new passing place to the specification details in Roads Drawing DC-1 has been provided at a location to be agreed with the Planning Authority between the existing access to the site and the B6460.  
Reason: in the interests of road safety.
7. Prior to the commencement of development, detailed drawings showing required improvements to the access to the site which reflect the requirements outlined in Informative number 3 of this consent shall be submitted and approved in writing by the Planning Authority. Thereafter, the existing access shall be upgraded in accordance with the detailed drawings prior to the occupation of the approved building.  
Reason: In the interest of road safety.
8. All planting, seeding or turfing comprised in the approved details of Drawing KW-142-ME 001-H shall be carried out in the first planting and seeding seasons following the occupation or completion of the development, whichever is the sooner, and the planning authority shall be advised once works are completed. Thereafter all planting, seeding and turfing shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.  
Reason: To ensure that the proposed landscaping is carried out as approved.
9. Prior to the commencement of development, further details of proposed screening mounds (including precise details of mound coverage and heights) shall be submitted and approved in writing by the Planning Authority. Thereafter, the development shall be undertaken wholly in accordance with the approved details and screening mounds fully formed prior to the occupation of the building, unless otherwise agreed by the Planning Authority.  
Reason: To ensure the development is accommodated sympathetically into its wider surroundings.

10. No lorry deliveries or uplifting shall take place between the hours of 11.00pm and 6.30am on any day.  
Reason: To safeguard the amenities the surrounding residential properties.
11. 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. The Unit 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
12. No development shall commence until details of materials to be used on all exterior surfaces of the development hereby permitted have been submitted to and approved in writing by the Planning Authority. The development to be undertaken wholly in accordance with the agreed details thereafter.  
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
13. No external food storage bins/ silos shall be erected until details have been submitted to and approved in writing by the Planning Authority. The external food storage bins/silos to be erected wholly in accordance with the agreed details thereafter.  
Reason: To ensure a satisfactory form of development which contributes appropriately to its setting.

#### Information for the applicant

1. The applicant should be aware that flooding can occur from other sources including run-off from surrounding land, blocked road drains, surcharging sewers and blocked bridges and culverts.
2. There is an overhead powerline within or near the eastern boundary of the site. The applicant should liaise with the relevant utility operator to ascertain whether or not the proposed layout would raise any concerns for the operator in case the latter would have any concerns about works within this proximity to the powerline.
3. With respect to condition 7 the Roads Authority's required dimensions and specifications are listed below:
  - The new access to be located where the existing field access is located.
  - The new access to have 5.5m throat width with minimum 8m radii.
  - Visibility splays of 2.4m by 90m to be provided in either direction
  - The first 5m of the new access to be surfaced to the specification below:

*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.*

It should be borne in mind that only contractors first approved by the Council may work within the public road boundary. There should be no unauthorised advertising signing, and the lay-by must be kept tidy and litter free.

4. Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of the SEPA website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at: Burnbrae, Mossilee Road, Galashiels, TD11 1NF, tel 01896 754797

#### DRAWING NUMBERS

Location Plan KW-142-ME 002 Revision F  
Site Plan KW-142-ME 001 Revision H  
Elevations 107MC-DR-0001 Revision P02  
Section Plan KW-142-ME 003 Revision B

#### **Approved by**

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

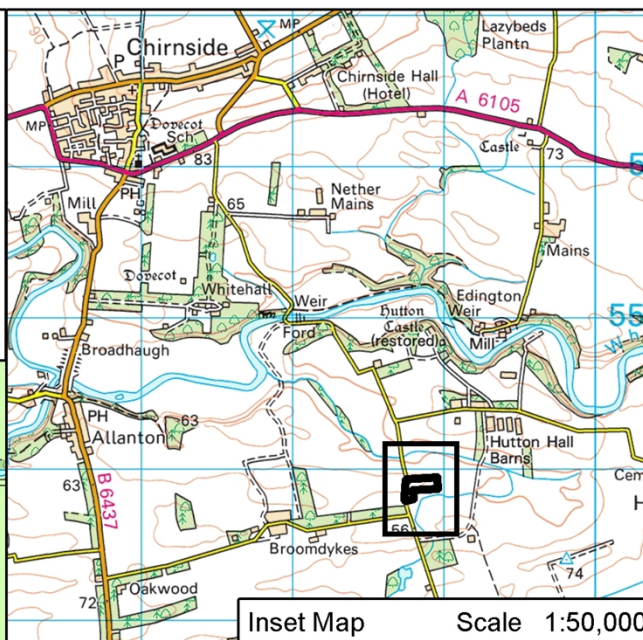
#### **Author(s)**

Name	Designation
Paul Duncan	Assistant Planning Officer



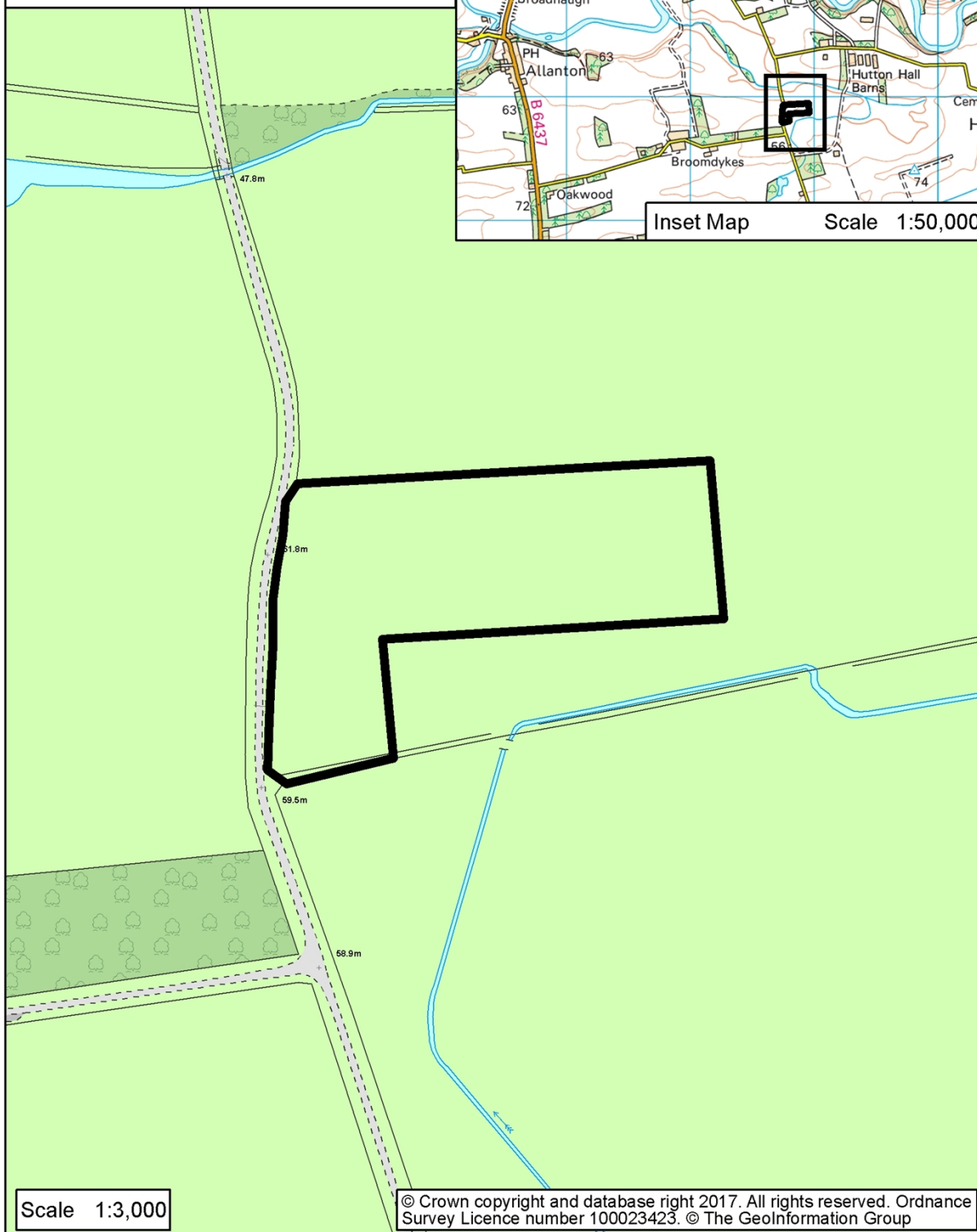
17/00623/FUL

Hutton Hall Barns  
Hutton



Inset Map

Scale 1:50,000



Scale 1:3,000