

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**30 APRIL 2018**

**APPLICATION FOR PLANNING PERMISSION**

<b>ITEM:</b>	18/00134/FUL
<b>OFFICER:</b>	Paul Duncan
<b>WARD:</b>	East Berwickshire
<b>PROPOSAL:</b>	Erection of general purpose agricultural building
<b>SITE:</b>	Lumsdaine Farm, Coldingham
<b>APPLICANT:</b>	Cllr J Fullarton
<b>AGENT:</b>	John Thorburn & Sons (Construction) Ltd

**CONSIDERATION BY PLANNING AND BUILDING STANDARDS COMMITTEE**

This planning application has been submitted by an elected Member of Scottish Borders Council and therefore, in accordance with national regulations and the Council's own Scheme of Delegation, the application must be determined by the Committee rather than under delegated authority. In this case, the application has attracted a sufficient number of objections to require referral to the Committee in any event.

**SITE DESCRIPTION**

Lumsdaine Farm is situated around 4km north-west of Coldingham, in a remote location at the end of a minor public road. The farm is comprised of a number of agricultural buildings including one very large principal building with other smaller farm buildings and a farmhouse located around it. The farm is at the centre of a larger building group, with 9 further dwellinghouses located nearby, to the south-east, north-west and north-east of the farm.

The proposed site is located south-west of the principal agricultural building in a cleared, sheltered area with an established hardcore surface which is partially enclosed by trees. The site is flat. A moderately sized former mill pond sits to the rear (south-west) of the proposed site at a distance of around 30m. Associated watercourses and overhead lines are located to the south of the site and a water tank sits immediately north of where the proposed agricultural building would be erected.

Lumsdaine Farm is located within the Berwickshire Coast Special Landscape Area (SLA).

**PROPOSED DEVELOPMENT**

The application seeks planning permission for the erection of a steel portal-framed cattle court building measuring roughly 49m by 12m in footprint, to a ridge height of 6.5m. The building would be partially enclosed with treated timber boarding and concrete panels. The roof would be clad in profiled steel.

## PLANNING HISTORY

Relevant planning history within the vicinity of the site can be summarised as follows:

- Planning application reference number: 08/00888/AGN  
Agreement of siting and design was sought and received through the prior notification mechanism for the erection of a general purpose storage shed to the north-west of the aforementioned principal agricultural building. This building has since been built.
- Planning application reference number: 09/00927/FUL  
Full planning permission was sought for the erection of a cattle court on the currently proposed site. This application was approved by the Planning and Building Standards Committee but the building was not built.

## REPRESENTATION SUMMARY

Members are reminded that all comments are available to view in full on the Public Access website.

6 objections to this application were received from 6 separate households. The issues raised are summarised below:

- Adverse landscape impact
- Overdevelopment of a rural area
- No detail has been provided on flooring of the building
- No detail on how waste would be moved from the site
- Environmental impact on local residents, tourists and walkers
- Potential pollution impact on the nearby pond/ watercourses
- Loss of residential amenity
- Potential impact on archaeological remains on the proposed site
- Environmental Health and SEPA should be consulted.
- A full Environmental Impact Assessment should be carried out.
- No water supply details listed
- Animals should be free to choose the way they want to live [*not a material planning consideration*]

## APPLICANTS' SUPPORTING INFORMATION

Other than the application form, plans and drawings, no specific written items of support have been submitted.

## CONSULTATION RESPONSES:

### Scottish Borders Council Consultees

**Environmental Health:** No objection but a condition to require compliance with an agreed nuisance control management plan is recommended.

**Ecology Officer:** No objection but conditions to require a construction management plan and badger protection plan are recommended. An adjacent pond is raised (approximately 1m) above the farmyard area with drainage to sinks to the south-west and north-west of the farmyard. The pond is long-established and features as a mill pond in the 1<sup>st</sup> Edition OS map (1843-1893). There is no obvious drainage

connectivity between the proposed development site and the pond. Protected species such as great crested newt are known to occur at sites in the wider landscape but are not known at this site. Reasonable avoidance measures should ensure that terrestrial habitats are not damaged or disturbed. On a site visit the Ecology Officer noted significant signs of badger activity in adjacent habitat areas including dung pits, a latrine, snuffle holes, signs of digging, old hole entrance (filled in-not in use), a footprint and well-worn badger paths. Breeding birds may also use adjacent scrub habitat and farm buildings.

Mitigation will be required to ensure that terrestrial and freshwater habitats are not disturbed or damaged by the development. Measures can be set out in a proportionate construction method statement and a badger protection plan. A construction method statement will be required so that habitat areas are demarcated or fenced off to prevent damage and disturbance by machinery, chemicals and oils and debris and ensure that works are contained within the hardstanding area of the farmyard.

**Archaeology Officer:** No objection. There are no known archaeological implications for this proposal. The proposed development sits to the south-west of the existing steading, and to the north-east of the former mill pond for the farm. Historic mapping shows Lumsdaine may date from at least the late 16<sup>th</sup> century where it appears to be depicted as a small settlement called Easter Lumsdenn. Lumsdaine was gifted to Coldingham Priory in the 11<sup>th</sup> century, with Wester Lumsdaine (no longer in existence) appearing in documents from the 13<sup>th</sup> century. It is possible that likewise Easter Lumsdaine dates from the same period.

While there is a low to moderate potential for encountering medieval archaeology in undisturbed deposits within the farm, later historic mapping shows that the proposed building footprint has already seen development. A building is shown here on OS mapping from 1972. This may have been a post-war structure. This building still appears in aerial photos taken in 2008. There is a low potential for encountering buried archaeological features or deposits during development. An informative is recommended.

### **Other Consultees**

None.

### **DEVELOPMENT PLAN POLICIES:**

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

PMD1 - Sustainability

PMD2 - Quality Standards

ED7 – Business, Tourism and Leisure in the Countryside

ED10 - Protection of Prime Quality Agricultural Land and Carbon Rich Soils

HD3 - Protection of Residential Amenity

EP2 - National Nature Conservation and Protected Species

EP3 - Local Biodiversity

EP5 – Special Landscape Areas

EP8 – Archaeology

EP14 – Coastline

EP15 – Development Affecting the Water Environment

IS9 - Waste Water Treatment Standards and Sustainable Urban Drainage

**Other considerations:**

Scottish Planning Policy 2014  
Biodiversity Supplementary Planning Guidance 2005  
Planning Advice Note 39 - Farm and Forestry Buildings 1993

**KEY PLANNING ISSUES:**

Would the erection of an agricultural building on the proposed site comply with planning policies with respect to (a) the siting and design of agricultural buildings; (b) residential amenity and (c) biodiversity.

**ASSESSMENT OF APPLICATION:***Principle*

In principle, Local Development Plan policy ED7 (Business, Tourism and Leisure in the Countryside) is supportive of development which will be used directly for agricultural purposes. This is subject to assessment against criteria relating to local character and amenity; scale; and impacts on neighbouring uses. These considerations are assessed later in this report. In principle however, there is clear policy support for the proposals given the intended agricultural use of the proposed building.

*Siting and Design*

Local Development Plan policy PMD2 (Quality Standards) sets out the Council's overarching expectations for the siting and design of development. For farm buildings, specific guidance is provided by Planning Advice Note 39 (Farm and Forestry Buildings). Although this document was produced some years ago the principles it sets out remain relevant.

The guidance recommends that visual impact is reduced by siting new farm buildings close to existing farm buildings. The guidance notes the potential impact of new farm buildings both on local and wider landscape settings. The proposed site is considered to be suitable in these respects. The proposed development would be clearly related to the existing farm buildings and the building would be well contained visually, being largely screened from wider view. The building will sit discreetly in the landscape and cannot be considered to represent overdevelopment.

The design of the proposed farm building reflects standard contemporary agricultural developments, which are often very large in scale for operational reasons. The proposed building would be subservient to the existing principle farm building. Given the well contained nature of the site and the existing context for large buildings at the farm, the scale of the proposed building is not a concern. The form and massing is appropriate for a building of this type. The proposed materials are typical for farm buildings of this kind and the most prominent south west elevation will be finished with timber space boarding which should help soften the appearance of the building and integrate it in visual terms with the surrounding woodland. No details have been provided on flooring for the building but this would be assumed to be concrete or any other operationally suitable material.

Overall, the proposals are considered appropriate in design, scale and materials. There will be minimal visual impact overall and no adverse impact on the Berwickshire Coast Special Landscape Area.

### *Residential and Neighbouring Amenity*

Members will be familiar with LDP policy HD3 (Protection of Residential Amenity) which seeks to protect residential amenity in both predominantly residential areas, but also in rural situations. The policy applies to all forms of development.

At Lumsdaine Farm there are numerous existing residential dwellings located at a distance of around 100m from the site. Lumsdaine Farmhouse is situated closer but is owned by the applicant. It should be noted that the proposed site is no closer to these properties than the existing agricultural buildings are. The main potential amenity impacts arising from this development would be odour and noise nuisances. The Environmental Health Officer has no objections to the proposals in principle, but has suggested a condition is attached to require the agreement and implementation of a nuisance control management plan to manage potential nuisances. This is considered appropriate.

Overall, subject to compliance with the proposed condition it is not considered that there would be any significant difference to the amenity presently enjoyed by nearby residents. No unacceptable amenity impact can be anticipated on any other potential receptors such as walkers.

### *Biodiversity*

Local Development Plan policies EP2 (National Nature Conservation and Protected Species) and EP3 (Local Biodiversity) are relevant to this application. These policies aim to provide protection for protected species and local biodiversity interests.

The proposed site is located close to a former mill pond and other potential habitat areas are located in the vicinity of the site. The pond is located at a distance of around 30m from the site and on higher ground, approximately 1m above the ground level on the proposed site and associated watercourse are located to the south of the site at a short distance.

The Ecology Officer has been consulted on this application and visited the site as part of his assessment of the proposals. To avoid possible impacts on habitat areas, mitigation measures are recommended during the construction phase to ensure habitats are not disturbed or damaged by the development. This can be controlled by a suitably worded planning condition to require the implementation of an agreed construction method statement. This would require measures such as the fencing off of habitat areas during construction.

The Ecology Officer identified signs of badger activity on the site and also requires mitigation for potential impacts on this protected species. A planning condition is recommended which would require the agreement and implementation of a badger protection plan to minimise any potential impacts that could arise during the construction phase of the development. Standard mitigation methods would include simple practical measures such as covering trenches and open pipes overnight to help protect the animals should they venture into the construction site. Subject to compliance with these two proposed conditions, no adverse ecological impacts should arise through the construction phase of the development.

Concerns have been raised about potential pollution impacts on the nearby pond and other watercourses including one which is located a short distance from the application site. The Scottish Environmental Protection Agency (SEPA) no longer

invites consultation requests for applications such as this. They do however provide general standing advice which this proposal is considered to comply with. The aforementioned construction method statement will help ensure potential pollution impacts are avoided during the construction phase.

Once the development is operational activities on the site should comply with the Scottish Government's Code for the Prevention of Environmental Pollution from Agricultural Activity (PEPFAA). The code's main emphasis is on preventing or minimising water pollution and the code sets out both mandatory and voluntary measures which should be adopted by farmers. Compliance with the code will ensure no pollution impacts arise on either the nearby pond or watercourses. There is no requirement for the applicant to confirm how waste would be moved from the site and it is assumed that existing practices will be continued. The code also sets out guidance on how this can best be undertaken to avoid pollution or any other adverse environmental impacts. There is no requirement for Environmental Impact Assessment for this proposal. The proposal is not considered to qualify as an intensive livestock installation.

The Ecology Officer has no objection to these proposals and overall, subject to compliance with the proposed scheme of conditions, biodiversity interests should be adequately protected.

#### *Archaeology*

The Coldingham area is rich in archaeological interests and this has been noted in objection comments. Local Development Plan policy EP8 (Archaeology) aims to give strong protection to archaeological and historic assets, which are an irreplaceable part of the heritage of the Scottish Borders and possess educational, recreational and tourism value.

The Archaeology Officer has been consulted on this application and has assessed the proposed site for its archaeological potential. There are no known archaeological implications at this site, but this does not preclude what is considered to be a low potential of encountering unknown archaeological features. The Archaeology Officer is satisfied that this can be suitably addressed by use of an Informative to ensure the applicant is aware of this potential, and the steps that should be taken in the event any features or artefacts are found. Given the low potential for archaeological features, Policy EP8 is considered to be satisfied by this approach.

#### *Other matters*

Local Development Plan policy ED10 aims to protect prime agricultural land, which is a valuable and finite resource. The proposed site is recorded within the register of Prime Agricultural Land but has a long history of development. It offers no potential for arable farming.

The applicant has confirmed that the existing water supply – a private spring – will serve the new development. This is supplemented by a borehole pump for drier months. New houses at Lumsdaine are understood to be served by the public water mains and should not be affected by the proposals.

### **CONCLUSION**

Subject to compliance with the proposed schedule of conditions listed below, the erection of a general purpose agricultural building on the proposed site would comply

with the relevant provisions of the development plan, including policies with respect to the siting and design of agricultural buildings, residential amenity, and biodiversity, and there are no material planning considerations that would justify a departure from the development plan.

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

I recommend the application is approved subject to the following conditions and informative:

##### Conditions

1. No development shall commence until a plan for the management and control of potential nuisances (including noise, odour, air quality, flies, waste and other pests) that would be liable to arise at the site as a consequence of and/or in relation to the operation, individually and/or cumulatively, has been submitted to and approved in writing by the Planning Authority. Thereafter the approved nuisance control management plan shall be implemented as part of the development.

Reason: To ensure that the operation of the buildings has no unacceptable impacts upon the amenity of the surrounding area or upon the amenity of any neighbouring residential properties.

2. No development shall commence until a Badger Protection Plan has been submitted to and approved in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.

Reason: to ensure badgers are protected adequately during the construction of the proposed development.

3. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.

Reason: to ensure local biodiversity and ecology interests are protected adequately during the construction of the proposed development.

##### Informative

1. There is a low potential for encountering buried archaeology during excavations. If buried features (e.g. walls, pits, post-holes) or artefacts (e.g. pottery, ironwork, bronze objects, beads) of potential antiquity are discovered, please contact the planner or Council's Archaeology Officer for further discussions. Further investigation secured by the development may be required if significant archaeology is discovered per PAN2(2011) paragraph 31. In the event that human remains or artefacts are discovered, these should remain in situ pending investigation by the Archaeology Officer. Human Remains must be reported immediately to the police. Artefacts may require reporting to Treasure Trove Scotland.

**DRAWING NUMBERS**

Reference	Plan Type	Received
4684/21	Elevations	08.02.18
	Location Plan	08.02.18
	Brochure	08.02.18

**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)**

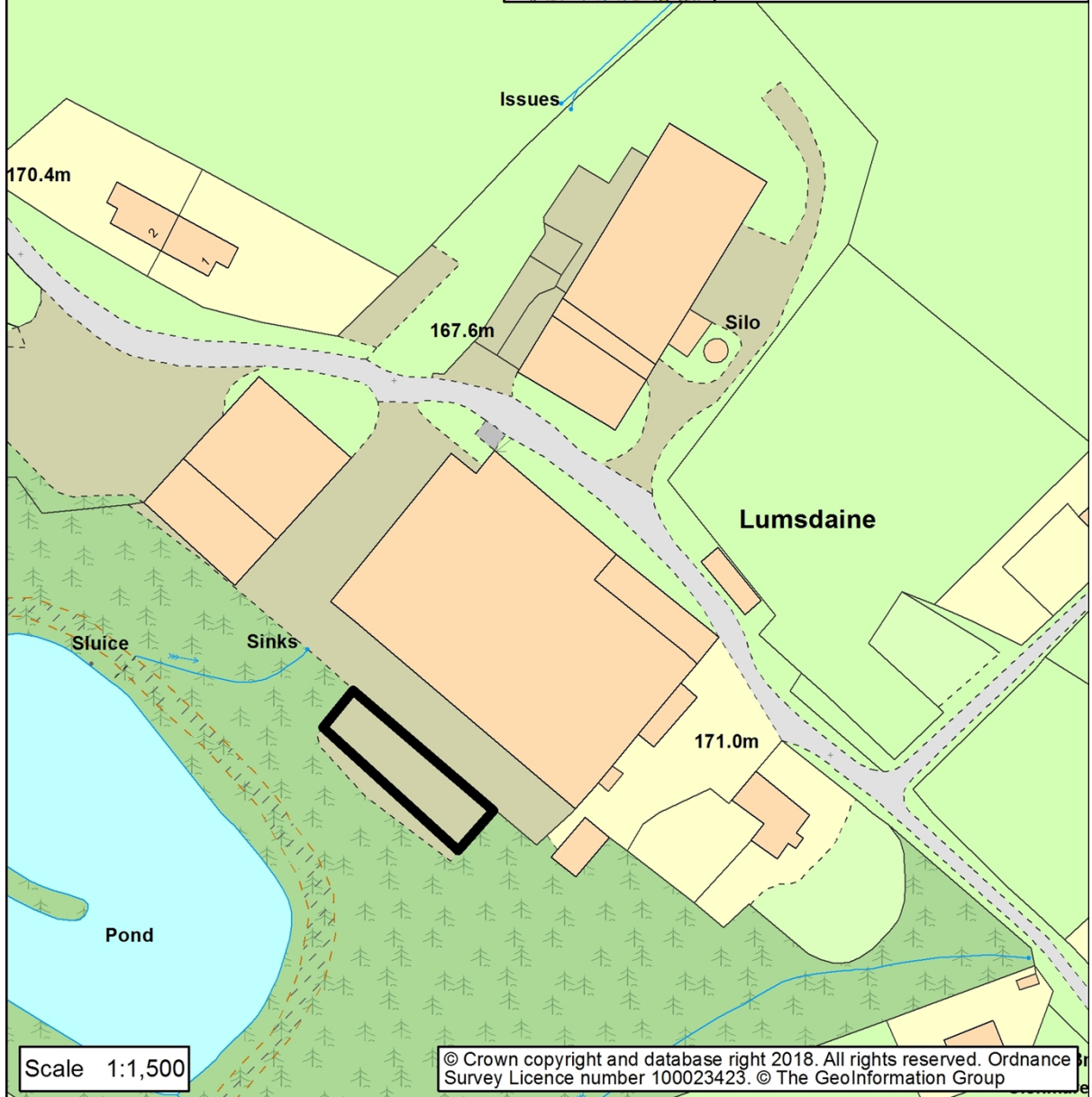
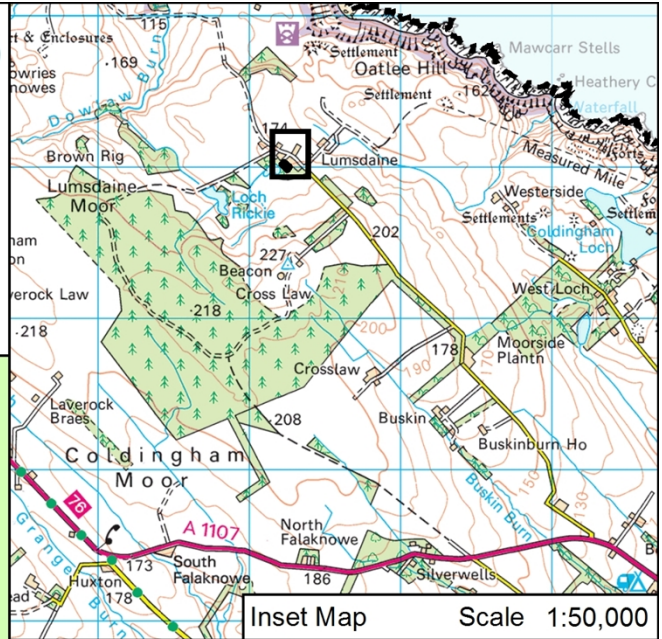
Name	Designation
Paul Duncan	Assistant Planning Officer





18/00134/FUL

Lumsdaine Farm  
Coldingham  
Eyemouth



Scale 1:1,500