

Public Document Pack



LOCAL REVIEW BODY MONDAY, 17 APRIL 2017

A MEETING of the LOCAL REVIEW BODY will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, TD6 0SA on MONDAY, 17 APRIL 2017 at 10.00 am

J. J. WILKINSON,
Clerk to the Council,

10 April 2017

BUSINESS		
1.	Apologies for Absence.	
2.	Order of Business.	
3.	Declarations of Interest.	
4.	<p>Consider request for review of refusal of planning consent in respect of erection of storage building for agricultural machinery in Field No 0328, Kirkburn, Cardrona. 16/01513/FUL. 17/00007/RREF</p> <p>Copies of the following papers attached:-</p>	
	(a) Notice of Review (including Decision Notice on page 5)	(Pages 1 - 8)
	(b) Officer's Report	(Pages 9 - 14)
	(c) Papers referred to in report	(Pages 15 - 26)
	(d) Consultations	(Pages 27 - 32)
	(e) List of Policies	(Pages 33 - 36)
5.	<p>Consider request for review of refusal of planning consent in respect of erection of straw storage building in Field No 0328, Kirkburn, Cardrona. 16/01506/FUL. 17/00008/RREF</p> <p>Copies of the following papers attached:-</p>	
	(a) Notice of Review (including Decision Notice on page 41)	(Pages 37 - 44)
	(b) Officer's report	(Pages 45 -

		48)	
	(c) Papers referred to in report	(Pages 49 - 60)	
	(d) Consultations	(Pages 61 - 66)	
	(e) List of Policies	(Pages 67 - 70)	
6.	Consider request for review of refusal of planning consent in respect of erection of machinery storage building in Field No 0328, Kirkburn, Cardrona. 16/01507/FUL. 17/00009/RREF		
	Copies of the following papers attached:-		
	(a) Notice of Review (including Decision Notice on page 75)	(Pages 71 - 78)	
	(b) Officer's Report	(Pages 79 - 84)	
	(c) Papers referred to in report	(Pages 85 - 92)	
	(d) Consultations	(Pages 93 - 98)	
	(e) List of Policies	(Pages 99 - 102)	
7.	Consider request for review of refusal of planning consent in respect of erection of agricultural storage building with welfare accommodation in Field No 0328, Kirkburn, Cardrona. 16/01464/FUL. 17/00010/RREF.		
	Copies of the following papers attached:-		
	(a) Notice of Review (including Decision Notice on page 107)	(Pages 103 - 110)	
	(b) Officer's Report	(Pages 111 - 116)	
	(c) Papers referred to in report	(Pages 117 - 160)	
	(d) Consultations	(Pages 161 - 166)	
	(e) List of Policies	(Pages 167 - 170)	
8.	Any Other Items Previously Circulated		
9.	Any Other Items which the Chairman Decides are Urgent		

NOTES

1. **Timings given above are only indicative and not intended to inhibit Members' discussions.**
2. **Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.**

Membership of Committee:- Councillors R. Smith (Chairman), J. Brown (Vice-Chairman), M. Ballantyne, J. Campbell, J. A. Fullarton, I. Gillespie, D. Moffat, S. Mountford and B. White.

Please direct any enquiries to Fiona Walling 01835 826504
email fwalling@scotborders.gov.uk

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NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|--------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

THE SITE IS A SMALLHOLDING AND THERE IS LIVESTOCK PRESENT

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

THE APPLICANT HAS AN ESTABLISHED SMALLHOLDING. THE PROPOSED BUILDING IS FOR THE STORAGE AGRICULTURAL MACHINERY

PREVIOUS APPLICATIONS FOR PLANNING CONSENT HAVE BEEN MADE ELSEWHERE WITHIN THE SMALLHOLDING, ALL OF WHICH HAVE BEEN REFUSED.

THE APPLICANT THEREFORE DECIDED THAT ALL THE NEW WORKING BUILDINGS THAT ARE REQUIRED FOR HIS ACTIVITIES COULD BE CONTAINED IN THE NUCLEUS OF THE EXISTING BUILDINGS RATHER THAN AS SATELLITES ELSEWHERE ON THE SMALLHOLDING. HENCE THE REASON FOR THIS REQUEST FOR PLANNING CONSENT.

THE BUILDING IS OF LIMITED HEIGHTS AND THE DRAWINGS DEMONSTRATE THE BUILDINGS WILL BE HIDDEN FROM VIEW FROM THE A72

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

REFUSAL NOTICE DATED 1.2.2017
DRAWINGS 196 83 & 196 84 WITH REFUSAL STAMPS

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed [REDACTED] Date 10/3/17

The Completed form should be returned to the Head of Corporate Administration, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference : 16/01513/FUL

To : Cleek Poultry Ltd The Tractor Shed Kirkburn Cardrona Peebles

With reference to your application validated on **6th December 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of machinery storage building

at : Field No 0328 Kirkburn Cardrona Scottish Borders

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule**.

**Dated 1st February 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 16/01513/FUL**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
196 83	Site Plan	Refused
196 84	Elevations	Refused

REASON FOR REFUSAL

- 1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 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. The proposed building is not of a design or scale that appears justified by the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 3 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.

FOR THE INFORMATION OF THE APPLICANT

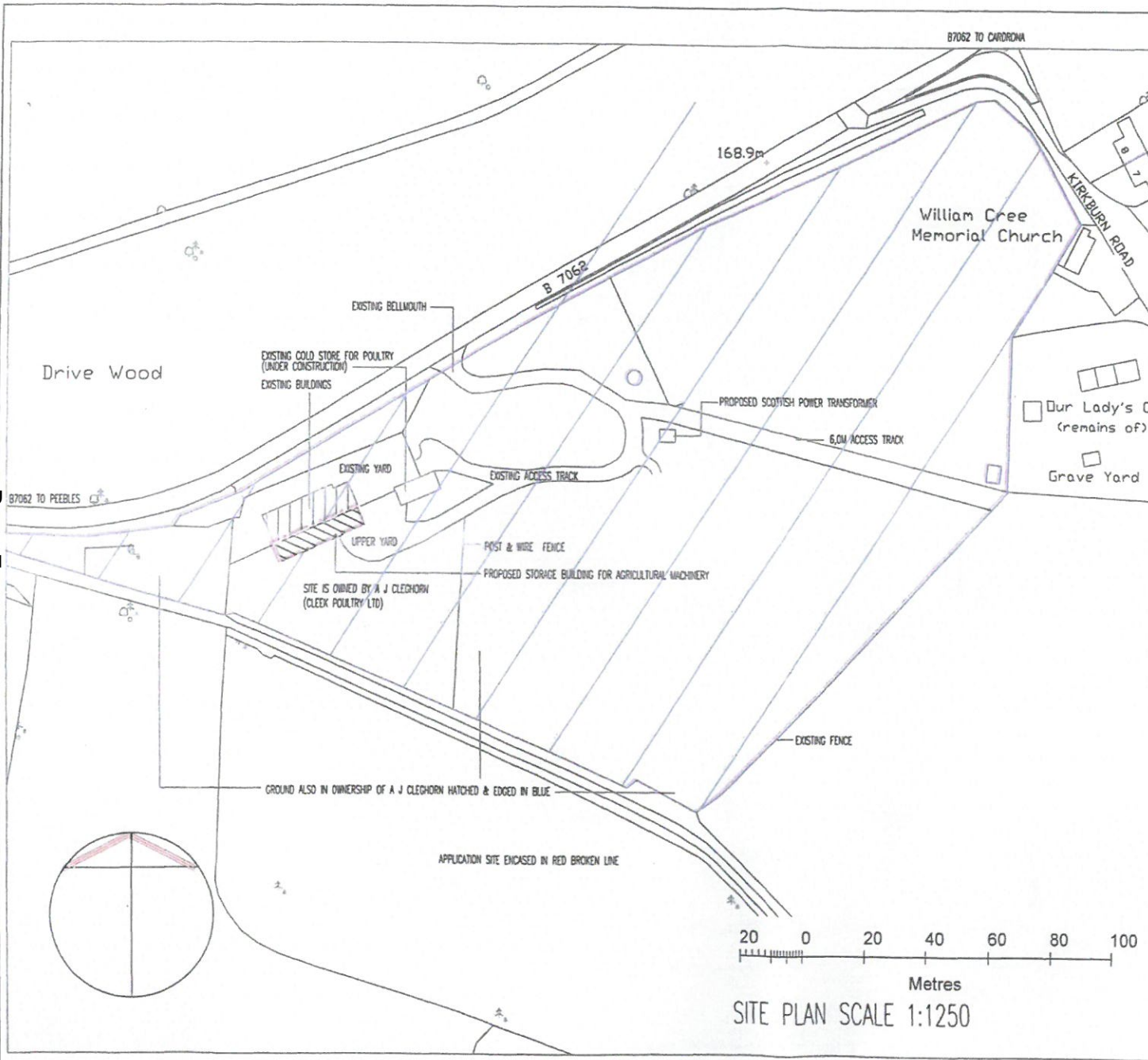
If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

RECEIVED - 6 DEC 2016

Scottish Borders Council
 Town & Country Planning Scotland
REFUSED
 - 1 FEB 2017
 Planning & Economic
 Development Department

Page 7



print A3 scale 20:1

AMENDMENTS	
A	
B	
C	
D	
E	
F	

SCALE 1:1250 OR AS STATED dec 2016

drg 196 83 SITE PLAN
 REVISION --

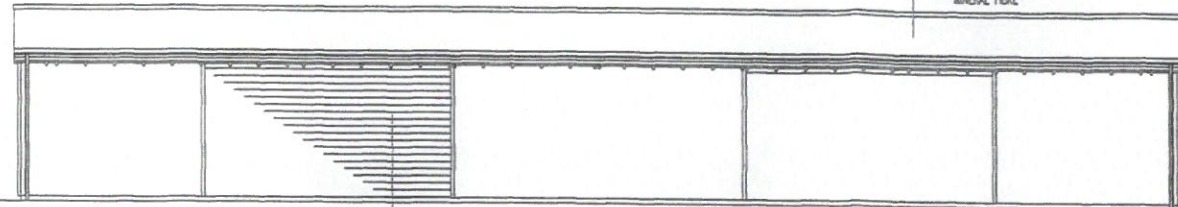
PROPOSED STORAGE BUILDING FOR
 AGRICULTURAL MACHINERY
 KIRKBURN, CARDRONA, PEEBLES,
 EH45 9HU
 Cleek Poultry Ltd

20 0 20 40 60 80 100
 Metres
 SITE PLAN SCALE 1:1250

RECEIVED - 6 DEC 2016

CORRUGATED ROOF SHEETING IN CHARCOAL GREY - 150MM PROFILE - MINERAL FIBRE

ROOF PEAK 4.0M ABOVE EXISTING UPPER YARD

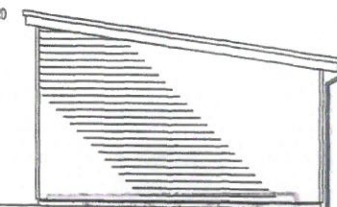


NORTH ELEVATION

LARCH LAP BOARDING LEFT NATURAL



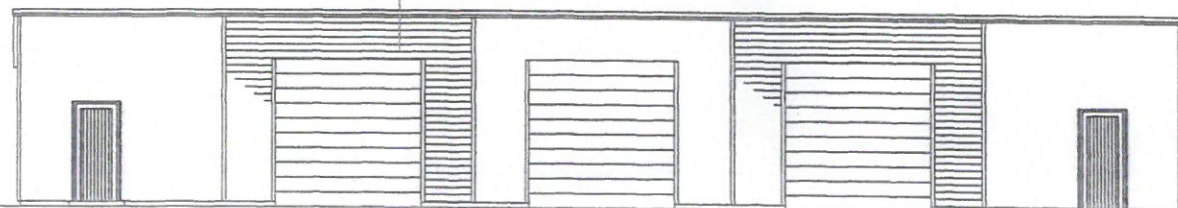
UPPER YARD LEVEL



EAST ELEVATION

*South Ayrshire Council
Town & Country Planning
REFUSED
- 1 FEB 2017
Planning & Economic
Development Department*

EAVES 3.0M ABOVE EXISTING UPPER YARD

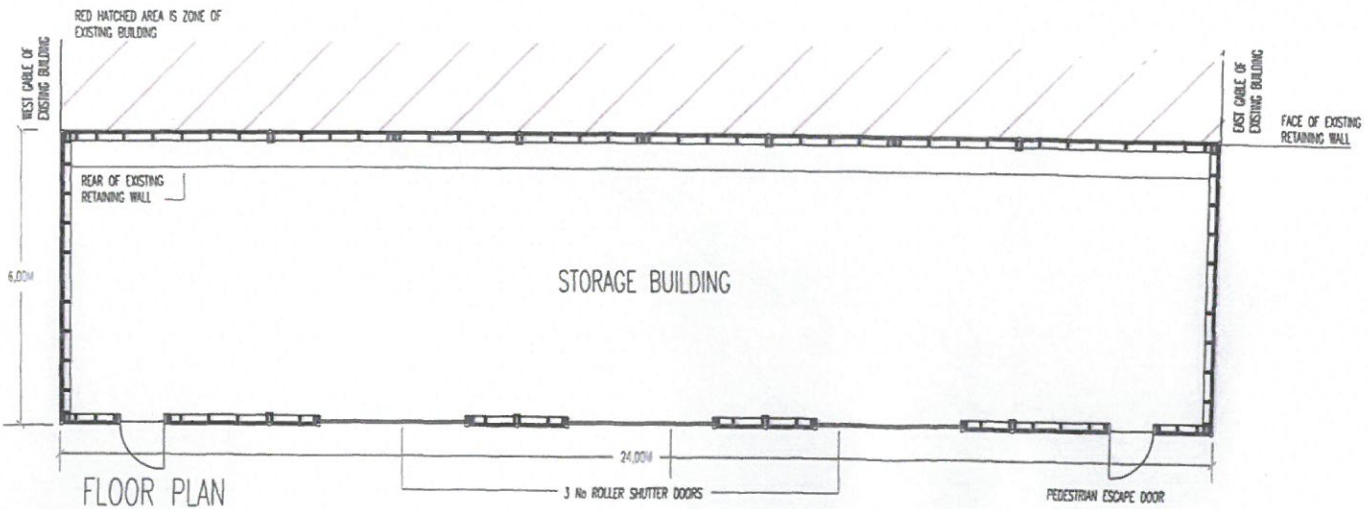


SOUTH ELEVATION

UPPER YARD LEVEL



WEST ELEVATION



FLOOR PLAN

STORAGE BUILDING

3 No ROLLER SHUTTER DOORS

PEDESTRIAN ESCAPE DOOR

print A3 scale 20:1

AMENDMENTS	
A	
B	
C	
D	
E	
F	

SCALE 1:100 OR AS STATED dec 2016

drg 196 84 GENERAL ARRANGEMENT
REVISION -- ELEVATIONS

PROPOSED STORAGE BUILDING FOR AGRICULTURAL MACHINERY
KIRKBURN, CARDRONA, PEEBLES,
EH45 9HU
Cleek Poultry Ltd

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 16/01513/FUL
APPLICANT : Cleek Poultry Ltd
AGENT :
DEVELOPMENT : Erection of machinery storage building
LOCATION: Field No 0328 Kirkburn
 Cardrona
 Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
196 83	Site Plan	Refused
196 84	Elevations	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Roads Planning:

The previous applications (15/00563/FUL & 16/00495/FUL), which were subsequently refused permission, for an agricultural purpose on this site requested additional information regarding traffic movements.

The current submission does not include any information on the number, type and frequency of vehicular movements associated with this 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

Environmental Health:

Amenity and Pollution

Assessment of Application

Air quality

Noise

Nuisance

Private Water Supply

Recommendation

Delete as appropriate - Agree with application in principle, subject to Conditions

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.

Landscape Architect:

I have looked at this application and note that the 34 x 6m building will be erected at the upper yard level (previously identified in application 16/01114/FUL as 106.58 AOD). Given the building is 4.0m tall, it follows that the ridge height will be 110.58 AOD.

This is a similar height as the previously proposed buildings in the immediate locality that I did not support due to potential visual impact on sensitive receptors on the local road and those across the valley.

I continue to have concerns about its potential visual impact on an area designated as a Special Landscape Area and therefore I do not support this application

Archaeology Officer:

There are no implications for this proposal. Part of the application site was subject to a watching brief in 2005 that failed to locate archaeological deposits or objects. It is unlikely that the remainder of the application area will contain significant archaeology.

Economic Development: No comments.

Peebles and District Community Council: Response awaited.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

Policy PMD2 Quality Standards for New Development

Policy EP5 Special Landscape Areas

Policy EP8 Archaeology

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 31st January 2017

There have been several previous applications to add a building up behind the existing buildings at upper yard level, all having been refused. The most recent application for an animal flotation unit (16/00495/FUL) proposed a very similar building in scale and form. This was rejected at Local Review Body. The assessment of the history, landscape impacts and need for the proposals are contained within the previous report on that building and the comments are equally applicable to this proposal, as follows:

"The application for the storage building and animal flotation tank building cause the same issues of landscape impact. Whilst it is accepted that at least they would have the appearance of being more visually related to the existing buildings in terms of location to the rear of existing buildings, the level of projection above the ridge of the existing buildings would still be excessive, ranging from 3.7m for the flotation tank building to 5.6m for the storage shed building. It is acknowledged that the line of tree cover north of the public road is a little higher at this end of the land holding and the existing buildings are screened by those trees - but only just. It is considered that there is not a further 3.7-5.6m vertical height screening above the tree tops to enable such large buildings set at higher level to be effectively screened, either from the A72 or from the public road adjoining the site. Whilst there may be a second topographical survey plan which could have covered this end of the site, this has not been submitted with the application and it would be highly unlikely, in any case, that there would be any demonstration of adequate existing screening given the height differentials between the existing building ridges and those proposed - especially the storage building ridge. It certainly appears that the existing contours would be similar to those being proposed for the rabbit/mushroom sheds, without the cutting into ground levels as proposed for those buildings. Excavation in this location would also cause difficulties with the upper yard, access and impacts on the rear of the existing buildings. It is concluded that the impacts on the landscape would be significant with this proposal, affecting the character and quality of the designated landscape and particularly noticeable from the A72. This is the conclusion of the Landscape Officer."

Although there have been several other decisions on planning applications since the above was written, none have changed the position in relation to landscape impact. Nor have the new LDP Policies altered the Council's position on landscape impact in a Special Landscape area. Whilst the previous associated storage building would have been the most prominent which has now been dropped from the proposals, the previous application was still refused on the basis of the landscape impact of the animal flotation building too, it being considered that 3.7m of height extension above the current building ridge lines was not acceptable and would lead to unacceptable landscape prominence. The switch in ridge position would not be sufficient to reduce the impacts to acceptable levels. The Council Landscape Architect continues to oppose the application for these reasons.

The previous application was also refused on road safety grounds due to lack of information. The previous Handling Report stated the following:

"Roads Planning also consider there to be a lack of information in terms of the number of vehicle movements this proposal (and the others) will bring. They have requested a Transport Statement to be submitted which details the type, number and size of vehicle trips which will be generated by this proposal along with the frequency of trips. The statement must also include anticipated traffic movements for all other proposed development served by this access.

Given the uncertainty over the scale of the buildings and their suitability for the purposes intended, it is understandable that there are Roads concerns over the ability of the access to accommodate the development without further information being submitted. In the absence of such information, it has not been adequately demonstrated that the access is capable of safely accommodating the traffic generated by the proposed development. This would be contrary to Policy D1 of the Consolidated Local Plan."

These concerns still exist, even with the fact that the application is only for the one building.

Economic Development have commented on the lack of a Business Plan again with this application, despite the application only being for the flotation unit. The comments in the previous Handling Report remain pertinent to the resubmitted application, albeit Policies PMD2 and ED7 have replaced Policies G1 and D1, as follows:

"Policy D1 looks for uses which are related to the ground on which they are located, for purposes which are generated by the land and any particular activity carried out on the land. It is known that the landholding is only 8 acres, of which 3 have been earmarked for the consented chalet development and some of the remainder are occupied already by buildings and the yard area. The stated purpose of the buildings and their scale raise issues over need and justification, as with the other proposals and in the absence of a co-ordinated Business Plan. It is also questioned whether such a modest holding, already with a range of buildings (including a consented cold storage building and tractor shed) can justify such large additional

accommodation which appears duplication. In the absence of a Business Plan, there is no demonstration of the required need for such buildings on this small holding.

It is concluded that the application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed buildings that would justify an exceptional permission in this rural location and therefore the development would appear as unwarranted development in the open countryside. The proposed buildings are not of a design or scale that appear suited either to the proposed use for which they are intended or the size of the holding on which they would be situated, which further undermines the case for justification in this location."

All of this still applies, subject to reference to updated LDP Policies. The proposed building is a little lower than that proposed by 16/00495/FUL (rejected by the LRB) but will still be more than 2.5m above the ridge line of the existing buildings, a projection not considered acceptable by the Landscape Architect nor demonstrated to be adequately screened by the riverside tree belt. Similarly, the justification for the building, for machinery storage, has not been provided on the smallholding where buildings already exist.

The environmental health concerns can be addressed by a condition on any approval. There are no archaeological implications as there had been a previous watching brief at this western end of the steading.

REASON FOR DECISION :

The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.

The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 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. The proposed building is not of a design or scale that appears justified by 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 Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 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. The proposed building is not of a design or scale that appears justified by the size of the holding on which it would be situated, which further undermines the case for justification in this location.

- 3 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”.



Regulatory Services

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference : 16/00495/FUL

To : Cleek Poultry Ltd The Tractor Shed Kirkburn Cardrona Peebles

With reference to your application validated on **10th May 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Extension to form animal flotation unit

At : Field No 0328 Kirkburn Cardrona Scottish Borders

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule**.

**Dated 29th June 2016
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed

A large black rectangular box redacting the signature of the Chief Planning Officer.

.....
Chief Planning Officer

APPLICATION REFERENCE : 16/00495/FUL
Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
19640	Elevations	Refused
19641A	Site Plan	Refused

REASON FOR REFUSAL

- 1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 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. The proposed building is not of a design or scale that appears justified by the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 3 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.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 16/00495/FUL

APPLICANT : Cleek Poultry Ltd

AGENT :

DEVELOPMENT : Extension to form animal flotation unit

LOCATION: Field No 0328 Kirkburn
Cardrona
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
19640	Elevations	Refused
19641A	Site Plan	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Roads Planning:

The previous application (15/00563/FUL), which was subsequently refused permission, for a similar proposal on this site requested additional information regarding traffic movements.

The current submission does not include any information on the number, type and frequency of vehicular movements associated with this 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.

Environmental Health:

Amenity and Pollution

Assessment of Application

Noise

Water and Drainage

This Application proposes to erect a facility for treating animals.

This Application proposes to use a private drainage system.

This can impact of public health.

Recommendation

Agree with application in principle, subject to Conditions.

Conditions

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.

Informative

Private Drainage System

Private drainage systems often cause public health problems when no clear responsibility or access rights exists 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.

Landscape Architect:

My comments of 20th July 2015 in relation to previous application - Ref No 15/00563/FUL remain relevant and apply to this revised application.

These were :

"The submission provides nothing in the way of topographical information and given that there are no cross sections showing how the proposal related to existing site levels, I am concerned that the sheds may be visible from the north side of the valley and more locally from the B7062 immediately to the north of the field. I suggest that the existing trees along the north boundary may not provide adequate screening for these sheds and it may be that they will be seen from much of the surrounding elevated land to the north west, north and north east.

No Landscape and Visual Impact Assessment (LVIA) has been undertaken to test the scheme to test the visual effect on the integrity of the SLA and visual impact on the receptors on the adjacent road.

Local Plan Policy EP2 requires developers to comply with Structure Plan policy N11 which states that 'In assessing proposals for development in AGLVs (replaced by SLAs in 2012), the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development.'

The submitted information was limited and I have a concern that the proposal will be highly visible and will have a serious negative visual impact on this part of the Tweed valley.

I would expect to see a realistic photomontage presentation submitted as part of a LVIA to establish how visible this proposed development would be from a number of sensitive receptors both in the immediate vicinity and across the valley.

Without a simple landscape and visual impact assessment that clearly shows the effects on this part of the Tweed valley SLA, I cannot make an informed judgement about this proposal and I therefore do not support this application."

Archaeology Officer:

Thank you for requesting an archaeology consultation. There are no archaeological implications for this proposal. The western half of the red-line area was archaeologically monitored in 2005 during a

top-soil strip. No features or finds were identified. The eastern half has been impacted by track creation. As such, there is a very low chance for archaeological discovery within the proposed development area.

Economic Development:

There appears to be no business case supporting documents with this application so Economic Development cannot support this application without full sight of this information. The drawing refers to the use of the flotation unit for toning muscle on animals reared for slaughter - therefore, please can the applicant be requested to, and confirm that, the unit will be included as a part of an agricultural business and submit a business plan, including cash flow projections, in order for it to be evaluated.

Economic development would also have concerns about the proximity of the flotation unit to an existing consent for holiday lodges, as we do not consider that they would be compatible if both are developed

Peebles and District Community Council:

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

Policy PMD2 Quality Standards

Policy EP5 Special Landscape Areas

Policy EP8 Archaeology

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 June 2016

The application is a resubmission of 15/00563/FUL which was refused. However, the application is only for one of the two buildings previously refused under that reference number - the building to the rear of the existing buildings at upper yard level, housing the animal flotation unit. It is identical in height and size, albeit with the monopitched roof sloping down to the north as opposed to previously sloping down to the south. The extract from the previous Handling Report relating to landscape impact still applies with this application, the background being important to the understanding of the issues of landscape impact, as follows:

"The site forms part of an 8 acre smallholding at Kirkburn, Cardrona, on the back road to Peebles. This planning application is one of six which have been submitted for various buildings and structures on the land to the south and west of the holiday chalets site. Together with a seventh proposal in the form of an AGN, four of the applications all relate to the same site and are competing proposals, only one of which could actually be implemented. This application is for two new buildings erected at higher yard level above and behind the existing range of buildings and recently consented cold store.

The first building will be erected on top of the previously consented cold store and over a proposed excavated cold store extension, one described as being for poultry, the other for red meat. Above these areas, a new storage shed is proposed measuring 10m by 14m, 6m to the eaves and 7.3m to the ridge both as measured from the upper yard. The second building will be to the rear of the existing buildings and will be erected at upper yard level, measuring 6m by 24m, 4m to the eaves and 5.5m to the ridge. They will be clad in larchlap boarding with a charcoal grey fibre roof, the larger building possessing two roller shutter doors to the side gable and two pedestrian doors to the rear. Two further roller shutter doors will serve the cold stores. The interior of the larger building is described as for tractors/implements/mobile food van parking. Staff quarters are shown at one end of the building at mezzanine level consisting of a rest room, toilet and kitchenette. The smaller building is proposed to house an animal flotation tank with roller shutter door and pedestrian door.

The site also lies within the Tweed Valley Special Landscape Area No. 2 - a recent local landscape designation which requires extra care and attention to be paid to development that could adversely impact

on the character of the landscape. Management recommendations were set out in the Supplementary Planning Guidance accompanying the designation, the most pertinent being ".to better integrate existing development into the landscape". This was arising out of pressure for development on hills and hillsides across the designated area.

Such considerations were uppermost when the adjoining holiday chalets application was considered at Committee. As a result of concerns over visual impacts on rising land, revisions to the scheme were required to reduce impacts on the recently designated landscape. This involved removal of upper chalets and the loop road as well as a series of cross sections to demonstrate that the development would not be seen from the A72 on the Horsbrugh Straight above the existing tree canopy line.

In processing the initial AGN application for Mushroom growing sheds, concern was expressed that those sheds were as tall as the Hub House within the holiday development, yet apparently on higher ground by several metres. The tree top heights on the sections submitted with the holiday chalets application indicated screening up to about 188m AOD which was sufficient to screen the Hub House. It was not felt that the proposed sheds would be screened to the same extent by the existing trees, the Landscape Officer believing that they will be highly visible above them. The same loop road was also proposed as part of the Mushroom sheds application which would also be visible above the tree canopy.

The Landscape Officer concluded that in the absence of any Landscape and Visual Impact Assessment to prove otherwise, the development would have a detrimental impact on the Special Landscape Area. The applicant was invited to respond to these concerns with supporting information which could include cross sections, photomontages, topographical and floor level information. They were also invited to consider the precise siting of the sheds and the roof height and design. It was clearly stated, however, that any additional information submitted may still confirm the concerns over landscape impact, especially if significant excavation required to lower floor levels remains prominent in itself.

A revised plan was submitted for the mushroom shed application accompanied by a topographical detailed survey and proposals to reduce the impacts of those buildings by cutting in the floor level as well as reducing the heights of those buildings from 7.3m down to 4.8m. The accompanying letter believed that they were a better design solution than the initial proposal. Tree heights were demonstrated, in the highest case, to be higher than the ridge height now proposed. However, of the tree heights actually shown, the general top of the tree line is still appreciably below the ridges of the two buildings. The most recent application on the same site for rabbit breeding sheds goes further and lowers the floor levels even more whilst still keeping the new 4.8m ridge height. These reductions and design solutions are still being considered, noting that it is possible that the ridge heights of those buildings could be as little as 0.5-1.5m above the average tree line height. The applicant has been written to with further requests to pull the floor level of the mushroom sheds down to that of the rabbit sheds - amongst other issues still to be addressed.

This background also includes recent consideration of the application for a cattle court building on the site, which was neither cut into the site nor lower in height, being more than 2.5m above the heights of the revised mushroom/rabbit sheds, without taking into account any cut into the site. Even if such cut was proposed for the cattle shed application, the height of the building would still result in projection above the average tree height by at least 3-4.5m which would have a major landscape impact, exacerbated by the bulk of the building across its 44m length. There was clear advice from the Landscape Officer that such an impact would be unacceptable, given the level of projection of building above the tree line when viewed from the A72. There was also likely to be local impacts from the B7062 next to the site.

Those landscape impacts were exacerbated by the circuitous access track, water holding tank and solar array which would all be wholly visible above the tree canopy from the A72, increasing the development of an elevated field. The solar panels would face away from view so there would be no reflective impact. However, the slope of the ground means that the elevated rear of the structures would be presented to public view to the north, rising up the hill to the Laverlaw Road and introducing an intrusive element into the hill slope. The effects would be contrary to the purposes of designating the Special Landscape Area in the first instance.

An associated application for hay sheds and a feed silo simply proposed buildings of much greater ridge heights in similar positions to the cattle court/mushroom/rabbit sheds. The impacts would be even more immense on the hillside above the tree canopy, topped by a towering silo structure which would even be sited on higher land still. There would be no amount of ground regrading that would make these proposals

anything other than significantly prominent in a designated landscape. That application was also considered unacceptable on grounds of landscape impact, within a designated landscape area.

The application for the storage building and animal flotation tank building cause the same issues of landscape impact. Whilst it is accepted that at least they would have the appearance of being more visually related to the existing buildings in terms of location to the rear of existing buildings, the level of projection above the ridge of the existing buildings would still be excessive, ranging from 3.7m for the flotation tank building to 5.6m for the storage shed building. It is acknowledged that the line of tree cover north of the public road is a little higher at this end of the land holding and the existing buildings are screened by those trees - but only just. It is considered that there is not a further 3.7-5.6m vertical height screening above the tree tops to enable such large buildings set at higher level to be effectively screened, either from the A72 or from the public road adjoining the site. Whilst there may be a second topographical survey plan which could have covered this end of the site, this has not been submitted with the application and it would be highly unlikely, in any case, that there would be any demonstration of adequate existing screening given the height differentials between the existing building ridges and those proposed - especially the storage building ridge. It certainly appears that the existing contours would be similar to those being proposed for the rabbit/mushroom sheds. without the cutting into ground levels as proposed for those buildings. Excavation in this location would also cause difficulties with the upper yard, access and impacts on the rear of the existing buildings. It is concluded that the impacts on the landscape would be significant with this proposal, affecting the character and quality of the designated landscape and particularly noticeable from the A72. This is the conclusion of the Landscape Officer."

Although there have been several other decisions on planning applications since the above was written, none have changed the position in relation to landscape impact. Nor have the new LDP Policies altered the Council's position on landscape impact in a Special Landscape area. Whilst the previous associated storage building would have been the most prominent which has now been dropped from the proposals, the previous application was still refused on the basis of the landscape impact of the animal flotation building too, it being considered that 3.7m of height extension above the current building ridge lines was not acceptable and would lead to unacceptable landscape prominence. The switch in ridge position would not be sufficient to reduce the impacts to acceptable levels. The Council Landscape Architect continues to oppose the application for these reasons.

The previous application was also refused on road safety grounds due to lack of information . The previous Handling Report stated the following:

"Roads Planning also consider there to be a lack of information in terms of the number of vehicle movements this proposal (and the others) will bring. They have requested a Transport Statement to be submitted which details the type, number and size of vehicle trips which will be generated by this proposal along with the frequency of trips. The statement must also include anticipated traffic movements for all other proposed development served by this access.

Given the uncertainty over the scale of the buildings and their suitability for the purposes intended, it is understandable that there are Roads concerns over the ability of the access to accommodate the development without further information being submitted. In the absence of such information, it has not been adequately demonstrated that the access is capable of safely accommodating the traffic generated by the proposed development. This would be contrary to Policy D1 of the Consolidated Local Plan."

These concerns still exist, even with the fact that the application is only for the flotation unit.

Economic Development have commented on the lack of a Business Plan again with this application, despite the application only being for the flotation unit. The comments in the previous Handling Report remain pertinent to the resubmitted application, albeit Policies PMD2 and ED7 have replaced Policies G1 and D1, as follows:

"Policy D1 looks for uses which are related to the ground on which they are located, for purposes which are generated by the land and any particular activity carried out on the land. It is known that the landholding is only 8 acres, of which 3 have been earmarked for the consented chalet development and some of the remainder are occupied already by buildings and the yard area. The stated purpose of the buildings and their scale raise issues over need and justification, as with the other proposals and in the absence of a co-ordinated Business Plan. It is also questioned whether such a modest holding, already with a range of

buildings (including a consented cold storage building and tractor shed) can justify such large additional accommodation which appears duplication. In the absence of a Business Plan, there is no demonstration of the required need for such buildings on this small holding.

It is concluded that the application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed buildings that would justify an exceptional permission in this rural location and therefore the development would appear as unwarranted development in the open countryside. The proposed buildings are not of a design or scale that appear suited either to the proposed use for which they are intended or the size of the holding on which they would be situated, which further undermines the case for justification in this location."

There were a series of issues also raised by Environmental Health covering private water and private drainage issues which could all be covered by appropriate conditions. The Archaeology Officer is not concerned at these proposals, given the previous development of the steading buildings and the lack of any significant findings.

REASON FOR DECISION :

1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.

2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 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. The proposed building is not of a design or scale that appears justified by the size of the holding on which it would be situated, which further undermines the case for justification in this location.

3 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 Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.

2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 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. The proposed building is not of a design or scale that appears justified by the size of the holding on which it would be situated, which further undermines the case for justification in this location.

3 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.

**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY DECISION NOTICE**

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Local Review Reference: 16/00024/RREF

Planning Application Reference: 16/00495/FUL

Development Proposal: Extension to form animal flotation unit

Location: Field no 0328, Kirkburn, Cardrona

Applicant: Cleek Poultry Ltd

DECISION

The Local Review Body (LRB) upholds the decision of the appointed officer and refuses planning permission for the reasons set out in this decision notice on the following grounds:

- 1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 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. The proposed building is not of a design or scale that appears justified by the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 3 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.

DEVELOPMENT PROPOSAL

The application relates to an extension to form an animal flotation unit at Kirkburn, Cardrona. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Elevations	196 40
Site Plan	196 41A

PRELIMINARY MATTERS

The Local Review Body considered at its meeting on 19th September 2016 that the Review had been made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation at that meeting, which included: a) Notice of Review including Decision Notice; b) Officer's Report; c) Papers referred to in the report; d) Consultations and e) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case. In coming to its conclusion the LRB considered the request from the applicants for a site inspection, further written submissions and one or more hearing session.

REASONING

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the most relevant of the listed policies were:

- Local Plan policies : PMD2, EP5 and ED7

The LRB noted that the applicant sought planning consent for an animal flotation unit within his 8acre smallholding at Kirkburn, Cardrona on the B7062 to Peebles. The site is a part of a larger north facing field which slopes downwards from the south towards the B7062. The flotation unit measures 24m (l) x 6m (w) x 5.5m (h) in charcoal grey corrugated sheeting.

Members noted that the application was a resubmission of a previous application which now omitted a storage building which was located on the eastern part of the site. Members noted that the proposed flotation unit was positioned in the same location as previous on elevated land on the southern side of an existing building at upper yard level. It is identical in height and size, albeit with the monopitched roof sloping down to the north as opposed to previously sloping down to the south.

The Review Body noted that the site lies wholly within the Tweed Valley Special Landscape Area (SLA) which recognises the special character of the valley. Members discussed the importance of the SLA of the Tweed Valley, and were concerned that there would be a negative impact on it from the scale and height of the proposals. The Review Body concluded that the scale and height of the proposal would have a negative impact on the character and quality of the landscape.

It was noted the Council's Landscape Architect had requested a Landscape and Visual Assessment to check the impact of the proposal on the surrounding landscape and the SLA. It was also noted that Roads Planning had requested further info regarding traffic generation and Economic Development had requested a business plan. This information had not been produced and the LRB therefore considered there was no material before them that would either demonstrate that an exceptional consent should be granted for economic reasons, nor that that the development could proceed without unacceptable detriment to road safety.

The LRB also had concerns as to how compatible this proposal would be, without a conflict of uses, with other approved and proposed uses within the smallholding given the limited size of the site.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the proposal was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently the decision of the appointed officer was upheld.

Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Signed....Councillor R. Smith
Chairman of the Local Review Body

Date.....29 September 2016

REGULATORY SERVICES



To: **Development Management Service**
FAO Craig Miller

Date: **9 Jan 2017**

From: **Roads Planning Service**
Contact: **Paul Grigor**

Ext: **6663**

Ref: **16/01513/FUL**

Subject: Erection of machinery storage building
Field No 0328 Kirkburn, Cardrona, Scottish Borders

The previous applications (15/00563/FUL & 16/00495/FUL), which were subsequently refused permission, for an agricultural purpose on this site requested additional information regarding traffic movements.

The current submission does not include any information on the number, type and frequency of vehicular movements associated with this 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.

AJS

PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 9th December 2016

Contact: Craig Miller ☎ 01835 825029

Ref: 16/01513/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 30th December 2016, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 30th December 2016, it will be assumed that you have no observations and a decision may be taken on the application.

Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.

Name of Applicant: Cleek Poultry Ltd

Agent: N/A

Nature of Proposal: Erection of machinery storage building

Site: Field No 0328 Kirkburn Cardrona Scottish Borders

OBSERVATIONS OF: Archaeology Officer

CONSULTATION REPLY

There are no implications for this proposal. Part of the application site was subject to a watching brief in 2005 that failed to locate archaeological deposits or objects. It is unlikely that the remainder of the application area will contain significant archaeology.

Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	16/01513/FUL
Uniform Ref	16/02451/PLANCO
Proposal	Erection of machinery storage building
Address	Field No 0328 Kirkburn Cardrona Scottish Borders
Date	20/12/16
Amenity and Pollution Officer	David A. Brown
Contaminated Land Officer	Reviewed – no comments

Amenity and Pollution

Assessment of Application

*Air quality
Noise
Nuisance
Private Water Supply*

Recommendation

Delete as appropriate – Agree with application in principle, subject to Conditions
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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.

PLANNING CONSULTATION

To: Economic Development Section

From: Development Management

Date: 9th December 2016

Contact: Craig Miller ☎ 01835 825029

Ref: 16/01513/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 30th December 2016, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 30th December 2016, it will be assumed that you have no observations and a decision may be taken on the application.

Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.

Name of Applicant: Cleek Poultry Ltd

Agent: N/A

Nature of Proposal: Erection of machinery storage building

Site: Field No 0328 Kirkburn Cardrona Scottish Borders

OBSERVATIONS OF: Economic Development Section

CONSULTATION REPLY

There are no comments from Economic Development

PLANNING CONSULTATION

To: Landscape Architect

From: Development Management

Date: 9th December 2016

Contact: Craig Miller ☎ 01835 825029

Ref: 16/01513/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 30th December 2016, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 30th December 2016, it will be assumed that you have no observations and a decision may be taken on the application.

Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.

Name of Applicant: Cleek Poultry Ltd

Agent: N/A

Nature of Proposal: Erection of machinery storage building

Site: Field No 0328 Kirkburn Cardrona Scottish Borders

OBSERVATIONS OF: Landscape Architect

CONSULTATION REPLY

I have looked at this application and note that the 34 x 6m building will be erected at the upper yard level (previously identified in application 16/01114/FUL as 106.58 AOD). Given the building is 4.0m tall, it follows that the ridge height will be 110.58 AOD.

This is a similar height as the previously proposed buildings in the immediate locality that I did not support due to potential visual impact on sensitive receptors on the local road and those across the valley. I continue to have concerns about its potential visual impact on an area designated as a Special Landscape Area and therefore I do not support this application

Siobhan McDermott
LANDSCAPE ARCHITECT

LIST OF POLICIES

Local Review Reference: 17/00007/RREF

Planning Application Reference: 16/01513/FUL

Development Proposal: Erection of machinery storage building

Location: Field No 0328 Kirkburn, Cardrona

Applicant: Cleek Poultry Ltd

Scottish Borders Local Development Plan 2016**POLICY PMD2: QUALITY STANDARDS**

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

Sustainability

- a) In terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology,
- b) it provides digital connectivity and associated infrastructure,
- c) it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance,
- d) it encourages minimal water usage for new developments,
- e) it provides for appropriate internal and external provision for waste storage and presentation with, in all instances, separate provision for waste and recycling and, depending on the location, separate provision for composting facilities,
- f) it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

Placemaking & Design

- h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
- i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
- j) it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
- k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
- l) it can be satisfactorily accommodated within the site,
- m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
- n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

Accessibility

LIST OF POLICIES

- o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,
- p) it incorporates, where required, access for those with mobility difficulties,
- q) it ensures there is no adverse impact on road safety, including but not limited to the site access,
- r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,
- s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

Greenspace, Open Space & Biodiversity

- t) It provides meaningful open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
- u) it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements.

Developers are required to provide design and access statements, design briefs and landscape plans as appropriate.

POLICY ED7: BUSINESS, TOURISM AND LEISURE IN THE COUNTRYSIDE

Proposals for business, tourism or leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:

- a) the development is to be used directly for agricultural, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or
- b) the development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and, where relevant, it is in accordance with the Scottish Borders Tourism Strategy and Action Plan;
- c) the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the particular countryside location, and that it cannot be reasonably be accommodated within the Development Boundary of a settlement.

In addition the following criteria will also be considered:

- a) the development must respect the amenity and character of the surrounding area,
- b) the development must have no significant adverse impact on nearby uses, particularly housing,
- c) where a new building is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available, and where conversion of an existing building of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding,
- d) the impact of the expansion or intensification of uses, where the use and scale of development are appropriate to the rural character of the area,
- e) the development meets all other siting, and design criteria in accordance with Policy PMD2, and
- f) the development must take account of accessibility considerations in accordance with Policy IS4.

LIST OF POLICIES

Where a proposal comes forward for the creation of a new business including that of a tourism proposal, a business case that supports the proposal will be required to be submitted as part of the application process.

POLICY EP5: SPECIAL LANDSCAPE AREAS

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. Proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local importance.

EP8: ARCHAEOLOGY

(A) National Archaeological Sites

Development proposals which would destroy or adversely affect the appearance, fabric or setting of Scheduled Monuments or other nationally important sites will not be permitted unless:

the development offers substantial benefits, including those of a social or economic nature, that clearly outweigh the national value of the site, and there are no reasonable alternative means of meeting the development need.

(B) Battlefields

The Council may support development proposals within a battlefield on the Inventory of Historic Battlefields Register, or a regionally significant site, that seek to protect, conserve, and/or enhance the landscape characteristics or important features of the battlefield. Proposals will be assessed according to their sensitivity to the battlefield.

(C) Regional or Local Archaeological Assets

Development proposals which will adversely affect an archaeological asset of regional or local significance will only be permitted if it can be demonstrated that the benefits of the proposal will clearly outweigh the heritage value of the asset.

In all of the above cases, where development proposals impact on a Scheduled Monument, other nationally important sites, or any other archaeological or historical asset, developers may be required to carry out detailed investigations.

Any proposal that will adversely affect a historic environment asset or its appropriate setting must include a mitigation strategy acceptable to the Council.

OTHER MATERIAL CONSIDERATIONS

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

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NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail? Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site Inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|--------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

THE SITE IS A SMALLHOLDING AND THERE IS LIVESTOCK PRESENT

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. **Note:** you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

THE APPLICANT HAS AN ESTABLISHED SMALLHOLDING. THE PROPOSED BUILDING IS FOR THE STORAGE OF STRAW FOR BEDDING.

PREVIOUS APPLICATIONS FOR PLANNING CONSENT HAVE BEEN MADE ELSEWHERE WITHIN THE SMALLHOLDING, ALL OF WHICH HAVE BEEN REFUSED.

THE APPLICANT THEREFORE DECIDED THAT ALL THE NEW WORKING BUILDINGS THAT ARE REQUIRED FOR HIS ACTIVITIES COULD BE CONTAINED IN THE NUCLEUS OF THE EXISTING BUILDINGS RATHER THAN AS SATELLITES ELSEWHERE ON THE SMALLHOLDING. HENCE THE REASON FOR THIS REQUEST FOR PLANNING CONSENT.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

REFUSAL NOTICE DATED 1.2.2017
DRAWINGS 196 85 & 196 86 WITH REFUSAL STAMPS

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

[Redacted Signature Box]

Date

10/3/17

The Completed form should be returned to the Head of Corporate Administration, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference : 16/01506/FUL

To : Cleek Poultry Ltd The Tractor Shed Kirkburn Cardrona Peebles

With reference to your application validated on **5th December 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of straw storage building

at : Field No 0328 Kirkburn Cardrona Scottish Borders

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule**.

**Dated 1st February 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed


.....
Chief Planning Officer

APPLICATION REFERENCE : 16/01506/FUL**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
196 85	Site Plan	Refused
196 86	Elevations	Refused

REASON FOR REFUSAL

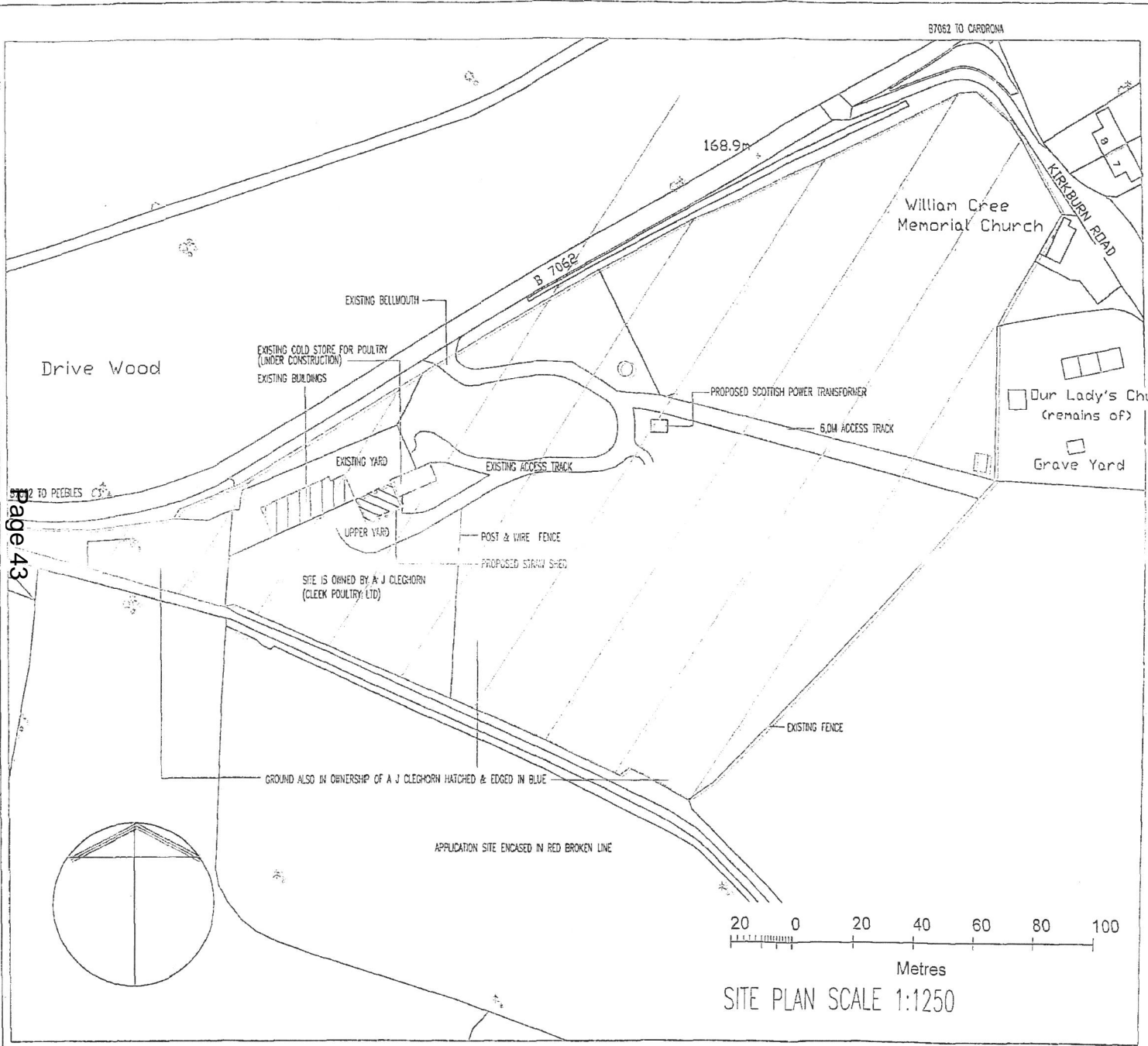
- 1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 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. The proposed building is not of a design or scale that appears justified by the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 3 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.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

RECEIVED - 3 DEC 2016
 Scottish Borders Council
 Town & Country Planning (Scotland) Act
 REFUSED
 - 1 FEB 2017
 Planning & Economic
 Development Department



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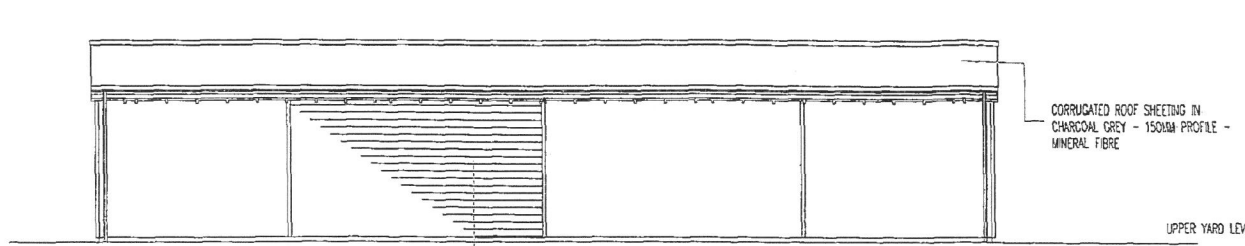
AMENDMENTS	
A	
B	
C	
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E	
F	

SCALE 1:1250 OR AS STATED dec 2016

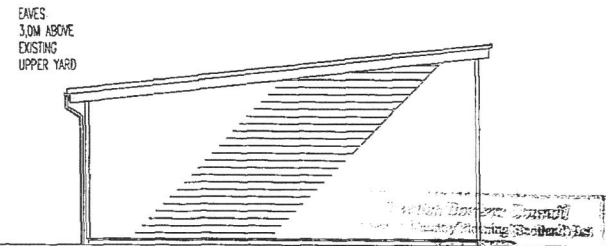
drg 196 85 SITE PLAN
 REVISION --

PROPOSED BUILDING FOR STORING STRAW FOR ANIMAL BEDDING
 KIRKBURN, CARDRONA, PEEBLES,
 EH45 9HU
 Cleek Poultry Ltd

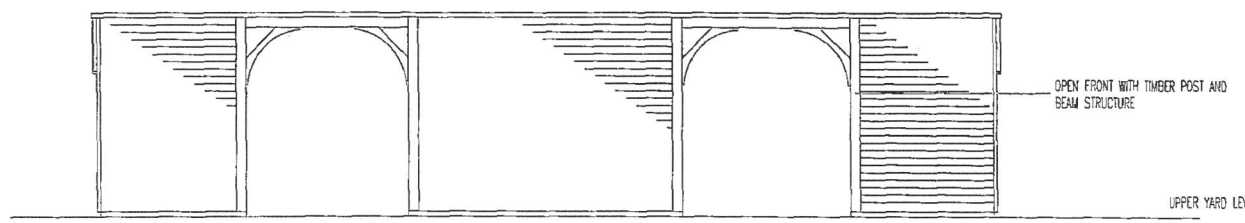
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 SITE PLAN SCALE 1:1250



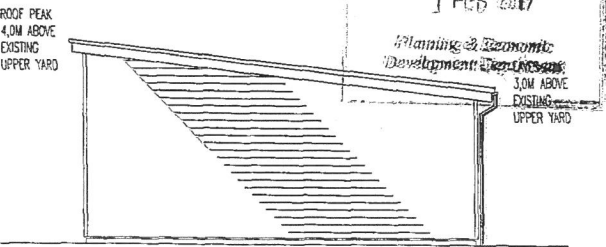
NORTH ELEVATION



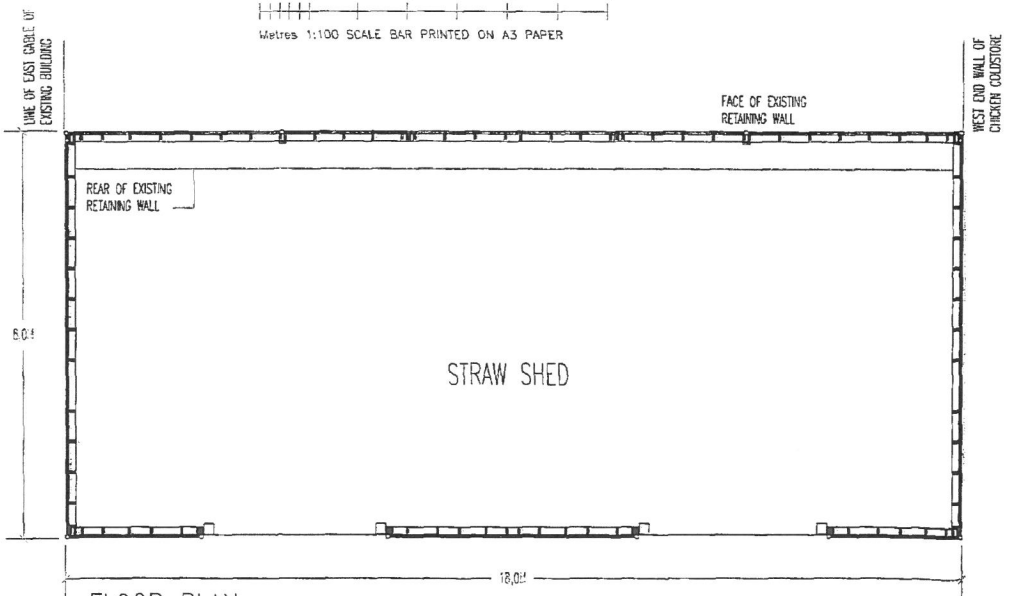
WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



FLOOR PLAN

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AMENDMENTS	
A	
B	
C	
D	
E	
F	

SCALE 1:100 OR AS STATED dec 2016

drg 196 86 REVISION --	GENERAL ARRANGEMENT ELEVATIONS
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PROPOSED BUILDING FOR STORING STRAW FOR ANIMAL BEDDING
 KIRKBURN, CARDRONA, PEEBLES,
 EH45 9HU
 Cleek Poultry Ltd

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 16/01506/FUL
APPLICANT : Cleek Poultry Ltd
AGENT :
DEVELOPMENT : Erection of straw storage building
LOCATION: Field No 0328 Kirkburn
 Cardrona
 Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
196 85	Site Plan	Refused
196 86	Elevations	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Roads Planning:

Similar proposals for agricultural storage buildings in this area which are served by the same access have requested additional information regarding traffic movements, in order to assess the impact these proposals would have on the junction with the public road.

The current submission does not include any information on the number, type and frequency of vehicular movements associated with this 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.

Environmental Health:

Amenity and Pollution

Assessment of Application

Air quality

Noise

Nuisance

Private Water Supply

Recommendation

Delete as appropriate - Agree with application in principle, subject to Conditions

Conditions

The building shall not be used for any other purpose other than the storage of straw, without the written consent of the Planning Authority.

Reason: To protect the amenity of other occupiers.

Landscape Architect:

I refer to landscape response to application 16/01114/FUL for a cold shed and hay store on land immediate to the east. My comments on that application apply to this current application for a straw storage building.

I have concerns that that the proposal will have a negative impact on the quality of the Special Landscape Area and especially on views driving along the minor road immediately to the north and the immediate area.

No landscape mitigation been proposed to help reduce the visual impact on sensitive receptors.

I therefore, on landscape and visual grounds, would not support this application.

Archaeology Officer:

There are no known archaeological implications for this proposal. There was an archaeological watching brief in 2005 immediately adjacent to the application area that failed to locate archaeological deposits or materials.

Economic Development: No comments.

Peebles and District Community Council: Response awaited.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

Policy PMD2 Quality Standards for New Development

Policy EP5 Special Landscape Areas

Policy EP8 Archaeology

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 31st January 2017

There have been several previous applications to add a building up behind the existing buildings at upper yard level, all having been refused. The most recent application for an animal flotation unit (16/00495/FUL) proposed a very similar building in scale and form, the current proposal being slightly shorter but deeper. This was rejected at Local Review Body. The fact that this application is the first to propose an infill position between the top of the existing cold store and the back of the existing buildings makes no difference to the assessment of landscape impact. The assessment of the history, landscape impacts and need for the proposals are contained within the previous report on that building and the comments are equally applicable to this proposal, as follows:

"The application for the storage building and animal flotation tank building cause the same issues of landscape impact. Whilst it is accepted that at least they would have the appearance of being more visually related to the existing buildings in terms of location to the rear of existing buildings, the level of projection above the ridge of the existing buildings would still be excessive, ranging from 3.7m for the flotation tank building to 5.6m for the storage shed building. It is acknowledged that the line of tree cover north of the

public road is a little higher at this end of the land holding and the existing buildings are screened by those trees - but only just. It is considered that there is not a further 3.7-5.6m vertical height screening above the tree tops to enable such large buildings set at higher level to be effectively screened, either from the A72 or from the public road adjoining the site. Whilst there may be a second topographical survey plan which could have covered this end of the site, this has not been submitted with the application and it would be highly unlikely, in any case, that there would be any demonstration of adequate existing screening given the height differentials between the existing building ridges and those proposed - especially the storage building ridge. It certainly appears that the existing contours would be similar to those being proposed for the rabbit/mushroom sheds. without the cutting into ground levels as proposed for those buildings. Excavation in this location would also cause difficulties with the upper yard, access and impacts on the rear of the existing buildings. It is concluded that the impacts on the landscape would be significant with this proposal, affecting the character and quality of the designated landscape and particularly noticeable from the A72. This is the conclusion of the Landscape Officer."

Although there have been several other decisions on planning applications since the above was written, none have changed the position in relation to landscape impact. Nor have the new LDP Policies altered the Council's position on landscape impact in a Special Landscape area. Whilst the previous associated storage building would have been the most prominent which has now been dropped from the proposals, the previous application was still refused on the basis of the landscape impact of the animal flotation building too, it being considered that 3.7m of height extension above the current building ridge lines was not acceptable and would lead to unacceptable landscape prominence. The switch in ridge position would not be sufficient to reduce the impacts to acceptable levels. The Council Landscape Architect continues to oppose the application for these reasons.

The previous application was also refused on road safety grounds due to lack of information . The previous Handling Report stated the following:

"Roads Planning also consider there to be a lack of information in terms of the number of vehicle movements this proposal (and the others) will bring. They have requested a Transport Statement to be submitted which details the type, number and size of vehicle trips which will be generated by this proposal along with the frequency of trips. The statement must also include anticipated traffic movements for all other proposed development served by this access.

Given the uncertainty over the scale of the buildings and their suitability for the purposes intended, it is understandable that there are Roads concerns over the ability of the access to accommodate the development without further information being submitted. In the absence of such information, it has not been adequately demonstrated that the access is capable of safely accommodating the traffic generated by the proposed development. This would be contrary to Policy D1 of the Consolidated Local Plan."

These concerns still exist, even with the fact that the application is only for the flotation unit.

Economic Development have commented on the lack of a Business Plan again with this application, despite the application only being for the flotation unit. The comments in the previous Handling Report remain pertinent to the resubmitted application, albeit Policies PMD2 and ED7 have replaced Policies G1 and D1, as follows:

"Policy D1 looks for uses which are related to the ground on which they are located, for purposes which are generated by the land and any particular activity carried out on the land. It is known that the landholding is only 8 acres, of which 3 have been earmarked for the consented chalet development and some of the remainder are occupied already by buildings and the yard area. The stated purpose of the buildings and their scale raise issues over need and justification, as with the other proposals and in the absence of a co-ordinated Business Plan. It is also questioned whether such a modest holding, already with a range of buildings (including a consented cold storage building and tractor shed) can justify such large additional accommodation which appears duplication. In the absence of a Business Plan, there is no demonstration of the required need for such buildings on this small holding.

It is concluded that the application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed buildings that would justify an exceptional permission in this rural location and therefore the development would appear as unwarranted development in the open countryside. The proposed buildings

are not of a design or scale that appear suited either to the proposed use for which they are intended or the size of the holding on which they would be situated, which further undermines the case for justification in this location."

All of this still applies, subject to reference to updated LDP Policies. The proposed building is a little lower than that proposed by 16/00495/FUL (rejected by the LRB) but will still be more than 2.5m above the ridge line of the existing buildings, a projection not considered acceptable by the Landscape Architect nor demonstrated to be adequately screened by the riverside tree belt. Similarly, the justification for the building, for straw storage, has not been provided on the smallholding where buildings already exist.

The environmental health concerns can be addressed by a condition on any approval. There are no archaeological implications as there had been a previous watching brief at this western end of the steading.

REASON FOR DECISION :

The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.

The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 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. The proposed building is not of a design or scale that appears justified by 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 Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 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. The proposed building is not of a design or scale that appears justified by the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 3 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.



Regulatory Services

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference : 16/00495/FUL

To : Cleek Poultry Ltd The Tractor Shed Kirkburn Cardrona Peebles

With reference to your application validated on **10th May 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Extension to form animal flotation unit

At : Field No 0328 Kirkburn Cardrona Scottish Borders

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule**.

**Dated 29th June 2016
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed

A black rectangular box redacting the signature of the Chief Planning Officer.

.....
Chief Planning Officer

APPLICATION REFERENCE : 16/00495/FUL
Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
19640	Elevations	Refused
19641A	Site Plan	Refused

REASON FOR REFUSAL

- 1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 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. The proposed building is not of a design or scale that appears justified by the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 3 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.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 16/00495/FUL

APPLICANT : Cleek Poultry Ltd

AGENT :

DEVELOPMENT : Extension to form animal flotation unit

LOCATION: Field No 0328 Kirkburn
Cardrona
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
19640	Elevations	Refused
19641A	Site Plan	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Roads Planning:

The previous application (15/00563/FUL), which was subsequently refused permission, for a similar proposal on this site requested additional information regarding traffic movements.

The current submission does not include any information on the number, type and frequency of vehicular movements associated with this 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.

Environmental Health:

Amenity and Pollution

Assessment of Application

Noise

Water and Drainage

This Application proposes to erect a facility for treating animals.

This Application proposes to use a private drainage system.

This can impact of public health.

Recommendation

Agree with application in principle, subject to Conditions.

Conditions

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.

Informative

Private Drainage System

Private drainage systems often cause public health problems when no clear responsibility or access rights exists 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.

Landscape Architect:

My comments of 20th July 2015 in relation to previous application - Ref No 15/00563/FUL remain relevant and apply to this revised application.

These were :

"The submission provides nothing in the way of topographical information and given that there are no cross sections showing how the proposal related to existing site levels, I am concerned that the sheds may be visible from the north side of the valley and more locally from the B7062 immediately to the north of the field. I suggest that the existing trees along the north boundary may not provide adequate screening for these sheds and it may be that they will be seen from much of the surrounding elevated land to the north west, north and north east.

No Landscape and Visual Impact Assessment (LVIA) has been undertaken to test the scheme to test the visual effect on the integrity of the SLA and visual impact on the receptors on the adjacent road.

Local Plan Policy EP2 requires developers to comply with Structure Plan policy N11 which states that 'In assessing proposals for development in AGLVs (replaced by SLAs in 2012), the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development.'

The submitted information was limited and I have a concern that the proposal will be highly visible and will have a serious negative visual impact on this part of the Tweed valley.

I would expect to see a realistic photomontage presentation submitted as part of a LVIA to establish how visible this proposed development would be from a number of sensitive receptors both in the immediate vicinity and across the valley.

Without a simple landscape and visual impact assessment that clearly shows the effects on this part of the Tweed valley SLA, I cannot make an informed judgement about this proposal and I therefore do not support this application."

Archaeology Officer:

Thank you for requesting an archaeology consultation. There are no archaeological implications for this proposal. The western half of the red-line area was archaeologically monitored in 2005 during a

top-soil strip. No features or finds were identified. The eastern half has been impacted by track creation. As such, there is a very low chance for archaeological discovery within the proposed development area.

Economic Development:

There appears to be no business case supporting documents with this application so Economic Development cannot support this application without full sight of this information. The drawing refers to the use of the flotation unit for toning muscle on animals reared for slaughter - therefore, please can the applicant be requested to, and confirm that, the unit will be included as a part of an agricultural business and submit a business plan, including cash flow projections, in order for it to be evaluated.

Economic development would also have concerns about the proximity of the flotation unit to an existing consent for holiday lodges, as we do not consider that they would be compatible if both are developed

Peebles and District Community Council:

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

Policy PMD2 Quality Standards

Policy EP5 Special Landscape Areas

Policy EP8 Archaeology

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 June 2016

The application is a resubmission of 15/00563/FUL which was refused. However, the application is only for one of the two buildings previously refused under that reference number - the building to the rear of the existing buildings at upper yard level, housing the animal flotation unit. It is identical in height and size, albeit with the monopitched roof sloping down to the north as opposed to previously sloping down to the south. The extract from the previous Handling Report relating to landscape impact still applies with this application, the background being important to the understanding of the issues of landscape impact, as follows:

"The site forms part of an 8 acre smallholding at Kirkburn, Cardrona, on the back road to Peebles. This planning application is one of six which have been submitted for various buildings and structures on the land to the south and west of the holiday chalets site. Together with a seventh proposal in the form of an AGN, four of the applications all relate to the same site and are competing proposals, only one of which could actually be implemented. This application is for two new buildings erected at higher yard level above and behind the existing range of buildings and recently consented cold store.

The first building will be erected on top of the previously consented cold store and over a proposed excavated cold store extension, one described as being for poultry, the other for red meat. Above these areas, a new storage shed is proposed measuring 10m by 14m, 6m to the eaves and 7.3m to the ridge both as measured from the upper yard. The second building will be to the rear of the existing buildings and will be erected at upper yard level, measuring 6m by 24m, 4m to the eaves and 5.5m to the ridge. They will be clad in larchlap boarding with a charcoal grey fibre roof, the larger building possessing two roller shutter doors to the side gable and two pedestrian doors to the rear. Two further roller shutter doors will serve the cold stores. The interior of the larger building is described as for tractors/implements/mobile food van parking. Staff quarters are shown at one end of the building at mezzanine level consisting of a rest room, toilet and kitchenette. The smaller building is proposed to house an animal flotation tank with roller shutter door and pedestrian door.

The site also lies within the Tweed Valley Special Landscape Area No. 2 - a recent local landscape designation which requires extra care and attention to be paid to development that could adversely impact

on the character of the landscape. Management recommendations were set out in the Supplementary Planning Guidance accompanying the designation, the most pertinent being "...to better integrate existing development into the landscape". This was arising out of pressure for development on hills and hillsides across the designated area.

Such considerations were uppermost when the adjoining holiday chalets application was considered at Committee. As a result of concerns over visual impacts on rising land, revisions to the scheme were required to reduce impacts on the recently designated landscape. This involved removal of upper chalets and the loop road as well as a series of cross sections to demonstrate that the development would not be seen from the A72 on the Horsbrugh Straight above the existing tree canopy line.

In processing the initial AGN application for Mushroom growing sheds, concern was expressed that those sheds were as tall as the Hub House within the holiday development, yet apparently on higher ground by several metres. The tree top heights on the sections submitted with the holiday chalets application indicated screening up to about 188m AOD which was sufficient to screen the Hub House. It was not felt that the proposed sheds would be screened to the same extent by the existing trees, the Landscape Officer believing that they will be highly visible above them. The same loop road was also proposed as part of the Mushroom sheds application which would also be visible above the tree canopy.

The Landscape Officer concluded that in the absence of any Landscape and Visual Impact Assessment to prove otherwise, the development would have a detrimental impact on the Special Landscape Area. The applicant was invited to respond to these concerns with supporting information which could include cross sections, photomontages, topographical and floor level information. They were also invited to consider the precise siting of the sheds and the roof height and design. It was clearly stated, however, that any additional information submitted may still confirm the concerns over landscape impact, especially if significant excavation required to lower floor levels remains prominent in itself.

A revised plan was submitted for the mushroom shed application accompanied by a topographical detailed survey and proposals to reduce the impacts of those buildings by cutting in the floor level as well as reducing the heights of those buildings from 7.3m down to 4.8m. The accompanying letter believed that they were a better design solution than the initial proposal. Tree heights were demonstrated, in the highest case, to be higher than the ridge height now proposed. However, of the tree heights actually shown, the general top of the tree line is still appreciably below the ridges of the two buildings. The most recent application on the same site for rabbit breeding sheds goes further and lowers the floor levels even more whilst still keeping the new 4.8m ridge height. These reductions and design solutions are still being considered, noting that it is possible that the ridge heights of those buildings could be as little as 0.5-1.5m above the average tree line height. The applicant has been written to with further requests to pull the floor level of the mushroom sheds down to that of the rabbit sheds - amongst other issues still to be addressed.

This background also includes recent consideration of the application for a cattle court building on the site, which was neither cut into the site nor lower in height, being more than 2.5m above the heights of the revised mushroom/rabbit sheds, without taking into account any cut into the site. Even if such cut was proposed for the cattle shed application, the height of the building would still result in projection above the average tree height by at least 3-4.5m which would have a major landscape impact, exacerbated by the bulk of the building across its 44m length. There was clear advice from the Landscape Officer that such an impact would be unacceptable, given the level of projection of building above the tree line when viewed from the A72. There was also likely to be local impacts from the B7062 next to the site.

Those landscape impacts were exacerbated by the circuitous access track, water holding tank and solar array which would all be wholly visible above the tree canopy from the A72, increasing the development of an elevated field. The solar panels would face away from view so there would be no reflective impact. However, the slope of the ground means that the elevated rear of the structures would be presented to public view to the north, rising up the hill to the Laverlaw Road and introducing an intrusive element into the hill slope. The effects would be contrary to the purposes of designating the Special Landscape Area in the first instance.

An associated application for hay sheds and a feed silo simply proposed buildings of much greater ridge heights in similar positions to the cattle court/mushroom/rabbit sheds. The impacts would be even more immense on the hillside above the tree canopy, topped by a towering silo structure which would even be sited on higher land still. There would be no amount of ground regrading that would make these proposals

anything other than significantly prominent in a designated landscape. That application was also considered unacceptable on grounds of landscape impact, within a designated landscape area.

The application for the storage building and animal flotation tank building cause the same issues of landscape impact. Whilst it is accepted that at least they would have the appearance of being more visually related to the existing buildings in terms of location to the rear of existing buildings, the level of projection above the ridge of the existing buildings would still be excessive, ranging from 3.7m for the flotation tank building to 5.6m for the storage shed building. It is acknowledged that the line of tree cover north of the public road is a little higher at this end of the land holding and the existing buildings are screened by those trees - but only just. It is considered that there is not a further 3.7-5.6m vertical height screening above the tree tops to enable such large buildings set at higher level to be effectively screened, either from the A72 or from the public road adjoining the site. Whilst there may be a second topographical survey plan which could have covered this end of the site, this has not been submitted with the application and it would be highly unlikely, in any case, that there would be any demonstration of adequate existing screening given the height differentials between the existing building ridges and those proposed - especially the storage building ridge. It certainly appears that the existing contours would be similar to those being proposed for the rabbit/mushroom sheds. without the cutting into ground levels as proposed for those buildings. Excavation in this location would also cause difficulties with the upper yard, access and impacts on the rear of the existing buildings. It is concluded that the impacts on the landscape would be significant with this proposal, affecting the character and quality of the designated landscape and particularly noticeable from the A72. This is the conclusion of the Landscape Officer."

Although there have been several other decisions on planning applications since the above was written, none have changed the position in relation to landscape impact. Nor have the new LDP Policies altered the Council's position on landscape impact in a Special Landscape area. Whilst the previous associated storage building would have been the most prominent which has now been dropped from the proposals, the previous application was still refused on the basis of the landscape impact of the animal flotation building too, it being considered that 3.7m of height extension above the current building ridge lines was not acceptable and would lead to unacceptable landscape prominence. The switch in ridge position would not be sufficient to reduce the impacts to acceptable levels. The Council Landscape Architect continues to oppose the application for these reasons.

The previous application was also refused on road safety grounds due to lack of information . The previous Handling Report stated the following:

"Roads Planning also consider there to be a lack of information in terms of the number of vehicle movements this proposal (and the others) will bring. They have requested a Transport Statement to be submitted which details the type, number and size of vehicle trips which will be generated by this proposal along with the frequency of trips. The statement must also include anticipated traffic movements for all other proposed development served by this access.

Given the uncertainty over the scale of the buildings and their suitability for the purposes intended, it is understandable that there are Roads concerns over the ability of the access to accommodate the development without further information being submitted. In the absence of such information, it has not been adequately demonstrated that the access is capable of safely accommodating the traffic generated by the proposed development. This would be contrary to Policy D1 of the Consolidated Local Plan."

These concerns still exist, even with the fact that the application is only for the flotation unit.

Economic Development have commented on the lack of a Business Plan again with this application, despite the application only being for the flotation unit. The comments in the previous Handling Report remain pertinent to the resubmitted application, albeit Policies PMD2 and ED7 have replaced Policies G1 and D1, as follows:

"Policy D1 looks for uses which are related to the ground on which they are located, for purposes which are generated by the land and any particular activity carried out on the land. It is known that the landholding is only 8 acres, of which 3 have been earmarked for the consented chalet development and some of the remainder are occupied already by buildings and the yard area. The stated purpose of the buildings and their scale raise issues over need and justification, as with the other proposals and in the absence of a co-ordinated Business Plan. It is also questioned whether such a modest holding, already with a range of

buildings (including a consented cold storage building and tractor shed) can justify such large additional accommodation which appears duplication. In the absence of a Business Plan, there is no demonstration of the required need for such buildings on this small holding.

It is concluded that the application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed buildings that would justify an exceptional permission in this rural location and therefore the development would appear as unwarranted development in the open countryside. The proposed buildings are not of a design or scale that appear suited either to the proposed use for which they are intended or the size of the holding on which they would be situated, which further undermines the case for justification in this location."

There were a series of issues also raised by Environmental Health covering private water and private drainage issues which could all be covered by appropriate conditions. The Archaeology Officer is not concerned at these proposals, given the previous development of the steading buildings and the lack of any significant findings.

REASON FOR DECISION :

1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.

2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 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. The proposed building is not of a design or scale that appears justified by the size of the holding on which it would be situated, which further undermines the case for justification in this location.

3 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 Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.

2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 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. The proposed building is not of a design or scale that appears justified by the size of the holding on which it would be situated, which further undermines the case for justification in this location.

3 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.

**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY DECISION NOTICE**

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Local Review Reference: 16/00024/RREF

Planning Application Reference: 16/00495/FUL

Development Proposal: Extension to form animal flotation unit

Location: Field no 0328, Kirkburn, Cardrona

Applicant: Cleek Poultry Ltd

DECISION

The Local Review Body (LRB) upholds the decision of the appointed officer and refuses planning permission for the reasons set out in this decision notice on the following grounds:

- 1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 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. The proposed building is not of a design or scale that appears justified by the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 3 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.

DEVELOPMENT PROPOSAL

The application relates to an extension to form an animal flotation unit at Kirkburn, Cardrona. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Elevations	196 40
Site Plan	196 41A

PRELIMINARY MATTERS

The Local Review Body considered at its meeting on 19th September 2016 that the Review had been made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation at that meeting, which included: a) Notice of Review including Decision Notice; b) Officer's Report; c) Papers referred to in the report; d) Consultations and e) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case. In coming to its conclusion the LRB considered the request from the applicants for a site inspection, further written submissions and one or more hearing session.

REASONING

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the most relevant of the listed policies were:

- Local Plan policies : PMD2, EP5 and ED7

The LRB noted that the applicant sought planning consent for an animal flotation unit within his 8acre smallholding at Kirkburn, Cardrona on the B7062 to Peebles. The site is a part of a larger north facing field which slopes downwards from the south towards the B7062. The flotation unit measures 24m (l) x 6m (w) x 5.5m (h) in charcoal grey corrugated sheeting.

Members noted that the application was a resubmission of a previous application which now omitted a storage building which was located on the eastern part of the site. Members noted that the proposed flotation unit was positioned in the same location as previous on elevated land on the southern side of an existing building at upper yard level. It is identical in height and size, albeit with the monopitched roof sloping down to the north as opposed to previously sloping down to the south.

The Review Body noted that the site lies wholly within the Tweed Valley Special Landscape Area (SLA) which recognises the special character of the valley. Members discussed the importance of the SLA of the Tweed Valley, and were concerned that there would be a negative impact on it from the scale and height of the proposals. The Review Body concluded that the scale and height of the proposal would have a negative impact on the character and quality of the landscape.

It was noted the Council's Landscape Architect had requested a Landscape and Visual Assessment to check the impact of the proposal on the surrounding landscape and the SLA. It was also noted that Roads Planning had requested further info regarding traffic generation and Economic Development had requested a business plan. This information had not been produced and the LRB therefore considered there was no material before them that would either demonstrate that an exceptional consent should be granted for economic reasons, nor that that the development could proceed without unacceptable detriment to road safety.

The LRB also had concerns as to how compatible this proposal would be, without a conflict of uses, with other approved and proposed uses within the smallholding given the limited size of the site.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the proposal was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently the decision of the appointed officer was upheld.

Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Signed....Councillor R. Smith
Chairman of the Local Review Body

Date.....29 September 2016

PLANNING CONSULTATION

To: Landscape Architect

From: Development Management

Date: 9th December 2016

Contact: Craig Miller ☎ 01835 825029

Ref: 16/01506/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 30th December 2016, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 30th December 2016, it will be assumed that you have no observations and a decision may be taken on the application.

Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.

Name of Applicant: Cleek Poultry Ltd

Agent: N/A

Nature of Proposal: Erection of straw storage building

Site: Field No 0328 Kirkburn Cardrona Scottish Borders

OBSERVATIONS OF: Landscape Architect

CONSULTATION REPLY

I refer to landscape response to application 16/01114/FUL for a cold shed and hay store on land immediate to the east. My comments on that application apply to this current application for a straw storage building. I have concerns that that the proposal will have a negative impact on the quality of the Special Landscape Area and especially on views driving along the minor road immediately to the north and the immediate area.

No landscape mitigation been proposed to help reduce the visual impact on sensitive receptors.

I therefore, on landscape and visual grounds, would not support this application.

Siobhan McDermott
LANDSCAPE ARCHITECT

REGULATORY SERVICES



To: **Development Management Service**
FAO Craig Miller

Date: **9 Jan 2017**

From: **Roads Planning Service**
Contact: **Paul Grigor**

Ext: **6663**

Ref: **16/01506/FUL**

Subject: Erection of straw storage building
Field No. 0328, Kirkburn, Cardrona, Scottish Borders

Similar proposals for agricultural storage buildings in this area which are served by the same access have requested additional information regarding traffic movements, in order to assess the impact these proposals would have on the junction with the public road.

The current submission does not include any information on the number, type and frequency of vehicular movements associated with this 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.

AJS

Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	16/01506/FUL
Uniform Ref	16/02449/PLANCO
Proposal	Erection of straw storage building
Address	Field No 0328 Kirkburn Cardrona Scottish Borders
Date	20/12/16
Amenity and Pollution Officer	David A. Brown
Contaminated Land Officer	Reviewed – no comments

Amenity and Pollution

Assessment of Application

Air quality
Noise
Nuisance
Private Water Supply

Recommendation

Delete as appropriate – Agree with application in principle, subject to Conditions

Conditions

The building shall not be used for any other purpose other than the storage of straw, without the written consent of the Planning Authority.
Reason: To protect the amenity of other occupiers.

PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 9th December 2016

Contact: Craig Miller ☎ 01835 825029

Ref: 16/01506/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 30th December 2016, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 30th December 2016, it will be assumed that you have no observations and a decision may be taken on the application.

Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.

Name of Applicant: Cleek Poultry Ltd

Agent: N/A

Nature of Proposal: Erection of straw storage building

Site: Field No 0328 Kirkburn Cardrona Scottish Borders

OBSERVATIONS OF: Archaeology Officer

CONSULTATION REPLY

There are no known archaeological implications for this proposal. There was an archaeological watching brief in 2005 immediately adjacent to the application area that failed to locate archaeological deposits or materials.

PLANNING CONSULTATION

To: Economic Development Section

From: Development Management

Date: 9th December 2016

Contact: Craig Miller ☎ 01835 825029

Ref: 16/01506/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 30th December 2016, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 30th December 2016, it will be assumed that you have no observations and a decision may be taken on the application.

Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.

Name of Applicant: Cleek Poultry Ltd

Agent: N/A

Nature of Proposal: Erection of straw storage building

Site: Field No 0328 Kirkburn Cardrona Scottish Borders

OBSERVATIONS OF: Economic Development Section

CONSULTATION REPLY

There are no comments from Economic Development

LIST OF POLICIES

Local Review Reference: 17/00008/RREF
 Planning Application Reference: 16/01506/FUL
 Development Proposal: Erection of straw storage building
 Location: Field No 0328 Kirkburn, Cardrona
 Applicant: Cleek Poultry Ltd

Scottish Borders Local Development Plan 2016**POLICY PMD2: QUALITY STANDARDS**

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

Sustainability

- a) In terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology,
- b) it provides digital connectivity and associated infrastructure,
- c) it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance,
- d) it encourages minimal water usage for new developments,
- e) it provides for appropriate internal and external provision for waste storage and presentation with, in all instances, separate provision for waste and recycling and, depending on the location, separate provision for composting facilities,
- f) it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

Placemaking & Design

- h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
- i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
- j) it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
- k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
- l) it can be satisfactorily accommodated within the site,
- m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
- n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

Accessibility

LIST OF POLICIES

- o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,
- p) it incorporates, where required, access for those with mobility difficulties,
- q) it ensures there is no adverse impact on road safety, including but not limited to the site access,
- r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,
- s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

Greenspace, Open Space & Biodiversity

- t) It provides meaningful open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
- u) it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements.

Developers are required to provide design and access statements, design briefs and landscape plans as appropriate.

POLICY ED7: BUSINESS, TOURISM AND LEISURE IN THE COUNTRYSIDE

Proposals for business, tourism or leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:

- a) the development is to be used directly for agricultural, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or
- b) the development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and, where relevant, it is in accordance with the Scottish Borders Tourism Strategy and Action Plan;
- c) the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the particular countryside location, and that it cannot be reasonably be accommodated within the Development Boundary of a settlement.

In addition the following criteria will also be considered:

- a) the development must respect the amenity and character of the surrounding area,
- b) the development must have no significant adverse impact on nearby uses, particularly housing,
- c) where a new building is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available, and where conversion of an existing building of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding,
- d) the impact of the expansion or intensification of uses, where the use and scale of development are appropriate to the rural character of the area,
- e) the development meets all other siting, and design criteria in accordance with Policy PMD2, and
- f) the development must take account of accessibility considerations in accordance with Policy IS4.

LIST OF POLICIES

Where a proposal comes forward for the creation of a new business including that of a tourism proposal, a business case that supports the proposal will be required to be submitted as part of the application process.

POLICY EP5: SPECIAL LANDSCAPE AREAS

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. Proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local importance.

EP8: ARCHAEOLOGY

(A) National Archaeological Sites

Development proposals which would destroy or adversely affect the appearance, fabric or setting of Scheduled Monuments or other nationally important sites will not be permitted unless:

the development offers substantial benefits, including those of a social or economic nature, that clearly outweigh the national value of the site, and there are no reasonable alternative means of meeting the development need.

(B) Battlefields

The Council may support development proposals within a battlefield on the Inventory of Historic Battlefields Register, or a regionally significant site, that seek to protect, conserve, and/or enhance the landscape characteristics or important features of the battlefield. Proposals will be assessed according to their sensitivity to the battlefield.

(C) Regional or Local Archaeological Assets

Development proposals which will adversely affect an archaeological asset of regional or local significance will only be permitted if it can be demonstrated that the benefits of the proposal will clearly outweigh the heritage value of the asset.

In all of the above cases, where development proposals impact on a Scheduled Monument, other nationally important sites, or any other archaeological or historical asset, developers may be required to carry out detailed investigations.

Any proposal that will adversely affect a historic environment asset or its appropriate setting must include a mitigation strategy acceptable to the Council.

OTHER MATERIAL CONSIDERATIONS

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

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NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail? Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|--------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here: THE SITE IS A SMALLHOLDING AND THERE IS LIVESTOCK PRESENT

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

THE APPLICANT HAS AN ESTABLISHED SMALLHOLDING. THE PROPOSED BUILDING IS FOR THE MAINTAINANCE AND STORAGE TALL AGRICULTURAL MACHINERY

ALL THE NEW WORKING BUILDINGS THAT ARE REQUIRED FOR HIS ACTIVITIES CAN BE CONTAINED IN THE NUCLEUS OF THE EXISTING BUILDINGS RATHER THAN AS SATTELITES ELSEWHERE ON THE SMALLHOLDING. HENCE THE REASON FOR THIS REQUEST FOR PLANNING CONSENT.

THE BUILDING IS OF LIMITED HEIGHT AND THE DRAWINGS DEMONSTRATE THE BUILDINGS WILL BE HIDDEN FROM VIEW FROM THE A72

THE INTERNAL HEIGHT OF THE BUILDING IS CRITICAL FOR THE MAINTAINANCE OF TIPPING TRAILERS AND TELESCOPIC HANDLERS

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

[Empty box for explanation]

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

REFUSAL NOTICE DATED 31.1.2017
DRAWINGS 196 80 & 196 81 WITH REFUSAL STAMPS

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

[Redacted Signature Box]

Date

10/3/17

The Completed form should be returned to the Head of Corporate Administration, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference : 16/01507/FUL

To : Cleek Poultry Ltd The Tractor Shed Kirkburn Cardrona Peebles

With reference to your application validated on **5th December 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of machinery storage building

At : Field No 0328 Kirkburn Cardrona Scottish Borders

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule**.

**Dated 31st January 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 16/01507/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
196 80	Elevations	Refused
196 81	Site Plan	Refused

REASON FOR REFUSAL

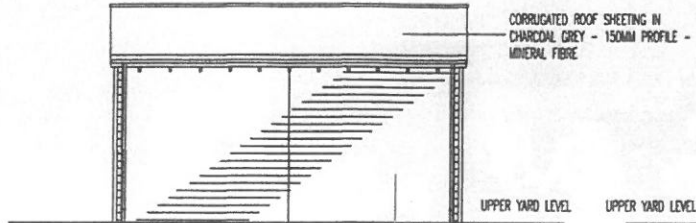
- 1 The application is contrary to Policies PMD2, ED7 and EP5 of Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape, will be poorly visually related to the existing buildings adjoining and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies PMD2 and ED7 of Scottish Borders Local Development Plan 2016 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. The proposed building and use are not of a scale or purpose that appear related to the nature or size of the holding on which the building would be situated, which further undermines the case for justification in this location.

FOR THE INFORMATION OF THE APPLICANT

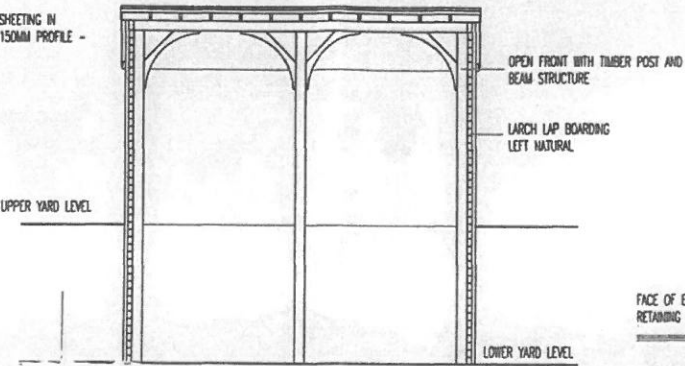
If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

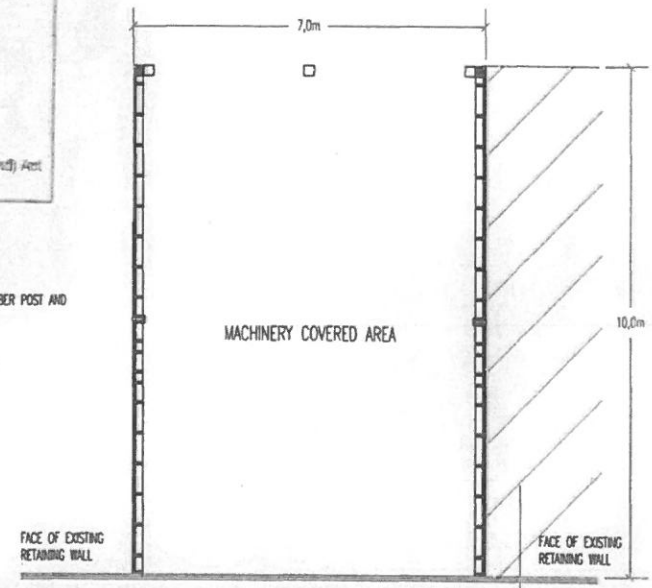
Scottish Borders Council
 Environment &
 Infrastructure
 31 JAN 2017
 Town & Country Planning (Scotland) Act
 REFUSED



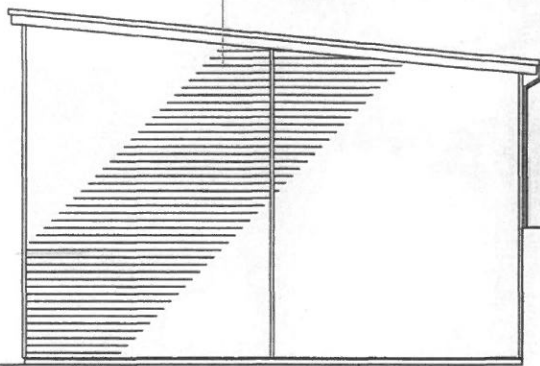
SOUTH ELEVATION



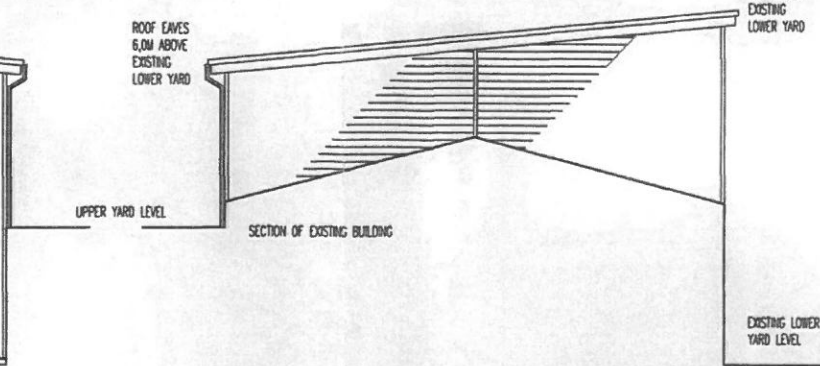
NORTH ELEVATION



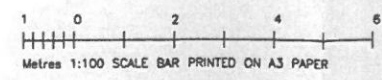
FLOOR PLAN



WEST ELEVATION



EAST ELEVATION



print A3 scale 20:1

AMENDMENTS	
A	
B	
C	
D	
E	
F	

SCALE 1:100 OR AS STATED dec 2016

drg 196 80	GENERAL ARRANGEMENT ELEVATIONS
REVISION --	

PROPOSED COVERED MACHINERY STORE
 KIRKBURN, CARDRONA, PEEBLES,
 EH45 9HU
 Cleek Poultry Ltd

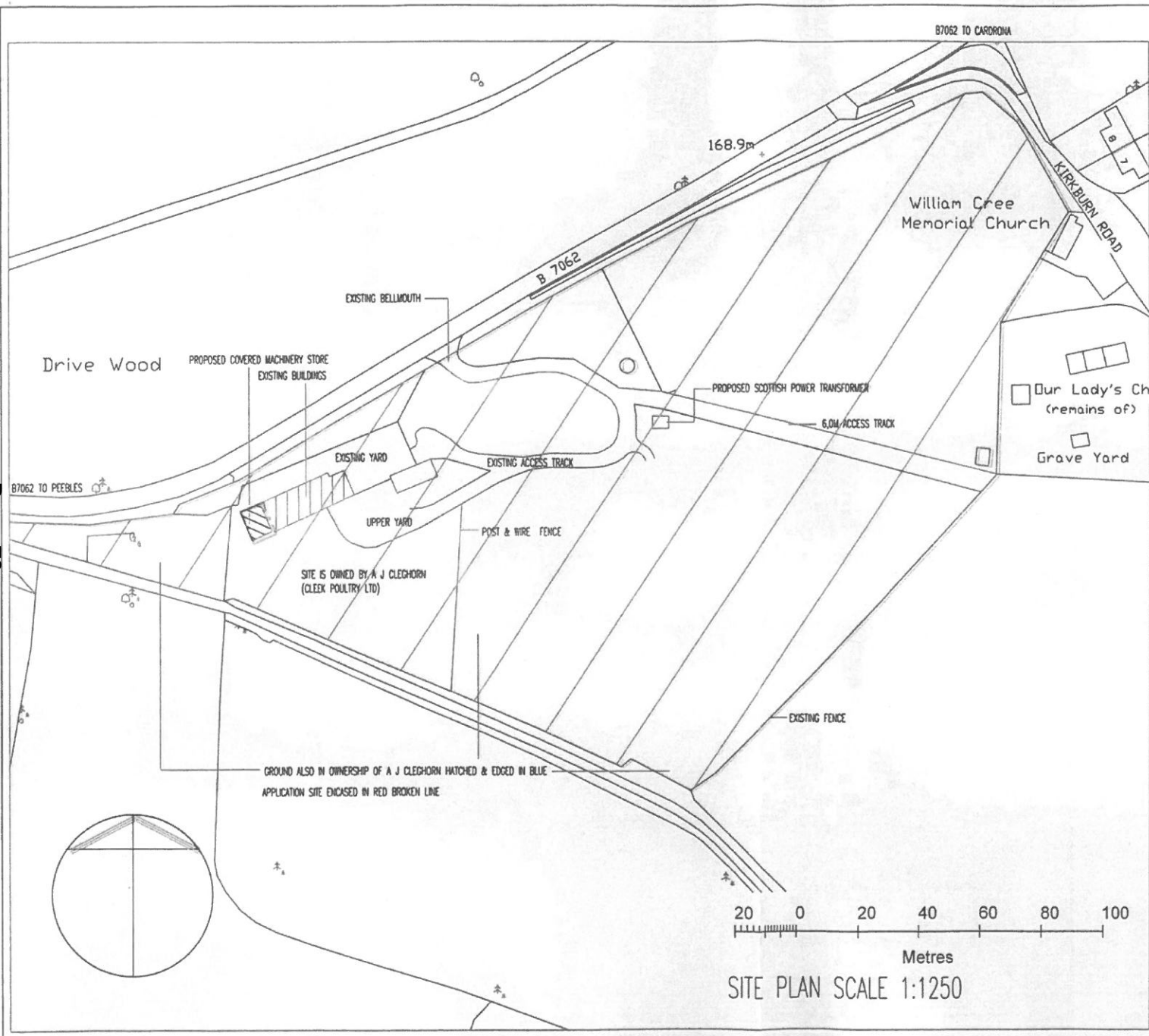
RECEIVED - 5 DEC 2016

Scottish Borders Council
 Environment &
 Infrastructure

31 JAN 2017

Town & Country Planning (Scotland) Act
REFUSED

Page 78



print A3 scale 20:1

AMENDMENTS	
A	
B	
C	
D	
E	
F	

SCALE 1:1250 OR AS STATED dec 2016

drg 196 81 SITE PLAN
 REVISION --

PROPOSED COVERED MACHINERY STORE
 KIRKBURN, CARDRONA, PEEBLES,
 EH45 9HU
 Cleek Poultry Ltd

20 0 20 40 60 80 100
 Metres
 SITE PLAN SCALE 1:1250

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 16/01507/FUL

APPLICANT : Cleek Poultry Ltd

AGENT :

DEVELOPMENT : Erection of machinery storage building

LOCATION: Field No 0328 Kirkburn
Cardrona
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
196 80	Elevations	Refused
196 81	Site Plan	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Roads Planning:

The previous application for this proposal (15/01254/FUL) raised no objection due to it being a small extension to the existing building, therefore I have no objections in principle to this proposal.

Environmental Health:

Amenity and Pollution

Assessment of Application

Air quality

Noise

Nuisance

Private Water Supply

Recommendation

Delete as appropriate - Agree with application in principle, subject to Conditions

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.

Landscape Architect:

Nature of the Proposal

The proposal is for the erection of a machinery storage building onto the end of the existing shed.

Implications of the Proposal for the Landscape including any Mitigation

I am concerned that the shed will be visible to receptors using the B7062 travelling eastwards from Peebles the building is higher than the existing shed and will be overly dominant in this small scale setting. I suggest that the existing trees along the north boundary may not provide adequate screening to the shed when seen from this direction, especially during the winter months.

The roof height will be approximately 2.5m above the roof height of the existing shed and as such has potential to be visible above the existing tree belt from sensitive locations across the valley e.g. from the A72.

Conclusion

I have a concern that the proposal will have a negative visual impact on this part of the Tweed valley and impact on receptors using the minor road immediately to the north.

If the building height could be kept to the height of the existing, adjacent building, I wouldn't have the same concerns about the visibility of the building from outwith the site.

On landscape and visual grounds, I cannot support this application.

Archaeology Officer:

There are no implications for this proposal. This application area was subject to a watching brief in 2005 which failed to identify archaeological deposits or objects.

Economic Development: No comments.

Peebles and District Community Council: Response awaited.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

Policy PMD2 Quality Standards for New Development

Policy EP5 Special Landscape Areas

Policy EP8 Archaeology

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 30th January 2017

There have been three previous applications to add a higher extension on to this western end of the existing building, all having been refused. The most recent application for an agricultural machinery building (15/01254/FUL) proposed an identical extension to that previously refused under 15/00600/FUL. The assessment of the history, landscape impacts and need for the proposals are contained within the previous reports on the timber processing building and agricultural storage buildings. Sections are repeated below as follows:

"The timber processing building exhibits the same issues of height, albeit being one metre lower than the Flotation Tank building. It nevertheless has a ridge line 2.75m above the current building ridge lines. Given the fact that the existing buildings are close to the top line of the trees when viewed from across the river, a further 2.75m height extension will cause the same problems of prominence and landscape impact as the other proposals which have been rejected, albeit of slightly lesser degree.

Of particular impact will be the building when viewed from the B-road, especially on the approach from the west. An application was refused in 2011 for a building of similar scale and dimensions in the same location. At that time, the building was described for hay storage purposes and it was the same floor area and eaves height of 6m but with a flat roof. That application was refused for the following reason:

"...the proposals are of inappropriate form, scale and materials and are unsympathetic to both the existing building and the amenity of the surrounding rural area".

In the report on that application, it was stated :

"The proposals fail to comply with these requirements in that none of these elements are in sympathy with the existing building. The abrupt change from pitched to flat roof form is exacerbated by the 1.5m height increase and the lack of any fenestration, together with the high steel doors which are higher than the eaves of the existing building. As the extension will also be flush with the front and back of the existing building, the lack of any step back also increases the unsympathetic relationship with the existing building.

These concerns have been raised with the agent who has offered to alter the proposal to clad it in metal sheeting rather than the proposed blockwork. The shape, form and bulk of the extension would only be slightly reduced in impact by the use of matching material and it is concluded that the design would still be inappropriate as an extension to the existing building especially within the attractive and historic rural environment that it is located. The building will be visible from the public roads to the front and rear of the site and a better design of extension is warranted in the location proposed."

The new application still exhibits many of the incongruous elements of the previous design, albeit dropping the flat roof in favour of a pitch. This, however, increases the height by a further 1.3m, causing a visual jump up in ridge lines and the eaves line being dramatically different. Again, the roller shutter door will be above the eaves of the existing buildings and the impact from the western direction on the public road will be dominant, faced with a 7.3m high blank gable on already elevated land.

It is concluded that the impacts from the A72, compounded by those from the B-road in relation to the dominance of the building and its incongruous relationship with the existing buildings, determine that the proposal would have a significant visual impact on the designated landscape."

Repeating the application , albeit with a different intended use, has not addressed these concerns in any way, the building remaining prominent to the B road, especially from the western approach, and from the A72. The Landscape Architect continues to object for these reasons. There have been several opportunities to address the excessive height of the building but none have been taken. I would have to conclude that re-submitting the application has still not addressed the landscape reasons for refusal."

All these concerns still apply to the current application which presents a lean-to face to the public road at least 2.5m above the existing buildings ridge lines. Although it is narrower in width and does not follow the asymmetrical shape of the remaining ground, the building will still exhibit all the landscape impact problems of the previous three buildings proposed. The fact that the front face is open to the inside makes no particular difference to the visual impacts. References to previous tree top lines on applications behind the existing buildings have not been repeated on this application and there is no demonstration of how effective that would be in reducing landscape or visual impacts here. It remains a proposal which is contrary to relevant LDP Policy and Supplementary Planning Guidance on visual and landscape impact.

In terms of the intended use of the building, extracts from previous reports on lack of justification for additional buildings are as relevant with this application. The following extract was from 15/01254/FUL:

"In terms of the intended use of the building, the proposed use is for storage for agricultural machinery and, in particular, a telehandler which is stated as requiring height for maintenance. A previous application at the

other end of the steading (15/00563/FUL) rehearsed the issue of additional storage in relation to Policy D1 as follows:

"Policy D1 looks for uses which are related to the ground on which they are located, for purposes which are generated by the land and any particular activity carried out on the land. It is known that the landholding is only 8 acres, of which 3 have been earmarked for the consented chalet development and some of the remainder are occupied already by buildings and the yard area. The stated purpose of the buildings and their scale raise issues over need and justification, as with the other proposals and in the absence of a co-ordinated Business Plan. It is also questioned whether such a modest holding, already with a range of buildings (including a consented cold storage building and tractor shed) can justify such large additional accommodation which appears duplication. In the absence of a Business Plan, there is no demonstration of the required need for such buildings on this small holding.

It is concluded that the application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed buildings that would justify an exceptional permission in this rural location and therefore the development would appear as unwarranted development in the open countryside. The proposed buildings are not of a design or scale that appear suited either to the proposed use for which they are intended or the size of the holding on which they would be situated, which further undermines the case for justification in this location."

As there has not been any Business Plan or justification submitted to address the previous reason for refusal in relation to lack of compliance with Policy D1 or respond to the aforementioned concerns, I would have to consider that the current application still fails to comply with Policy D1. There has been no demonstration of how the current modest farmholding justifies further storage buildings nor how housing for a telehandler can be required for the farmholding. Clearly, even if it was demonstrated that the farmholding justifies such machinery, a lower building would allow garaging whilst maintenance of the telescopic elements would need to be carried out outwith the building.

I would have to conclude that this new application proposing similar agricultural machinery storage use as previously proposed, without a Business Plan, has still not addressed the business justification reasons for refusal."

All of this still applies, subject to reference to updated LDP Policies.

The environmental health concerns can be addressed by a condition on any approval. There are no archaeological implications as there had been a previous watching brief at this western end of the steading.

Roads Planning consider the proposal is essentially an extension to the existing building and are not opposed to the proposal.

REASON FOR DECISION :

The application is contrary to Policies PMD2, ED7 and EP5 of Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape, will be poorly visually related to the existing buildings adjoining and will have a significant detrimental impact on the character and quality of the designated landscape.

The application is contrary to Policies PMD2 and ED7 of Scottish Borders Local Development Plan 2016 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. The proposed building and use are not of a scale or purpose that appear related to the nature or size of the holding on which the building would be situated, which further undermines the case for justification in this location.

Recommendation: Refused

- 1 The application is contrary to Policies PMD2, ED7 and EP5 of Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape, will be poorly visually related to the existing buildings adjoining and will have a significant detrimental impact on the character and quality of the designated landscape.

- 2 The application is contrary to Policies PMD2 and ED7 of Scottish Borders Local Development Plan 2016 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. The proposed building and use are not of a scale or purpose that appear related to the nature or size of the holding on which the building would be situated, which further undermines the case for justification in this location.

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

APPLICATION REFERENCE : 15/01254/FUL**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
196 39	Location Plan	Refused
196 40	Elevations	Refused

REASON FOR REFUSAL

- 1 The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape, will be poorly visually related to the existing buildings adjoining and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 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. The proposed building and use are not of a scale or purpose that appear related to the nature or size of the holding on which the building would be situated, which further undermines the case for justification in this location.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/01254/FUL

APPLICANT : Cleek Poultry Ltd

AGENT :

DEVELOPMENT : Erection of agricultural machinery building

LOCATION: Field No 0328 Kirkburn
Cardrona
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
196 39	Location Plan	Refused
196 40	Elevations	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Roads Planning: Concerns have been raised regarding the current state of the access onto the public road however it is noted that a separate application has been lodged for upgrading the access, which may negate the need for enforcement action, should these works be approved and implemented.

Notwithstanding the above, this proposal is essentially an extension to the existing building therefore I am not opposed to this proposal in principle.

Archaeology Officer: There are no archaeological implications for this proposal. It is within the area of a previous watching brief that did not identify archaeological deposits.

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 is for the erection of a machinery building onto the end of an existing shed.

Implications of the Proposal for the Landscape including any Mitigation

I am concerned that the shed will be visible to receptors using the B7062 travelling eastwards from Peebles and the west elevation is higher than the existing shed and will be overly dominant in this small scale setting. I suggest that the existing trees along the north boundary will not provide adequate screening to the shed when seen from this direction and from the east there will be a confused and awkward elevation and association with the existing shed.

The roof height will be 3m above the roof height of the existing shed and as such has potential to be visible above the existing tree belt from sensitive locations across the valley e.g. from the A72.

Conclusion

I have a concern that the proposal will have a negative visual impact on this part of the Tweed valley and impact on receptors using the minor road immediately to the north.

Therefore, on landscape and visual grounds, I cannot support this application.

Economic Development:

The application appears to be for the erection of and an extension to an agricultural storage building and there is no indication that any business activity is to be carried out from these premises. The Economic Development section therefore has no comments to make

Environmental Health:

Agrees in principle subject to the following condition:

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.

Peebles and District Community Council: Response awaited.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Consolidated Local Plan 2011

Policy G1 Quality Standards for New Development

Policy BE2 Archaeological Sites and Ancient Monuments

Policy EP2 Areas of Great Landscape Value

Policy D1 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 8th December 2015

There have been two previous applications to add a higher extension on to this western end of the existing building, both having been refused. The most recent application for timber processing (15/00600/FUL) proposed an identical extension to that now proposed. The assessment of the history, landscape impacts and need for the proposals are contained within the previous report on the timber processing building and on an agricultural storage building. Sections are repeated below as follows:

"The timber processing building exhibits the same issues of height, albeit being one metre lower than the Flotation Tank building. It nevertheless has a ridge line 2.75m above the current building ridge lines. Given the fact that the existing buildings are close to the top line of the trees when viewed from across the river, a further 2.75m height extension will cause the same problems of prominence and landscape impact as the other proposals which have been rejected, albeit of slightly lesser degree.

Of particular impact will be the building when viewed from the B-road, especially on the approach from the west. An application was refused in 2011 for a building of similar scale and dimensions in the same location. At that time, the building was described for hay storage purposes and it was the same floor area and eaves height of 6m but with a flat roof. That application was refused for the following reason:

"...the proposals are of inappropriate form, scale and materials and are unsympathetic to both the existing building and the amenity of the surrounding rural area".

In the report on that application, it was stated :

"The proposals fail to comply with these requirements in that none of these elements are in sympathy with the existing building. The abrupt change from pitched to flat roof form is exacerbated by the 1.5m height increase and the lack of any fenestration, together with the high steel doors which are higher than the eaves of the existing building. As the extension will also be flush with the front and back of the existing building, the lack of any step back also increases the unsympathetic relationship with the existing building.

These concerns have been raised with the agent who has offered to alter the proposal to clad it in metal sheeting rather than the proposed blockwork. The shape, form and bulk of the extension would only be slightly reduced in impact by the use of matching material and it is concluded that the design would still be inappropriate as an extension to the existing building especially within the attractive and historic rural environment that it is located. The building will be visible from the public roads to the front and rear of the site and a better design of extension is warranted in the location proposed."

The new application still exhibits many of the incongruous elements of the previous design, albeit dropping the flat roof in favour of a pitch. This, however, increases the height by a further 1.3m, causing a visual jump up in ridge lines and the eaves line being dramatically different. Again, the roller shutter door will be above the eaves of the existing buildings and the impact from the western direction on the public road will be dominant, faced with a 7.3m high blank gable on already elevated land.

It is concluded that the impacts from the A72, compounded by those from the B-road in relation to the dominance of the building and its incongruous relationship with the existing buildings, determine that the proposal would have a significant visual impact on the designated landscape."

Repeating the application, albeit with a different intended use, has not addressed these concerns in any way, the building remaining prominent to the B road, especially from the western approach, and from the A72. The Landscape Architect continues to object for these reasons. There have been several opportunities to address the excessive height of the building but none have been taken. I would have to conclude that re-submitting the application has still not addressed the landscape reasons for refusal.

In terms of the intended use of the building, the proposed use is for storage for agricultural machinery and, in particular, a telehandler which is stated as requiring height for maintenance. A previous application at the other end of the steading (15/00563/FUL) rehearsed the issue of additional storage in relation to Policy D1 as follows:

"Policy D1 looks for uses which are related to the ground on which they are located, for purposes which are generated by the land and any particular activity carried out on the land. It is known that the landholding is only 8 acres, of which 3 have been earmarked for the consented chalet development and some of the

remainder are occupied already by buildings and the yard area. The stated purpose of the buildings and their scale raise issues over need and justification, as with the other proposals and in the absence of a co-ordinated Business Plan. It is also questioned whether such a modest holding, already with a range of buildings (including a consented cold storage building and tractor shed) can justify such large additional accommodation which appears duplication. In the absence of a Business Plan, there is no demonstration of the required need for such buildings on this small holding.

It is concluded that the application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed buildings that would justify an exceptional permission in this rural location and therefore the development would appear as unwarranted development in the open countryside. The proposed buildings are not of a design or scale that appear suited either to the proposed use for which they are intended or the size of the holding on which they would be situated, which further undermines the case for justification in this location."

As there has not been any Business Plan or justification submitted to address the previous reason for refusal in relation to lack of compliance with Policy D1 or respond to the aforementioned concerns, I would have to consider that the current application still fails to comply with Policy D1. There has been no demonstration of how the current modest farmholding justifies further storage buildings nor how housing for a telehandler can be required for the farmholding. Clearly, even if it was demonstrated that the farmholding justifies such machinery, a lower building would allow garaging whilst maintenance of the telescopic elements would need to be carried out outwith the building.

I would have to conclude that this new application proposing similar agricultural machinery storage use as previously proposed, without a Business Plan, has still not addressed the business justification reasons for refusal.

The environmental health concerns can be addressed by a condition on any approval. There are no archaeological implications as there had been a previous watching brief at this western end of the steading.

Roads Planning state that concerns have been raised regarding the current state of the access onto the public road but note that a separate application has been lodged for upgrading the access, which may negate the need for enforcement action, should these works be approved and implemented.

Notwithstanding that, they consider the proposal is essentially an extension to the existing building and are not opposed to the proposal.

REASON FOR DECISION :

The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape, will be poorly visually related to the existing buildings adjoining and will have a significant detrimental impact on the character and quality of the designated landscape.

The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 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. The proposed building and use are not of a scale or purpose that appear related to the nature or size of the holding on which the building would be situated, which further undermines the case for justification in this location.

Recommendation: Refused

- 1 The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley

in that the proposed building will be prominent in height, elevation and visibility within the landscape, will be poorly visually related to the existing buildings adjoining and will have a significant detrimental impact on the character and quality of the designated landscape.

- 2 The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 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. The proposed building and use are not of a scale or purpose that appear related to the nature or size of the holding on which the building would be situated, which further undermines the case for justification in this location.

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

PLANNING CONSULTATION

To: Landscape Architect

From: Development Management

Date: 9th December 2016

Contact: Craig Miller ☎ 01835 825029

Ref: 16/01507/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 30th December 2016, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 30th December 2016, it will be assumed that you have no observations and a decision may be taken on the application.

Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.

Name of Applicant: Cleek Poultry Ltd

Agent: N/A

Nature of Proposal: Erection of machinery storage building
Site: Field No 0328 Kirkburn Cardrona Scottish Borders

OBSERVATIONS OF: Landscape Architect

CONSULTATION REPLY

Nature of the Proposal

The proposal is for the erection of a machinery storage building onto the end of the existing shed.

Implications of the Proposal for the Landscape including any Mitigation

I am concerned that the shed will be visible to receptors using the B7062 travelling eastwards from Peebles the building is higher than the existing shed and will be overly dominant in this small scale setting. I suggest that the existing trees along the north boundary may not provide adequate screening to the shed when seen from this direction, especially during the winter months.

The roof height will be approximately 2.5m above the roof height of the existing shed and as such has potential to be visible above the existing tree belt from sensitive locations across the valley e.g. from the A72.

Conclusion

I have a concern that the proposal will have a negative visual impact on this part of the Tweed valley and impact on receptors using the minor road immediately to the north.

If the building height could be kept to the height of the existing, adjacent building, I wouldn't have the same concerns about the visibility of the building from outwith the site.

On landscape and visual grounds, I cannot support this application.

Siobhan McDermott
LANDSCAPE ARCHITECT

REGULATORY SERVICES



To: **Development Management Service**
FAO Craig Miller

Date: **9 Jan 2017**

From: **Roads Planning Service**
Contact: **Paul Grigor**

Ext: **6663**

Ref: **16/01507/FUL**

Subject: Erection of machinery storage building
Field No 0328, Kirkburn, Cardrona, Scottish Borders

The previous application for this proposal (15/01254/FUL) raised no objection due to it being a small extension to the existing building, therefore I have no objections in principle to this proposal.

AJS

Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	16/01507/FUL
Uniform Ref	16/02450/PLANCO
Proposal	Erection of machinery storage building
Address	Field No 0328 Kirkburn Cardrona Scottish Borders
Date	20/12/16
Amenity and Pollution Officer	David A. Brown
Contaminated Land Officer	Reviewed – no comments

Amenity and Pollution

Assessment of Application

*Air quality
Noise
Nuisance
Private Water Supply*

Recommendation

Delete as appropriate – Agree with application in principle, subject to Conditions

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.

PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 9th December 2016

Contact: Craig Miller ☎ 01835 825029

Ref: 16/01507/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 30th December 2016, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 30th December 2016, it will be assumed that you have no observations and a decision may be taken on the application.

Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.

Name of Applicant: Cleek Poultry Ltd

Agent: N/A

Nature of Proposal: Erection of machinery storage building

Site: Field No 0328 Kirkburn Cardrona Scottish Borders

OBSERVATIONS OF: Archaeology Officer

CONSULTATION REPLY

There are no implications for this proposal. This application area was subject to a watching brief in 2005 which failed to identify archaeological deposits or objects.

PLANNING CONSULTATION

To: Economic Development Section

From: Development Management

Date: 9th December 2016

Contact: Craig Miller ☎ 01835 825029

Ref: 16/01507/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 30th December 2016, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 30th December 2016, it will be assumed that you have no observations and a decision may be taken on the application.

Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.

Name of Applicant: Cleek Poultry Ltd

Agent: N/A

Nature of Proposal: Erection of machinery storage building

Site: Field No 0328 Kirkburn Cardrona Scottish Borders

OBSERVATIONS OF: Economic Development Section

CONSULTATION REPLY

There are no comments from Economic Development

LIST OF POLICIES

Local Review Reference: 17/00009/RREF
 Planning Application Reference: 16/01507/FUL
 Development Proposal: Erection of machinery storage building
 Location: Field No 0328 Kirkburn, Cardrona
 Applicant: Cleek Poultry Ltd

Scottish Borders Local Development Plan 2016**POLICY PMD2: QUALITY STANDARDS**

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

Sustainability

- a) In terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology,
- b) it provides digital connectivity and associated infrastructure,
- c) it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance,
- d) it encourages minimal water usage for new developments,
- e) it provides for appropriate internal and external provision for waste storage and presentation with, in all instances, separate provision for waste and recycling and, depending on the location, separate provision for composting facilities,
- f) it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

Placemaking & Design

- h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
- i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
- j) it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
- k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
- l) it can be satisfactorily accommodated within the site,
- m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
- n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

LIST OF POLICIES

Accessibility

- o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,
- p) it incorporates, where required, access for those with mobility difficulties,
- q) it ensures there is no adverse impact on road safety, including but not limited to the site access,
- r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,
- s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

Greenspace, Open Space & Biodiversity

- t) It provides meaningful open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
- u) it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements.

Developers are required to provide design and access statements, design briefs and landscape plans as appropriate.

POLICY ED7: BUSINESS, TOURISM AND LEISURE IN THE COUNTRYSIDE

Proposals for business, tourism or leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:

- a) the development is to be used directly for agricultural, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or
- b) the development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and, where relevant, it is in accordance with the Scottish Borders Tourism Strategy and Action Plan;
- c) the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the particular countryside location, and that it cannot be reasonably be accommodated within the Development Boundary of a settlement.

In addition the following criteria will also be considered:

- a) the development must respect the amenity and character of the surrounding area,
- b) the development must have no significant adverse impact on nearby uses, particularly housing,
- c) where a new building is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available, and where conversion of an existing building of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding,
- d) the impact of the expansion or intensification of uses, where the use and scale of development are appropriate to the rural character of the area,
- e) the development meets all other siting, and design criteria in accordance with Policy PMD2, and

LIST OF POLICIES

- f) the development must take account of accessibility considerations in accordance with Policy IS4.

Where a proposal comes forward for the creation of a new business including that of a tourism proposal, a business case that supports the proposal will be required to be submitted as part of the application process.

POLICY EP5: SPECIAL LANDSCAPE AREAS

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. Proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local importance.

EP8: ARCHAEOLOGY

(A) National Archaeological Sites

Development proposals which would destroy or adversely affect the appearance, fabric or setting of Scheduled Monuments or other nationally important sites will not be permitted unless:

the development offers substantial benefits, including those of a social or economic nature, that clearly outweigh the national value of the site, and there are no reasonable alternative means of meeting the development need.

(B) Battlefields

The Council may support development proposals within a battlefield on the Inventory of Historic Battlefields Register, or a regionally significant site, that seek to protect, conserve, and/or enhance the landscape characteristics or important features of the battlefield. Proposals will be assessed according to their sensitivity to the battlefield.

(C) Regional or Local Archaeological Assets

Development proposals which will adversely affect an archaeological asset of regional or local significance will only be permitted if it can be demonstrated that the benefits of the proposal will clearly outweigh the heritage value of the asset.

In all of the above cases, where development proposals impact on a Scheduled Monument, other nationally important sites, or any other archaeological or historical asset, developers may be required to carry out detailed investigations.

Any proposal that will adversely affect a historic environment asset or its appropriate setting must include a mitigation strategy acceptable to the Council.

OTHER MATERIAL CONSIDERATIONS

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

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NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be through this representative:

Yes No

* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|--------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

THE SITE IS A SMALLHOLDING AND THERE IS LIVESTOCK PRESENT

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

THE SITE IN QUESTION HAS A GRANTED PLANNING APPLICATION FOR HOLIDAY LODGES OF SIMILAR SIZE AND SCALE.

THE OWNER WISHES TO MAINTAIN THE SMALLHOLDING DESIGNATION BUT IS INTERESTED IN ESTABLISHING SMALL 'NEST' AGRICULTURAL BUILDINGS FOR STORAGE FOR USE BY OTHER BUSINESSES, SUCH AS SELF EMPLOYED FORESTERS, AGRICULTURAL MACHINERY ENGINEERS AND SUCH LIKE.

ACCESS IS BY WAY OF AN ESTABLISHED BELLMOUTH WHICH HAS CONSENT TO BE UPGRADED FOR USE OF AN INTENSE HOLIDAY COMPLEX WITH GRANTED PLANNING CONSENTS. THE PROPOSED USE SHOULD LESSEN THE ROAD TRAFFIC CREATED BY THE HOLIDAY DEVELOPMENT.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

[Empty box for explanation]

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

REFUSAL NOTICE DATED 23.1.2017
DRAWINGS 196 72 & 196 73 WITH REFUSAL STAMPS

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

[Redacted Signature Box]

Date

10/3/17

The Completed form should be returned to the Head of Corporate Administration, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference : 16/01464/FUL

To : Cleek Poultry Ltd The Tractor Shed Kirkburn Cardrona Peebles

With reference to your application validated on **21st November 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-


Proposal : Erection of agricultural storage building with welfare accommodation

at : Field No 0328 Kirkburn Cardrona Scottish Borders

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule**.

Dated 23rd January 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 16/01464/FUL

Schedule of Plans and Drawings Refused:

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

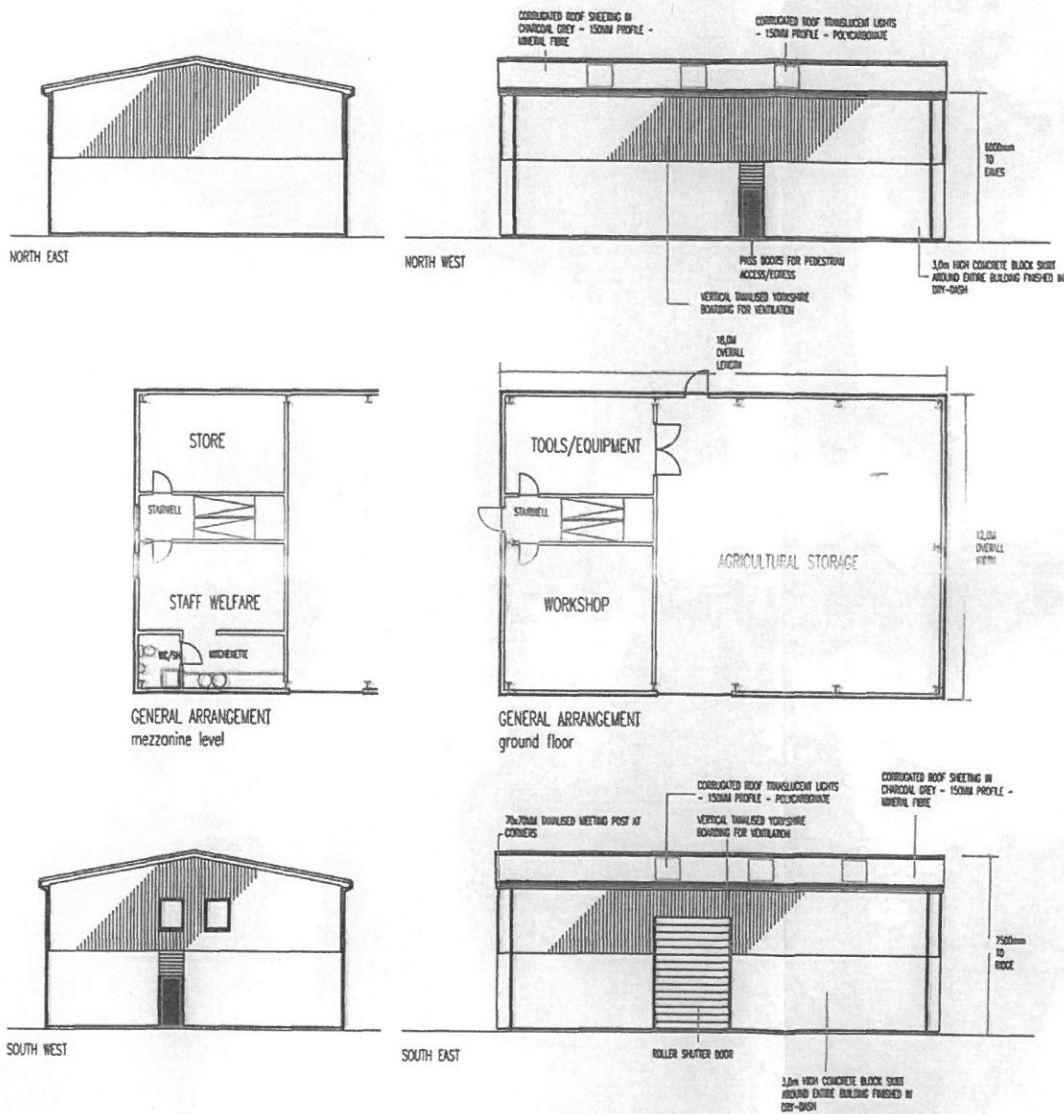
REASON FOR REFUSAL

- 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 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.

FOR THE INFORMATION OF THE APPLICANT

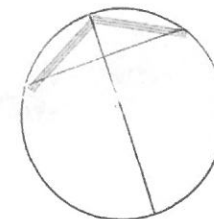
If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.



18/01464/FUL
 RECEIVED 21 NOV 2016

Scottish Borders Council
 Town & Country Planning (Straitford) Area
 REFUSED
 23 JAN 2017
 Planning & Economic
 Development Department



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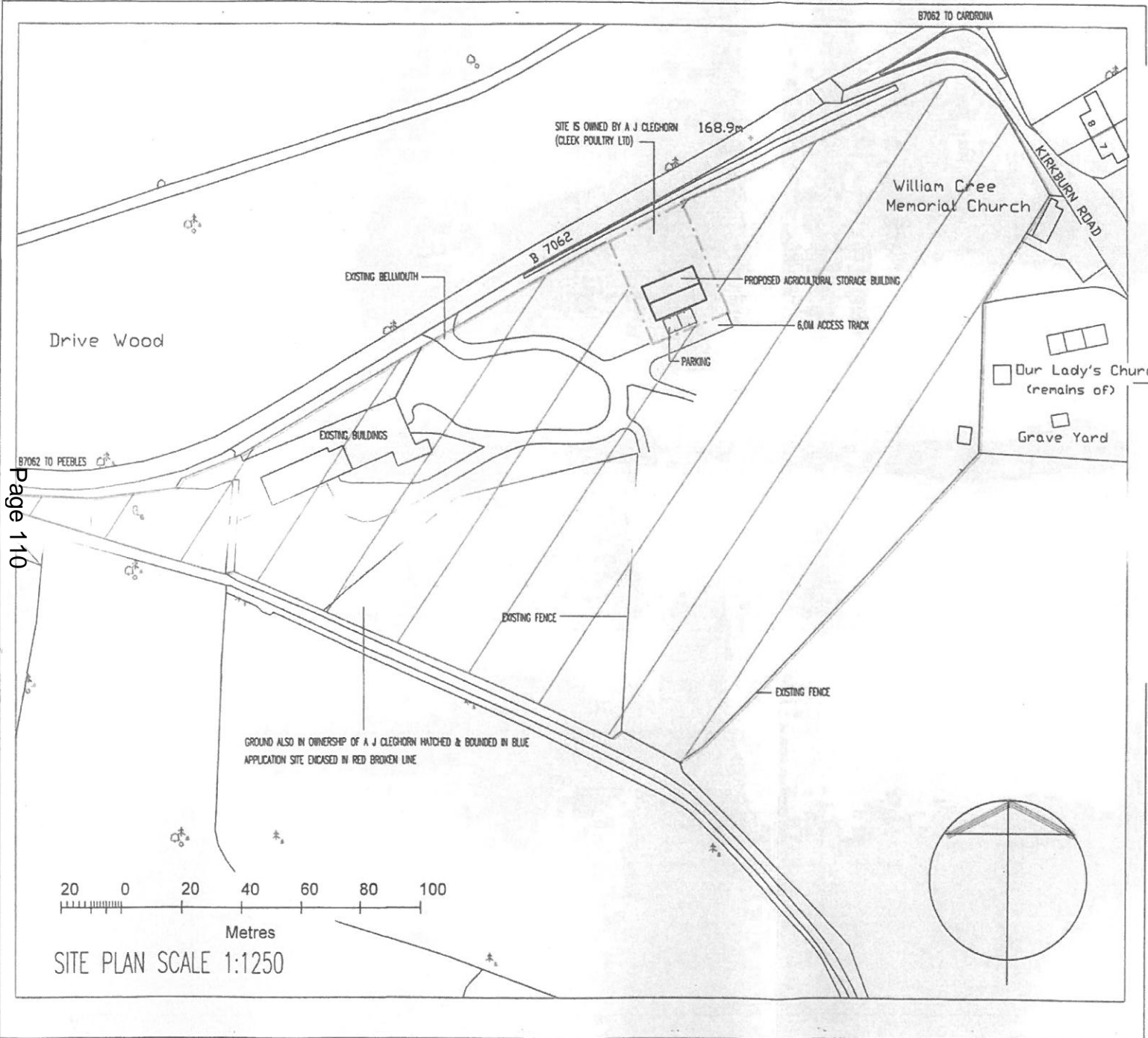
SCALE 1:200 NOV 2016
 drg 196 72 GENERAL ARRANGEMENT
 REVISION --

PROPOSED AGRICULTURAL STORAGE SHED WITH WELFARE ACCOMMODATION
 KIRKBUURN, CARDRONA, PEEBLES, EH45 9HU
 Cleek Poultry Ltd

ALL DRAWINGS ON THIS SHEET AT 1:200

RECEIVED 21 NOV 2016

Scottish Borders Council
 Town & Country Planning (Scotland) Act
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 Planning & Economic
 Development Department



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AMENDMENTS	
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PRINTING NOTE A3 PAPER SCALE 20:1

SCALE 1:1250 NOV 2016

drg 196 73 REVISION --	SITE PLAN
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PROPOSED AGRICULTURAL STORAGE SHED WITH WELFARE ACCOMMODATION
 KIRK BURN, CARDRONA, PEEBLES, EH45 9HU
 Cleek Poultry Ltd

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 16/01464/FUL

APPLICANT : Cleek Poultry Ltd

AGENT :

DEVELOPMENT : Erection of agricultural storage building with welfare accommodation

LOCATION: Field No 0328 Kirkburn
Cardrona
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

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

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Roads Planning:

Similar proposals for agricultural storage buildings in this area which are served by the same access have requested additional information regarding traffic movements, in order to assess the impact these proposals would have on the junction with the public road.

The current submission does not include any information on the number, type and frequency of vehicular movements associated with this 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.

Landscape Architect:

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 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 land to the south of the B7062.

Implications of the Proposal for the Landscape including any Mitigation

This application is for a shed on the sloping ground immediately to the south of the B7062. Due to the sloping nature of the field I am concerned that the shed will be visible locally from the B7062 immediately to the north of the field. The attractive juxtaposition of valley side pastoral farmland with mixed and coniferous forestry and woodland could potentially be undermined by the introduction of an industrial scale shed that will require substantial earth moving to achieve the required amount of level ground. I suggest that the existing trees along the north boundary will not provide adequate screening for the shed.

Local Plan Policy EP2 requires developers to comply with Structure Plan policy N11 which states that 'In assessing proposals for development in AGLVs (replaced by SLAs in 2012), the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development.'

Despite my concerns there is a precedent for development in this location.

As long as a robust screen planting scheme, that would help to integrate the development into the immediate landscape, is a condition of any approval, I would not be minded to object to this development.

Archaeology Officer:

Thank you for requesting an archaeology consultation. I can support the principle of this application. However, please see my consultation with respect to the consented development in this area. There are potential archaeological implications that can be mitigated. I recommend that Condition 9 of the existing consent covering this application site be carried forward.

Economic Development:

Economic Development cannot support the application for the erection of agricultural building and welfare accommodation in field no 0328, 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.

Environmental Health:

Amenity and Pollution

Assessment of Application

Air Quality

Noise

Nuisance

This is an Application to erect an agricultural building including a workshop.
This has the potential to impact on adjacent occupiers.

Recommendation

No Objection subject to Conditions.

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 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 amenity of nearby properties.

Peebles and District Community Council: Response awaited.

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 17th January 2017

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 110.43mAOD 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.

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.

Likewise, the matters raised by Environmental Health 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 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 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”.

APPLICATION REFERENCE : 12/00902/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
(PL) 12 REV B	Site Plan	Approved
(PL) 15	Other	Approved
(PL) 100	Sections	Approved
(PL) 101	Site Plan	Approved
(C) 01.3	Elevations	Approved
(C) 01.4	Elevations	Approved

REASON FOR DECISION

The principle of the holiday chalet development is acceptable in terms of Development Plan Policies on tourism development in the countryside and, following revised plans and additional information, the impacts on the landscape, road safety, cultural heritage, residential amenity and infrastructure are acceptable with mitigation and conditions where required.

SCHEDULE OF CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 The development hereby approved shall only be carried out in strict accordance with a programme of phasing which has first been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the development of the estate proceeds in an orderly manner.
- 3 The development hereby approved shall only be carried out in strict accordance with details of the materials to be used on the external walls, roofs, doors and windows of the proposed building(s) which shall first have been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting
- 4 No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):
 - existing and finished ground levels in relation to a fixed datum preferably ordnance
 - existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - location and design, including materials, of walls, fences and gates including any plot boundary treatments.

- soft and hard landscaping works, including thickening of the tree belts towards the B7062, around the internal access track entrance to the site, south of the Hub House and individual small groups of tree planting within the development.
- existing and proposed services such as cables, pipelines, sub-stations other artefacts and structures such as street furniture, play equipment
- A programme for completion and subsequent maintenance the structure planting to be carried out during the first planting season following development commencement.

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

- 5 No chalet forming part of the development shall be occupied until the access junction has been completed in accordance with the approved plan (PL)15 and roads and parking areas shown on the approved plans have been completed to a specification and design firstly submitted to, and agreed in writing by, the Local Planning Authority and in accordance with any phasing plan agreed. The visibility splays at the junction to be maintained free from obstruction in perpetuity.

Reason: To ensure that adequate access to the site for pedestrians and vehicles is provided and is at all times properly maintained.

- 6 No development is to commence until a report, by a suitably qualified person, has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surrounding supplies or properties. The provisions of the approved report shall be implemented prior to the occupation of the building(s)/dwellinghouse(s) hereby approved.

Reason: To ensure that the development is adequately serviced with water without a detrimental effect on the water supplies of surrounding properties.

- 7 No development to be commenced until fully detailed design proposals for foul and surface water drainage have been submitted to and approved by the Planning Authority.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

- 8 The occupation of all chalets, including the Hub House, shall be restricted to genuine holidaymakers for individual periods not exceeding 4 weeks in total within any consecutive period of 13 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.

Reason: A permanent residential site in this location would conflict with the established planning policy for this rural area.

- 9 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Archaeological Evaluation. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to conduct a programme of evaluation prior to development. This will include the below ground excavation of evaluation trenches and the full recording of archaeological features and finds. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered the nominated archaeologist(s) will contact the Archaeology Officer for further consultation.

The developer will ensure that any significant data and finds undergo post-excavation a analysis, the results of which will be submitted to the Planning Authority.

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

- 10 No development to be commenced until further details are submitted to and approved by the Planning Authority in relation to on-site lighting and any additional footpaths. Once approved, the development shall only take place in strict accordance with those details.
Reason: To safeguard the visual amenity of adjoining residential properties and the wider rural area.
- 11 No development to be commenced until a Construction Method Statement has been submitted to, and approved by, the Planning Authority relating to all works proposed and access to facilitate the works. Once approved, the development then to proceed in accordance with the Statement.
Reason: To safeguard natural heritage interests in the area.
- 12 The Hub House to provide ground floor accommodation only as shown on the approved plans. Any proposal to create an upper floor for habitable accommodation will require the submission of a new planning application.
Reason: To ensure that the access, parking, drainage and water supply can accommodate any potential increase in accommodation.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

- 1 Any further expansion of holiday accommodation would require a new planning application and this would need to be assessed against the various constraints identified during consideration of the current application, including visual and landscape impact, impact on archaeology, listed buildings, existing houses, infrastructure, road access etc.
- 2 This consent does not include any permissions for on-site advertisements, signage and any additional facilities which may require buildings such as bike storage, toilets and any other facilities. You should contact the Planning Authority to discuss such proposals which may still require the submission of an application for Advertisement Consent and planning permission.
- 3 The Planning & Building Standards Committee wished to make clear, in making their decision, that the proposed development was only acceptable as tourism accommodation in this location, and that the application site was not an appropriate location for permanent unrestricted residential development.

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Notice of Initiation of Development

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is enclosed with this decision notice for this purpose.

Notice of Completion of Development

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include.

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD

Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA

Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU

British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND

Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD8 0SA

Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL

BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH

THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD

Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlisle or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of the appeal should be addressed to The Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk FK1 1XR. A copy of the notice of the appeal must, at the same time, be sent to the Legal Services Section, Scottish Borders Council, Council Headquarters, Newtown St. Boswells, Melrose TD8 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

6 OCTOBER 2014

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 12/00902/FUL
OFFICER:	Mr C Miller
WARD:	Tweeddale East
PROPOSAL:	Erection of nine holiday lodges
SITE:	Land West of William Cree Memorial Church, Kirkburn
APPLICANT:	Cleek Lodges Ltd
AGENT:	Fouin & Bell Architects Ltd

SITE DESCRIPTION

The application site comprises of part of an agricultural field at Kirkburn, to the immediate south of the B7062 road between Peebles and Cardrona. The field consists of 1.1 ha of land belonging to a larger holding of 3.55 ha to the west which has been operating as a small chicken farm in recent times. The site borders the former Forestry Commission building group of Kirkburn to the east which contains several dwellinghouses, a converted church and a Scheduled Ancient Monument "Our Lady's Church" remains and graveyard. To the west and south of the site is the remainder of the farm holding including farm buildings and the public road to Laverlaw. To the north of the site lies the B7062, at a lower level than the site, beyond which is woodland bordering the River Tweed. There are some individual trees and young planting on the site boundary with the road. The overall backdrop to the site is Cardrona Forest with access to the Forest from the nearby Kirkburn building group.

The land rises from its northern tip and steadily climbs to the Laverlaw Road to the rear of the site. When viewed from near Horsburgh Castle on the A72, the site is relatively inconspicuous, being largely screened by trees, but is read against a backdrop of the rising land beyond, which is more clearly visible from across the Tweed with the Laverlaw road rising in the background. There is an existing access to the farm holding from the B7062.

PROPOSED DEVELOPMENT

The development involves a timber log cabin venture for holiday letting and self catering, aimed at the developing market for adventure/activity holidays. The access road to the site will be taken from the existing farm track which then links with the B7062. Nine chalet buildings are proposed originally arranged around a loop road within the site with one of them being the "Hub House" at the entrance, containing four double bedrooms and public rooms. There are then four two-bedroom chalets along the northern side of the loop road and four single-bedroom chalets on the southern part of the road.

The development would be set well into the site from Kirkburn and the B7062 with buffer planting separation. Drainage was originally shown into a septic tank and herringbone soakaway to the north of the site. 22 off street parking spaces would be

grouped around the loop road and the original proposals also had proposals for a wind turbine and solar array on the elevated farmland adjoining the Laverlaw road to the south.

The intention is to phase the development with two of the two bedroom chalets built first with the foundation for the Hub House. Once the Hub House is completed, larger corporate groups could be attracted and funds would be available from the rentals to secure further chalet construction. The Hub House would be a private building for group rentals of up to 10 people. The cabins will be pitched roof in log cabin style with turf or timber shingles to the roofs, dressed timber logs to the walls and stained wooden doors and windows. The Hub House will be larger with an upper floor and dormer windows, albeit all current accommodation is shown on the ground floor without stairs at present. The ridge height of the Hub House would be 7.4m and 4.5m for the other chalets.

The development will also be wheelchair accessible and special needs groups will be especially catered for, taking into account the facilities that already exist in the area for these groups.

During the processing of the application, revised plans and cross sections were submitted. This made little change to the chalet positions but removed the loop road layout and provided a single roadway with turning head and the same number of parking spaces. Alterations were also made to the landscaped buffer zone, pulling it away in particular from the sensitive Kirkburn boundary and that of the Scheduled Monument. A new foul drainage route is taken out of the site under the Kirkburn Road and the solar panels and wind turbine have been dropped. A cross section has also been submitted to demonstrate lack of visibility of the development from the A72 due to the tree line. An access drawing has also been submitted showing upgrading of the access road with the B7062. These drawings submitted in February this year have superseded the original submissions and should be considered by Members as the current proposals.

APPLICANTS' SUPPORTING INFORMATION

The following documents have been submitted by the agent in support of the application. These documents are on Public Access and can be viewed in full by Members along with other letters written by the agent in response to letters from the Department:

Design Statement

Explains the brief behind the development, describes the site and the development, the layout, designs, phasing, access, sustainability and materials.

Business Plan (not on Public Access)

Including a Financial Analysis over the next ten years including a build cost of nearly £600,000 and a yearly net income rising from £83,000 to £115,000 by year 10 and once all nine chalets are operating – based upon an average annual occupancy of 46%.

Borehole Survey - Klargester BioDisc Specifications - Wind Turbine Specification - Optigreen roof specifications

PLANNING HISTORY

The site has seen applications previously on the northern part of it for housing. The first application T125/80 for six dwellinghouses was refused and this was followed by a similar application subsequently withdrawn in 2002 (02/02023/OUT). A revised application for three dwellinghouses (03/00662/OUT) on the northern part of the site was recommended for approval by Officers but referred to the Planning Committee by the Area Committee in June 2003. It was refused by the Committee as the site "...lies outwith any settlement or building group and would not be sympathetic to the existing building group or the surrounding area". A subsequent appeal was dismissed.

Beyond the site, to the south-west, the farm holding has had a recent enforcement history in relation to various unauthorised works including a residential caravan. There are, however, no outstanding enforcement cases relating to this site.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning: Whilst access has been approved previously, never completed and bellmouth not surfaced. The development requires improvements including the first 6m at 1 in 15 and the remainder maximum 1 in 8. The junction also to be 6m wide with 6m radii, the first 6m to be tarmac to the Council's specification and measures to prevent the flow of surface water onto the public road.

Economic Development: Supports the development and the Business Plan as fitting with the Scottish Borders Tourism Strategy, improving occupancy levels, quality of accommodation and links with mountain biking. Also fits with the South of Scotland Competitiveness Strategy by building on success of adventure sports. Seeks provision of visitor information in Hub House and comments positively on the Business Plan, albeit financial projections are on optimistic side. Still welcomes all its aims and agrees with other figures including tourist numbers.

Landscape Section: Site is within the recently designated Tweed Valley Special Landscape Area and strongly slopes down to the A72, woodland on the northern side of the B road offering valuable screening. No objections but considers various improvements and amendments required including a better photomontage, removal of unnecessary earthworks and loop road, additional planting to the rear of the site, increased space between the planting and the Wm Cree Memorial Church/Kirkburn houses and additional planting on the edges of the internal access road.

In response to amended plans, retains concerns over the (*now removed*) wind turbine and solar array visibility from the A72 and the impact on the Tweed Valley SLA. Satisfied with other revisions although the planting should remain down to the edge of the B7062, new planting as requested on the side of the internal access road, extension of the southern belt westwards and additional small internal groups of trees.

Archaeology Officer: In close proximity to "Our Lady's Church" and churchyard which suggests possibility of a church for 1500 years and substantial elements of earlier phases. As significant archaeological remains could be found, trial investigation and a Written Scheme of Investigation is required before development commences. Maintained comments on revised plans.

Environmental Health: A condition should be imposed on private water supplies and expressed concerns over the proximity of the development to a poultry farm (regarding potential odour and insect nuisance) and the need for a Noise Assessment for the proposed wind turbine. Upon submission of revised plans, further information and a site visit, raises no further concerns over turbine or poultry farm.

Statutory Consultees

Historic Scotland: No objections as the use of mitigating screening and enclosed nature of “Our Lady’s Church” (a Scheduled Monument) means development is unlikely to impact on the setting of the monument. Wish to be consulted again if there are any changes in the chalet numbers, positions, landscaping, stabling, bike storage and other facilities which could impact on the setting. Raised no objection to the revised plans, the application being able to be determined without notification to them.

Peebles and District Community Council: Initially welcomed the principle but expressed the following concerns:

- The slope and drainage strategy.
- Housing rejections and previous history.
- Safe access.
- Precedent for more development on remainder of site.
- Safeguard if the business venture fails.
- Borehole and wind turbine require testing first.
- Overall approach for infrastructure if more development.
- Business companies listed need further clarification.

In response to the revised plans, believe most of these concerns have not been addressed and continue to stress drainage, road safety, business failures, future use of chalets and clarity of ownerships and business relationships.

Scottish Water: Response awaited.

Health and Safety Executive: Having tested the proposal against standing advice, the development would be a “Level 2” development within the middle and outer zone of the Wilton-Grangemouth Ethylene pipeline with “Don’t Advise Against” being the result.

INEOS: Response awaited.

SEPA: Initially objected as the drainage proposal was using a septic tank discharging to a soakaway and required a discharge to the Kirk Burn or River Tweed. Maintained objection when proposal was for a treatment plant discharging via an open ditch to the Kirk Burn. Withdraws objection upon confirmation that the treatment plant discharges directly to Kirk Burn. Reiterated concerns when it appeared that the direct discharge pipe was not within ownership or control of the applicant but then retracted them when agent produced agreement from the pipe and ground owner, the Forestry Commission. The intention is now to run a new drainage pipe under the ground to allow treated discharge into the Kirk Burn on land owned by the Forestry Commission and Council.

Other Consultees

Visit Scotland Borders: Response awaited.

REPRESENTATION SUMMARY

As a result of the neighbour notification and press advertisement, a total of ten separate households objected to the application and the letters can be read in full on Public Access. The main grounds of objection can be summarised as follows:

- B road incapable of safely taking more traffic.
- Detrimental impact on Kirkburn houses and out of keeping with rural tranquillity.
- Inadequate water and drainage capacity.
- Slope of site will cause water run-off.
- Expansion and future use of chalets.
- Excessive scale.
- Not essential at location and no other sites considered.
- Lack of public transport.
- Viability concerns.
- Contrary to Policy D2 being outwith building group at Kirkburn.
- Buffer zone either too low or high.
- Hub House too high, prominent, also queries upper floor use and reason for private garden.
- Green energy proposals are outwith the site and may be impacted if development fails.
- Impacts on other tourist providers in area.
- Uncertainties over drainage routes and need to avoid existing septic tank/drain systems.

DEVELOPMENT PLAN POLICIES:

Consolidated Scottish Borders Local Plan 2011

Policy G1 Quality Standards for New Development
Policy BE1 Listed Buildings
Policy BE2 Archaeological Sites and Ancient Monuments
Policy NE4 Trees Woodlands and Hedgerows
Policy NE5 Development affecting the Water Environment
Policy EP2 Areas of Great Landscape Value
Policy H2 Protection of Residential Amenity
Policy Inf4 Parking Provisions and Standards
Policy Inf5 Waste Water Treatment Standards
Policy Inf9 Development Within Exclusion Zones
Policy Inf11 Developments that Generate Travel Demand
Policy D1 Business, Tourism and Leisure Developments in the Countryside

Proposed Local Development Plan 2013

PMD1 Sustainability
PMD2 Quality Standards
ED7 Business, Tourism and Leisure Development in the Countryside
HD3 Protection of Residential Amenity
EP5 Special Landscape Areas

EP7 Listed Buildings
EP8 Archaeology
EP13 Trees, Woodlands and Hedgerows
EP15 Development Affecting the Water Environment
IS7 Parking Provisions and Standards
IS9 Waste Water treatment Standards and Sustainable Urban Drainage
IS12 Development Within Exclusion Zones

OTHER PLANNING CONSIDERATIONS:

“Local Landscape Designations” SPG – Special Landscape Area 2 “Tweed Valley”
Scottish Borders Tourism Strategy Action Plan 2008
South of Scotland Competitiveness Strategy 2007-13
“Placemaking and Design” SPG
“Landscape and Development” SPG

KEY PLANNING ISSUES:

The main determining issues with this application are the principle of the chalet development in terms of Development Plan Policy and whether the impacts on the landscape, road safety, cultural heritage, residential amenity and infrastructure are acceptable with mitigation where required.

ASSESSMENT OF APPLICATION:

Planning policy

The most relevant Local Plan Policy to consider in assessing the application is Policy D1 “Business, Tourism and Leisure Development in the Countryside”. This Policy encourages such development in the countryside subject to a series of qualifying criteria and five provisos. The most relevant qualifying criterion for a development used for tourism requires it to be appropriate to a countryside location and that it in accordance with the Scottish Borders Tourism Strategy.

In principle, the development of nine timber holiday chalets within the Tweed Valley and with afforested surroundings is considered to be appropriate for its location, providing important support accommodation for the growth in visitor figures expected in the Tweed Valley as a result of the success of mountain biking and the improvements at Glentress being carried out by the Forestry Commission. The location is appropriate for various landscape and context reasons as described below and the Economic Development section have confirmed that the proposals, supported by a detailed Business Plan, would be consistent with the Scottish Borders Tourism Strategy.

It is considered that the development would improve occupancy levels, quality of accommodation and links with mountain biking. It also fits with the South of Scotland Competitiveness Strategy by building on success of adventure sports. Whilst Economic Development consider the financial projections may be slightly optimistic, they are still supportive of the Business Plan and the proposals. For these reasons, it is considered that the relevant qualifying criterion of Policy D1 is met by the proposal

Policy D1 then lists five other provisos that must be met by proposals. Four of these are discussed in the sections below, the fifth relating to the following proviso:

“..where a new building is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available ...”.

Members will note from the planning history and some of the objections received, that the site has previously been considered to not be part of the building group at Kirkburn for the purposes of assessing housing development but that Kirkburn was, in itself, a building group. The tests of what is an appropriate site within or adjoining a building group are not the same as those applied to tourism developments under Policy D1, the proviso only requiring evidence that no buildings can be re-used or brownfield land utilised.

In this case, there are no such opportunities within the land holding and it is considered in spirit with the aims of the Policy that the nine chalets are located adjoining an established building group and will be visually related to it. The purpose of the Policy is to prevent proliferation of tourism developments in open countryside when other opportunities or better sites exist. In reality, this test can only be applied by the developer on land within their control. In this case, the site has a relationship with Kirkburn and the converted Wm Cree Memorial Church, especially when viewed from any distance. This visual connection with existing buildings allows the proposals to comply with the relevant criterion although it is also important to note the justification in the Local Plan under Policy D1, stating

“The Policy recognises that some tourism related developments may not be able to be easily accommodated within settlements...”.

It must, therefore, also be accepted that new-build chalet developments providing holiday accommodation cannot easily be incorporated into brownfield sites or sites within building groups or settlements. This would be the case for developments of any larger scale, including the current proposal for nine chalets.

It is concluded that the development complies with both the qualifying criterion and relevant locational proviso contained with Local Plan Policy D1. It should also be noted that the LDP equivalent Policy ED7 retains the locational requirement but it becomes a criterion to be considered rather than a proviso that must be complied with.

Landscape and design

Policy D1 contains a provision requiring development to respect the amenity and character of the area and Local Plan Policy EP2 seeks to safeguard landscape quality and avoid anything with a significant adverse impact. The site now lies within the recently designated “Tweed Valley” Special Landscape Area 2 which lists a series of management recommendations. None of these recommendations are particularly applicable to the proposal or site in that they concentrate on impacts on larger settlement edges and impacts higher up the valley sides.

In terms of the impacts of this development on the landscape and the designated area, there would be some concerns relating to the sloping and increasingly elevated nature of the site which rises from the B7062. Without any screen planting on the boundaries of the site, there would undoubtedly be some impact of development from this road, especially from the Hub House which is longer with a higher ridge height than the other chalets.

The greatest concern, however, was the wider impact of the development within the designated valley landscape and what visibility of the development would be possible

across the valley from the A72 in particular. An original photomontage was submitted which appeared inaccurate. Whilst it showed the visibility of roof sections above the tree line when viewed from the Horsburgh Castle area on the A72, it did not show the four chalets and higher rooflines behind when based upon the original loop road.

This impact was concerning and various revisions and improved information was sought, including an accurate depiction of the screening afforded by the existing trees on the banks of the River Tweed north of the B7062. It was also felt the loop road layout was creating unnecessary and prominent earthworks with the consequence of elevating the positions of the southernmost chalets. Revised plans were submitted which alleviated these concerns, removing the loop road in favour of one single road at the lower level and providing a measured cross-section which showed existing treetop heights well in excess of the ridge heights of eight of the chalets and just above the ridge height of the Hub House. The northernmost chalets were also being cut into the site to lower their ridge heights. After consideration and assessment, including advice from the Landscape Section, it is considered that the development is sufficiently screened from the A72 and general views across the valley to the extent that the SLA is not compromised by the development.

In terms of more localised landscape impacts from the B7062 and the houses at Kirkburn, the development does require enhanced screening given the low level of current boundary screening and increasing elevation of the site. Whilst no precise details had been submitted, areas of boundary structure planting were shown initially between the B7062, Kirkburn and Our Lady's Church and the development. These areas were up to 28m deep in places. After response to comments from the Landscape Section, the boundary planting was extended along the rear of the southernmost chalets and thinned along the other boundaries. Whilst this was a request to reduce the impacts of tree planting on Kirkburn and the Wm Cree Memorial Church, a thinner belt was not sought adjoining the B7062 and this will need to be thickened up again. Similarly, previous requests for additional planting around the internal access road (to help screen the Hub House from the west), an extension to planting along the rear of the southernmost chalets and small groups of tree planting between the chalets have not been acknowledged in the latest revised plan.

Despite this and the lack of planting detail, a condition can adequately cover the landscaping requirements including the additional areas sought, the specification and timing of planting. Given the elevation and the fact that most of the planting will be boundary structure planting, there would be an advantage to securing the planting in the first planting season upon commencement of the development. The cross sections show that, although the northernmost chalets are utilising partly made up ground to retain level access to the site road, planting down the slopes towards the B7062 will be quickly effective in screening immediate impacts of the chalets from the road.

The initially proposed wind turbine and solar panels have now been omitted from the proposals as it was felt that their impact across the valley when viewed from the A72 would be significant and contrary to Local Plan Policies on landscape protection and the SLA.

In terms of design, the buildings will appear as log-clad cabins with timber doors and windows, all in precise materials and colours to be agreed. For landscape integration purposes, browns and greens will be encouraged as colours rather than whites and brighter hues. Roofs are stated as cedar shingle or grass sedum albeit the Design Statement only suggests two would be the latter. Neither roof covering would be

inappropriate with the design of the cabins proposed and, overall, materials design and colours would be appropriate to this rural setting with a background of commercial forestry and foreground of riparian woodland.

The Hub House has the potential to create the greatest impact although its design is similar to the other chalets, albeit it will be twice as long as the two bedroomed chalet and over 3m higher. Whilst dormer windows are proposed without any actual upper floor at this stage, in design terms, they punctuate the roof and help reduce any potential dominance of the roof structure. With appropriate materials, colours and screen planting secured by conditions, it is not considered that the designs and scale of the chalets are inappropriate to the site or the surrounding area. The issues of occupancy and future use are dealt with below.

Access and parking

Policy D1 seeks accessibility to be considered relating to tourism developments as does Policy Inf11 which also refers to public transport accessibility. Roads Planning have raised no issues in relation to the capacity of the B7062 to accommodate this development and have similarly not raised any issues relating to the internal road system and parking. However, they did feel that the existing access to the site has not been completed and finished as had previously been requested and revised plans have now been submitted showing the improvements required at the junction. This includes tarmac surfacing at 1 in 18 for the first 6m, 6m width, 6m radii, surface water interception, sightline creation and a 1 in 8 access track beyond the first section.

A detailed access drawing has been submitted and an appropriate condition should be attached to seek the implementation of the access before occupation of the first chalet. A condition should similarly control the details of the internal access road and parking areas in terms of gradients, construction, drainage etc. This condition can also ensure that the chalets remain accessible to special needs groups as described in the applicant's Design Statement.

Some representations have mentioned the lack of public transport but it is likely that most visitors will have private transport. The development has also been accepted as being in accordance with the Scottish Borders Tourism Strategy which takes access to the strategic road network and public transport into account. In any case, the site is just over one kilometre from the nearest bus stop at Cardrona village which means that pedestrian access is possible, albeit using the B7062. In the wider context, to resist development on the grounds of lack of public transport would be to significantly limit the possibilities for tourism development in much of the rural Borders.

Residential Amenity

Local Plan Policy D1 contains a proviso to ensure no significant adverse impact on housing nearby and Policy H2 provides more detail in terms of impacts on amenity including privacy and daylight loss, traffic, noise and visual impact. The chalet development will have some impacts on the converted Wm Cree Church and especially Nos 7 and 8 Kirkburn who face the site. However, there is a buffer zone from the development to these properties including screen planting, there being 32m space between the nearest chalet and the former church and 64m to the frontage of Nos 7 and 8.

Even though the planting has been drawn back from the boundaries to try and respect the setting of the converted church and in an attempt not to overshadow the

houses at Kirkburn, the buffer space and planting that is still proposed should provide adequate protection to ensure that the impacts on the residential properties are not significantly adverse. Whilst there will inevitably be some increase in noise and reduction in rural tranquillity, this is ameliorated to some extent by the separation, proposed planting and fact that the access does not come through the Kirkburn group. Conditions and Informatives will also be imposed on other elements that could impact on residential amenity, including additional facilities and lighting on the site.

Cultural heritage and archaeology

Policies BE1 and BE2 require developments to respect and safeguard the setting of listed buildings and sites of archaeological interest. Whilst the listed buildings of the Wm Cree Memorial Church and scheduled ancient monument of Our Lady's Church and Graveyard lie just outwith the site to the east, there is no suggestion from the Council Archaeologist or Historic Scotland that the proposals should be opposed, subject to an appropriate condition.

The condition would involve trenches being dug, a full report of features and artefacts found and mitigation agreed with the Council. The reason for the condition relates to the long history of a church on the site (from at least 11th century) with churchyard containing a circular section at the north-eastern corner which could indicate even earlier remains. As the exact layout is unknown, trial excavation as part of a Written Scheme of Investigation is needed.

Historic Scotland are content that the setting of the Scheduled Monument will not be affected by the development due to the stone wall and dense yew hedge. Subject to the archaeological condition outlined and intervening screen planting (which has been pulled back slightly), they are content with the proposals. Similarly, the offset of the proposed planting from the converted Wm Cree Church and its alignment in relation to the nearest chalets determines that any effect on its setting will be relatively minimal.

Overall and with appropriate conditions, the proposals are considered to be in compliance with Local Plan policies on listed buildings and archaeology

Natural heritage

The site does not fall within any Special Area of Conservation or SSSI, nor have there been any particular natural heritage issues identified. Nevertheless, it is recognised that the site is on sloping land separated from the River Tweed SAC by a public road and woodland. Given there will be construction activities and excavation/building up of land, there could be the possibility of uncontrolled run-off impacting on the SAC, either directly into the Tweed or via the Kirk Burn. In similar circumstances, a Construction Method Statement has been required to ensure the SAC is protected and it is considered appropriate to impose a similar condition in this case.

Infrastructure

There have been concerns expressed over adequacy of water supply and the drainage arrangements. The development must comply with Local Plan Policies NE5 and Inf5 and information has been supplied which now appears to be acceptable. In relation to water, borehole information has been submitted from a survey carried out in 2006 which indicated adequate quantity and quality of supply. Environmental Health have advised a suspensive condition requiring full details of the quantity and

quality of water to be supplied at the site including an assessment of impacts on other supplies. This should address the concerns of some local residents and meet the terms of Local Plan Policy NE5.

In terms of foul drainage, the initial intention for a septic tank and soakaway was opposed by SEPA who eventually favoured a full treatment plant discharging eastwards to the Kirk Burn. There then appeared to be some inaccuracies in dye testing an existing drain and it was concluded that, with the agreement of the landowners (the Forestry Commission and the Council), a new underground pipe could be laid to the Kirk Burn which would not impact on other drains and tanks serving Kirkburn. Given the stated willingness of the Commission to allow a suitable drain wayleave, an appropriate suspensive condition could be imposed.

Surface water collection and dispersal is also of concern to residents at Kirkburn and little full detail has been provided on this, the intention being to collect roof and road water in tanks and re-use in a grey water system. The same condition on foul drainage can be extended to cover surface water drainage which would require to be on a SUDS basis.

Other issues

A series of other issues have been raised during the processing of the application which can either be covered by appropriate conditions or have no material bearing on the application. Appropriate phasing can be controlled by condition whereas Applicant Informatives can be attached over the potential constraints to expansion and control over additional facilities/buildings. There were initial concerns over proximity to the poultry farm but following information provided on the small scale nature of the enterprise, Environmental Health withdrew them.

The main remaining issue relates to concerns being expressed over the future use of the chalets should the business venture fail, the Community Council suggesting they should be removed from the site. Firstly, all chalets will need to be occupied in accordance with a standard occupancy condition ensuring that they are used for genuine holiday purposes only. As explained, the erection of nine dwellinghouses would not have been considered an appropriate addition to the Kirkburn building group in line with Local Plan Policy D2 and the relevant SPG, there having been two previous refusals for 3 and 6 houses respectively.

Given that the Business Plan is fully supported by Economic Development who agree fully with the tourist figures and given the drive towards activity holidays in the Tweed Valley, there should be some comfort and confidence that a business failure is unlikely in the foreseeable future. Average annual occupancy rates of 46% have been used in the financial projections and this seems reasonable according to Economic Development.

Any attempt to use the chalets as permanent dwellinghouses would, therefore, be against Policy and the Business Plan and would require an application to be made for variation of Condition, backed with fully reasoned justification. It would be difficult to envisage such an application being considered favourably, given the prime location in the Tweed Valley, the suitability of the site for holiday accommodation and the arrangement and enclosure of the cabins from the Kirkburn building group. Were the eventuality to arise, however, the most appropriate course of action would need to be considered at that time.

CONCLUSION

The principle of the holiday chalet development is acceptable in terms of Development Plan Policies on tourism development in the countryside and, following revised plans and additional information, the impacts on the landscape, road safety, cultural heritage, residential amenity and infrastructure are acceptable with mitigation and conditions where required.

RECOMMENDATION BY SERVICE DIRECTOR (REGULATORY SERVICES):

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. The development hereby approved shall only be carried out in strict accordance with a programme of phasing which has first been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the development of the estate proceeds in an orderly manner.
3. The development hereby approved shall only be carried out in strict accordance with details of the materials to be used on the external walls, roofs, doors and windows of the proposed building(s) which shall first have been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting
4. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):
 - existing and finished ground levels in relation to a fixed datum preferably ordnance
 - existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - location and design, including materials, of walls, fences and gates – including any plot boundary treatments.
 - soft and hard landscaping works, including thickening of the tree belts towards the B7062, around the internal access track entrance to the site, south of the Hub House and individual small groups of tree planting within the development.
 - existing and proposed services such as cables, pipelines, sub-stations
 - other artefacts and structures such as street furniture, play equipment
 - A programme for completion and subsequent maintenance the structure planting to be carried out during the first planting season following development commencement.Reason: To ensure the satisfactory form, layout and assimilation of the development.
5. No chalet forming part of the development shall be occupied until the access junction has been completed in accordance with the approved plan (PL)15

and roads and parking areas shown on the approved plans have been completed to a specification and design firstly submitted to, and agreed in writing by, the Local Planning Authority and in accordance with any phasing plan agreed. The visibility splays at the junction to be maintained free from obstruction in perpetuity.

Reason: To ensure that adequate access to the site for pedestrians and vehicles is provided and is at all times properly maintained.

6. No development is to commence until a report, by a suitably qualified person, has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surrounding supplies or properties. The provisions of the approved report shall be implemented prior to the occupation of the building(s)/dwellinghouse(s) hereby approved.

Reason: To ensure that the development is adequately serviced with water without a detrimental effect on the water supplies of surrounding properties.

7. No development to be commenced until fully detailed design proposals for foul and surface water drainage have been submitted to and approved by the Planning Authority.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

8. The occupation of all chalets, including the Hub House, shall be restricted to genuine holidaymakers for individual periods not exceeding 4 weeks in total within any consecutive period of 13 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.

Reason: A permanent residential site in this location would conflict with the established planning policy for this rural area.

9. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Archaeological Evaluation. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to conduct a programme of evaluation prior to development. This will include the below ground excavation of evaluation trenches and the full recording of archaeological features and finds. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered the nominated archaeologist(s) will contact the Archaeology Officer for further consultation. The developer will ensure that any significant data and finds undergo post-excavation analysis, the results of which will be submitted to the Planning Authority

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

10. No development to be commenced until further details are submitted to and approved by the Planning Authority in relation to on-site lighting and any

additional footpaths. Once approved, the development shall only take place in strict accordance with those details.

Reason: To safeguard the visual amenity of adjoining residential properties and the wider rural area.

11. No development to be commenced until a Construction Method Statement has been submitted to, and approved by, the Planning Authority relating to all works proposed and access to facilitate the works. Once approved, the development then to proceed in accordance with the Statement.

Reason: To safeguard natural heritage interests in the area.

12. The Hub House to provide ground floor accommodation only as shown on the approved plan (C) 01.4. Any proposal to create an upper floor for habitable accommodation will require the submission of a new planning application.

Reason: To ensure that the access, parking, drainage and water supply can accommodate any potential increase in accommodation.

Informatives

1. Any further expansion of holiday accommodation would require a new planning application and this would need to be assessed against the various constraints identified during consideration of the current application, including visual and landscape impact, impact on archaeology, listed buildings, existing houses, infrastructure, road access etc.

2. This consent does not include any permissions for on-site advertisements, signage and any additional facilities which may require buildings such as bike storage, toilets and any other facilities. You should contact the Planning Authority to discuss such proposals which may still require the submission of an application for Advertisement Consent and planning permission.

DRAWING NUMBERS

- (PL)12 REV B Proposed Site Plan
- (C) 01.3 Proposed Chalet Plans 2 & 4 person
- (C) 01.4 Proposed Chalet Plans 8 person
- (PL)101 Site Location Plan
- (PL)15 Proposed Site Entrance Improvements
- (PL)100 Proposed Site Sections

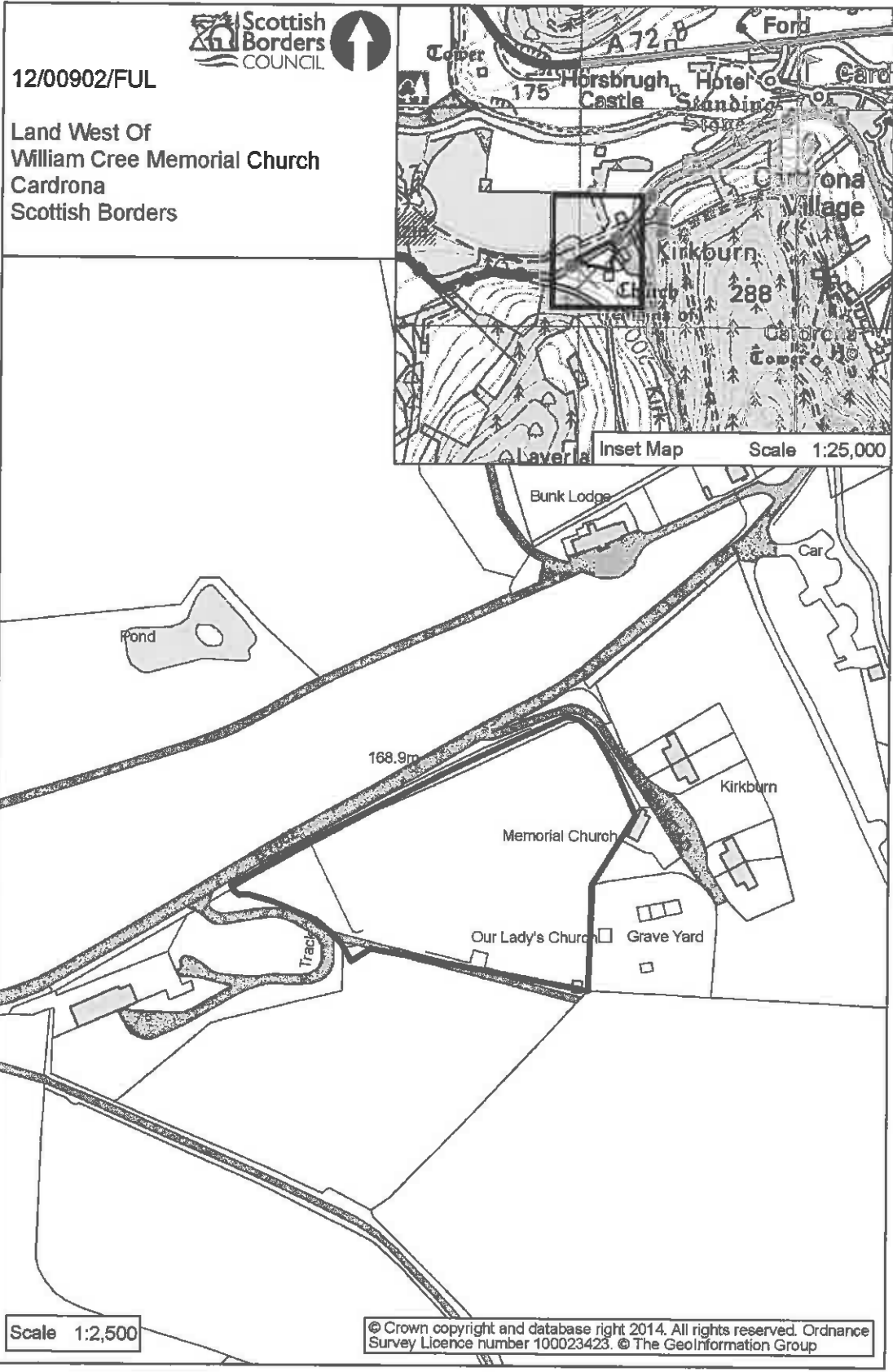
Approved by

Name	Designation	Signature
Brian Frater	Service Director (Regulatory Services)	

The original version of this report has been signed by the Service Director (Regulatory Services) and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Craig Miller	Principal Planning Officer



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations
2013**

Application for Planning Permission

Reference : 15/00965/FUL

To : Cleek Lodges Ltd The Tractor Shed Kirkburn Cardrona Scottish Borders EH45 9HU

With reference to your application validated on **17th August 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of 8 No holiday lodges and 1 No hub-house (revision to previous consent 12/00902/FUL)

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

The Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997, subject to the following direction:

- That the development to which this permission relates must be commenced within three years of the date of this permission.

And subject to the conditions on the attached schedule imposed by the Council for the reasons stated

**Dated 6th May 2016
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 15/00965/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
196 20 REVISION B	Block Plans	Submitted
196 21 REVISION A	Floor Plans	Submitted
196 22 REVISION B	Elevations	Submitted
196 23 REVISION B	Elevations	Submitted

REASON FOR DECISION

The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed buildings will be prominent in height, elevation and visibility within the landscape, particularly from the B road and the houses at Kirkburn adjoining the site and will have a significant detrimental impact on the character and quality of the designated landscape.

The application is contrary to Policies BE1 and BE2 of the Scottish Borders Consolidated Local Plan 2011 in that the proximity and scale of Lodge Nos. 7 and 8 will have an adverse impact on the setting of the Category B Listed Building of the former Wm Cree Memorial Church and the archaeological sites of Our Lady's Church and Churchyard adjoining the application site.

SCHEDULE OF CONDITIONS

- 1 The development hereby approved shall only be carried out in strict accordance with a programme of phasing which has first been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the development proceeds in an orderly manner.

- 2 The development hereby approved shall only be carried out in strict accordance with details of the materials to be used on the external walls, roofs, doors and windows of the proposed building(s) which shall first have been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting

- 3 No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):
 - o existing and finished ground levels in relation to a fixed datum preferably ordnance
 - o existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - o location and design, including materials, of walls, fences and gates - including any plot boundary treatments.
 - o soft and hard landscaping works, including thickening of the tree belts towards the B7062, around the internal access track entrance to the site, south-east of the Hub House and individual small groups of tree planting within the development.
 - o existing and proposed services such as cables, pipelines, sub-stations
 - o other artefacts and structures such as street furniture, play equipment

- o A programme for completion and subsequent maintenance the structure planting to be carried out during the first planting season following development commencement.
Reason: To ensure the satisfactory form, layout and assimilation of the development.
- 4 No chalet forming part of the development shall be occupied until the access junction has been completed in accordance with the approved plan under consent reference 15/01206/FUL and roads and parking areas shown on the approved plans have been completed to a specification and design firstly submitted to, and agreed in writing by, the Local Planning Authority and in accordance with any phasing plan agreed. The visibility splays at the junction to be maintained free from obstruction in perpetuity.
Reason: To ensure that adequate access to the site for pedestrians and vehicles is provided and is at all times properly maintained.
- 5 No development is to commence until a report, by a suitably qualified person, has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surrounding supplies or properties. The provisions of the approved report shall be implemented prior to the occupation of the building(s)/dwellinghouse(s) hereby approved.
Reason: To ensure that the development is adequately serviced with water without a detrimental effect on the water supplies of surrounding properties.
- 6 No development to be commenced until fully detailed design proposals for foul and surface water drainage have been submitted to and approved by the Planning Authority.
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.
- 7 The occupation of all chalets, including the Hub House, shall be restricted to genuine holidaymakers for individual periods not exceeding 4 weeks in total within any consecutive period of 13 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.
Reason: A permanent residential site in this location would conflict with the established planning policy for this rural area.
- 8 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Archaeological Evaluation. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to conduct a programme of evaluation prior to development. This will include the below ground excavation of evaluation trenches and the full recording of archaeological features and finds. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered the nominated archaeologist(s) will contact the Archaeology Officer for further consultation. The developer will ensure that any significant data and finds undergo post-excavation analysis, the results of which will be submitted to the Planning Authority
Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

- 9 No development to be commenced until further details are submitted to and approved by the Planning Authority in relation to on-site lighting and any additional footpaths. Once approved, the development shall only take place in strict accordance with those details.
Reason: To safeguard the visual amenity of adjoining residential properties and the wider rural area.
- 10 No development to be commenced until a Construction Method Statement has been submitted to, and approved by, the Planning Authority relating to all works proposed and access to facilitate the works. Once approved, the development then to proceed in accordance with the Statement.
Reason: To safeguard natural heritage interests in the area.
- 11 Notwithstanding the details indicated on the approved drawings, no development shall be commenced until revised plans have been submitted to, and approved by, the Planning Authority relating to a revised design of all chalets and the hub house, reducing the eaves heights and also reducing the ridge heights. There should be no ridge height increase. Once approved, no development shall proceed except in strict accordance with the approved details.
Reason: To minimise the visual impact of the proposed development and to safeguard the visual amenity of the area and the quality of the locally designated Special Landscape Area.
- 12 No development to be commenced until an air screening assessment has been carried out and the results submitted to, and agreed by, the Planning Authority.
Reason: To safeguard air quality in the local area.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

- 1 This consent does not include any permissions for on-site advertisements, signage and any additional facilities which may require buildings such as bike storage, toilets and any other facilities. You should contact the Planning Authority to discuss such proposals which may still require the submission of an application for Advertisement Consent and planning permission.
- 2 With regard to Condition 11, upper floors can remain but the rooms should be coombed and the eaves of the buildings lowered to increase the roof pitch angles and reduce the amount of wall visible. The split mono-pitched design could still be used or, alternatively, dual pitched with rooflights or dormer structures. In all cases, ridge heights should be lower than shown.
- 3 The Environmental Health Officer recommends the following:

Private Drainage System
Private drainage systems often cause public health problems when no clear responsibility or access rights exists 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.

Water Supply

As the proposal may result in the general public consuming the water from the private water supply, the supply will be classed as a Type A. This will mean that the supply will be subjected to annual water testing and a risk assessment of the supply. The applicant should contact an Environmental Health Officer before becoming operational to discuss testing of the water.

Air Quality

In order to allow an air screening assessment to be carried out the applicant can carry one out using the biomass unit conversion and screening tool at <http://iaqm.co.uk/guidance/>

Alternatively if the following information is provided the screening calculation will be carried out for you:

1. Flue diameter
2. Flue Height
3. Make and model of the boiler
4. Size of boiler (Kw)
5. Thermal efficiency of the boiler
6. Type of fuel to be used (pellets, chips etc)
7. The height and width of the building the boiler will be housed in
8. The height and width of any building within a distance of 5 times the stack height
9. Emission Factor PM10
10. Emission Factor NOx

Where manufacturer's Emission Factors are unavailable, A notional value derived from Guidance will be used.

Biomass

All combustion plant and associated flues should be maintained and serviced in accordance with the manufacturer's recommendations.

The combustion plant should only use fuel of a type and grade as specified by the manufacturer and which has been used for the basis of the air quality assessment.

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

Notice of Initiation of Development

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is enclosed with this decision notice for this purpose.

Notice of Completion of Development

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH
THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD
Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/00965/FUL

APPLICANT : Cleek Lodges Ltd

AGENT :

DEVELOPMENT : Erection of 8 No holiday lodges and 1 No hub-house (revision to previous consent 12/00902/FUL)

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 20 REVISION B	Block Plans	Submitted
196 21 REVISION A	Floor Plans	Submitted
196 22 REVISION B	Elevations	Submitted
196 23 REVISION B	Elevations	Submitted

NUMBER OF REPRESENTATIONS: 3

SUMMARY OF REPRESENTATIONS:

Roads Planning:

The principle of holiday accommodation at this location has been established through the previous consent 12/00902/FUL. The current proposal is for a revision of the previous application. As such I have no objections to the principle. However, the current application does not appear to have included details of the junction onto the public road. This was previously covered by drawing PL 15 and condition 5 of the previous consent and I shall require a similar detail submitted, and condition attached to any approval for the current application.

Economic Development:

Economic Development had no objection to the original application however we cannot further comment on the revised application without the following information:

o Sight of a full and detailed up to date Business plan which should include financial forecasts and a marketing plan. We cannot give any kind of clear steer on this application without the correct information at this stage.

Environmental Health:

Amenity and Pollution

Assessment of Application

Air Quality
Drainage Arrangements
Water supply

This Application includes proposals to erect 6 No holiday lodges and a hub house.

The proposals indicate the presence of biomass combustion equipment. This can be a source of air quality and odour problems if not properly installed and maintained.

This Application proposes to use a private drainage system.

The applicant has not indicated on the application form how the dwelling will be serviced with drinking water.

Any house that does not have an adequate piped supply of wholesome water within the property will fail the tolerable standard as defined by Section 86 of the Housing (Scotland) Act 1987.

If the dwelling is to be serviced by a private water supply the applicant will need to provide details to demonstrate that the supply will be adequate for the size of the dwelling and not affect supplies in the vicinity. In order to do this the application should provide the following information:

1. The type of supply ie borehole, spring, well etc
2. The location of the source by way of an 8 digit reference number.
3. Details of other properties on the supply (if the supply is an existing one)
4. Estimated volume of water that the supply will provide (details of flow test)
5. Evidence that this supply will not have a detrimental effect on supplies in the area
6. Details of any emergency tanks
7. Details of treatment to be installed on the system.
8. Details of any laboratory tests carried out to ensure the water is wholesome.

For information, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to one cubic metre (or 1000 litres) of water per day for every five persons who will be using the supply. It is the provision of this quantity that must be ensured and, as such, water storage facilities may be necessary for this purpose. In addition, when designing storage facilities, the minimum recommended capacity is three day's worth of supply, in order to allow for supply interruption/failure.

If the dwelling is serviced by a public water supply then the applicant should provide written communication from Scottish Water indicating that the development will be accepted on to their supply.

Air Quality

In order to allow an air screening assessment to be carried out the applicant can carry one out using the biomass unit conversion and screening tool at <http://iaqm.co.uk/guidance/>

Alternatively if the following information is provided the screening calculation will be carried out for you:

1. Flue diameter
2. Flue Height
3. Make and model of the boiler
4. Size of boiler (Kw)
5. Thermal efficiency of the boiler
6. Type of fuel to be used (pellets, chips etc)
7. The height and width of the building the boiler will be housed in
8. The height and width of any building within a distance of 5 times the stack height
9. Emission Factor PM10
10. Emission Factor NOx

Where manufacturer's Emission Factors are unavailable, A notional value derived from Guidance will be used.

Recommendation

Further information required before Application can be determined.

Conditions

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 development should commence until the applicant has provided evidence that the site will be serviced by a wholesome supply of drinking water of adequate volume. The supply should not have a detrimental effect on other private water supplies in the area.

Reason: To ensure that the site is adequately serviced without a detrimental effect on the water supplies of surrounding properties.

Informative

Private Drainage System

Private drainage systems often cause public health problems when no clear responsibility or access rights exists 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.

Water Supply

As the proposal may result in the general public consuming the water from the private water supply, the supply will be classed as a Type A. This will mean that the supply will be subjected to annual water testing and a risk assessment of the supply. The applicant should contact an Environmental Health Officer before becoming operational to discuss testing of the water.

Biomass

All combustion plant and associated flues should be maintained and serviced in accordance with the manufacturer's recommendations.

The combustion plant should only use fuel of a type and grade as specified by the manufacturer and which has been used for the basis of the air quality assessment.

Landscape Architect:

Description of the Site

The site is currently an agricultural field immediately to the west of William Cree Church, its churchyard, and several residential properties served by the same access off the minor road between Cardrona and Peebles to the south of the River Tweed. The site is wholly within the designated Tweed Valley Special Landscape Area (SLA) and as such merits a high level of protection against inappropriate development. Kailzie, immediately to the north on the other side of the minor road, is included on the Inventory of Gardens and Designed Landscapes in Scotland, noted for its inner parkland policies which contain a large walled garden, a wild garden and a range of mainly 19th century estate buildings.

The field is steeply sloping down to the north, with a steep embankment down to the minor road which limits views into the site from the road. The entrance to the site has been achieved by rather crude earthworks. The woodland on the north side of the minor road offer valuable screening to the lower part of the site from the main road (A72) on the other side of the valley.

Nature of the Proposal

The proposal is for 8no holiday lodges and 1no hub-house on part of a bigger site that has consent for nine holiday lodges, including an activity centre.

Implications of the Proposal for the Landscape including any Mitigation

My comments relate to this application although they have been judged alongside the adjacent application (15/00831/FUL - for 6 sheds and laundry building).

I have concerns about this application for the following reasons:

1. This application locates the lodges in a straight row and in very close proximity to each other - no effort has been made to create an attractive layout that reflects the rural nature of the site. It would appear the applicant has gone for a layout that maximises the number of lodges at the expense of the layout.
2. The lodges - compared to the consented scheme - have been moved more than 10m further north with the result that a meaningful structure planting belt of trees is no longer achievable and this, coupled with a ridge height to the north elevation of almost 7m, means that the lodges will be highly visible and visually intrusive when seen from the B7062
3. As well as being significantly reduced, the tree belt along the north eastern boundary has been moved right out to the boundary which could result in it impacting on the former William Cree Memorial Church and the adjacent residential properties.
4. I have concerns about the entrance detail - I do not consider a dwarf retaining wall in concrete block is appropriate in this rural location. I suggest that in order to address level changes the retaining structure should be a drystone wall reinforced bank (displaying a 5-15% batter rather than vertical) built onto a concrete foundation.

Conclusion

I suggest that the applicant should reconsider the layout, reducing the number of units and arranging them so that they offer a greater level of amenity and address my concerns about visibility from the adjacent public road.

I do not support this application in its current form.

Description of the Site

The site is currently an agricultural field immediately to the west of William Cree Church, its churchyard, and several residential properties served by the same access off the minor road between Cardrona and Peebles to the south of the River Tweed. The site is wholly within the designated Tweed Valley Special Landscape Area (SLA) and as such merits a high level of protection against inappropriate development. Kailzie, immediately to the north on the other side of the minor road, is included on the Inventory of Gardens and Designed Landscapes in Scotland, noted for its inner parkland policies which contain a large walled garden, a wild garden and a range of mainly 19th century estate buildings.

The field is steeply sloping down to the north, with a steep embankment down to the minor road which limits views into the site from the road. The entrance to the site has been achieved by rather crude earthworks. The woodland on the north side of the minor road offer valuable screening to the lower part of the site from the main road (A72) on the other side of the valley.

Nature of the Proposal

The proposal is for 8no holiday lodges and 1no hub-house on part of a bigger site that has consent for nine holiday lodges, including an activity centre. An amended layout has altered the location of the hub house bringing it right next to the entrance and moving the lodges around to utilise the gap, also moving them slightly to reduce the very rigid nature of their layout.

Implications of the Proposal for the Landscape including any Mitigation

My comments relate to this application although they have been judged alongside the adjacent application (15/00831/FUL - for 6 sheds and laundry building).

I have concerns about this amended layout for the following reasons:

1. This application still locates the lodges in very close proximity to each other - very little effort has been made to create an attractive layout that reflects the rural nature of the site. The applicant still has gone for a layout that maximises the number of lodges at the expense of the layout.
2. The lodges - compared to the consented scheme - still remain about 10m further north than the original lodges location, with the result that a meaningful structure planting belt of trees is no longer achievable and this, coupled with a ridge height to the north elevation of almost 7m, means that the lodges will be highly visible and visually intrusive when seen from the B7062
3. As well as being significantly reduced, the tree belt along the north eastern boundary is still shown right out to the boundary which could result in it impacting on the former William Cree Memorial Church and the adjacent residential properties.
4. The entrance detail has been improved with some effort being made to create a more vernacular style but this could be improved further.

Conclusion

As suggested in my comments of 16th October to the original layout, the applicant should reconsider the layout, reducing the number of units and arranging them so that they offer a greater level of amenity and address my concerns about visibility from the adjacent public road.

I do not support this application in its current form.

My comments relate only to this application although they have been judged alongside the adjacent application (15/00831/FUL - for 6 sheds and laundry building).

I still have concerns about the layout for the following reasons:

1. The increased size of the lodges (from those originally consented) means that they are taller buildings in close proximity to each other, making screening from sensitive receptors more difficult.
2. The lodges - compared to the consented scheme - are still located further north than the original lodges location, and although a further 5m of screen planting has been added, if the sections are reasonably accurate, there is going to be a period of 10+ years when the lodges will be fully visible from the public road.
3. The tree belt along the north eastern boundary is still shown right out to the boundary which may mean that, in the future, it will impact on the former William Cree Memorial Church and the adjacent residential properties.

Conclusion

I consider the increased size, especially the increased height needed to achieve a two storey lodge, is not appropriate for this site and could have a disproportionate visual impact on the immediate area. A scheme that more closely reflects the scale and size of the previously consented lodges, i.e. single storey lodges, would be more appropriate. The amended layout shows a woodland screen planting belt of 13 -15m width which will in time filter views to the lodges, but given the sensitive nature of the site in the Tweed Valley SLA, a detailed tree planting scheme showing a minimum planting width of 13m along the north boundary and to the east, south and west should be a condition of any consent and should include a full planting, establishment and maintenance specification to ensure that these mitigation measures are successful.

Archaeology Officer:

Thank you for requesting an archaeology consultation. While I have no additional comments to those made with respect to the current consented development, which remain valid, I do have concerns about the movement of the hub house to the area north of the site of Our Lady's Church and burial ground in the revised .

This site was formerly a Scheduled Monument until earlier this year. It's de-scheduling indicates that it should now be considered a regionally significant site. The movement of the larger hub house in the

revised plan may present a greater impact to the setting of the churchyard than the current consented location. This is due to its scale relative to the current and consented structures in the area. While I am concerned, the information in the planning application is insufficient to judge the potential impacts. I would therefore request at least a wireframe visualisation showing the proposed revision from the centre of the churchyard. It would be helpful if this were also presented with a wireframe showing the consented developments to the north and west of the churchyard for comparison.

I will be very happy to comment further if this information is supplied.

To mitigate direct impacts, the archaeological evaluation condition on the existing consent remains valid.

I have reviewed the revised drawings and remain concerned that the changes may still pose an adverse impact to the setting of Our Lady's Church ruins and churchyard. Specifically, the changes to the planting from the consented development which effectively screened the development from the churchyard has been eroded by the current proposal, with the hub house much closer to the churchyard boundary than the consented holiday cottages. However, as in my previous comments, I would appreciate the opportunity to review this through some form of visualisation such as a wireframe of the development from the churchyard.

In design terms, it may be worth considering moving the hub house into the open space shown on the plan. The open space could then be moved into the space occupied by the hub house on the plan forming an effective barrier between the churchyard and development. This would also allow more space for screen planting as has been consented.

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.

ASSESSMENT OF PROPOSALS

I recognise that the site layout has been amended since its original submission back in August; the "hub building" which was originally to be located near to the former chapel has now been relocated nearer to the entrance and the layout of the lodges in the revised scheme has been changed. There is a history of previous applications on this site and the approved application 12/00902/FUL proposed to have a much greater separation between the proposed lodges and the former chapel and Kirkburn.

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).

The lodges are quite high, being two storey and roof - with the monopitch roof seemingly being shown to run against the natural contours of the site; i.e the tallest part of the roof being on the downhill side rather than being on the uphill side; perhaps this could be reviewed as it would lessen the impact of the lodges when viewed from the valley.

Whilst the proposals will not impact directly on the approach view of the former chapel from the access road assuming that the screening planting is implemented on site, I consider it important that an adequate "buffer" zone is created to the W and SW of the former chapel, which should incorporate planting to provide a degree of visual screening between the new development and the former chapel. The current scheme is significantly different to the approved scheme 12/00902/FUL with the proposed buffer zone on that scheme reduced significantly. I consider that the buffer zone must be increased

from that proposed in the current application and appreciate that may mean revising the current layout to omit the sites for lodges 7 and 8 (these could possibly be relocated on the S side of the road).

RECOMMENDATION / RECOMMENDED CONDITIONS.

I have concerns about the proposals as currently submitted in terms of their impact on the setting of the B listed small scale former Chapel. I cannot support the proposals as currently proposed without an increased "buffer zone" to separate the development from the former chapel. In addition I have some concerns about the detailed design of the lodges with their mono pitch roofs running against the natural contours of the ground.

SEPA:

We have no objection to this planning application. Please note the advice provided below.

Advice for the planning authority

1. Foul Drainage

1.1 As agreed with you, we have considered the foul drainage from this proposal along with that which will arise from the adjacent proposal (15/00831/FUL). We remain satisfied that the foul drainage proposal (a suitably sized packaged treatment plant discharging to the Kirkburn, subject to Controlled Activities Licensing (CAR) requirements) is potentially consentable and as such we have no objection to the proposal.

1.2 The applicant should liaise with Alan Church in our Galashiels office with regard to licensing of the package treatment plant.

2. Surface Water Drainage

2.1 The discharge of surface water to the water environment should be in accordance with the principles of the SUDS (Sustainable Drainage Systems) Manual (C697) published by CIRIA.

2.1 Comments from Scottish Water and, where appropriate, the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought on the SUDS strategy in terms of water quantity/flooding and adoption issues.

2.2 Surface water drainage from the construction phase should also be dealt with by SUDS. Such drainage should be in accordance with C648 and C649, both published by CIRIA. It should be noted that oil interceptors are not considered SUDS in their own right but are beneficial as part of the treatment train.

Regulatory advice for the applicant

3. Regulatory requirements

3.1 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at: Burnbrae, Mossilee Road, Galashiels, TD1 1NF, tel 01896 754797

Many thanks for confirming this. If this is the case and there is no specific reason for the reconsultation then SEPA have no further comments to make on this planning application. All comments within our response dated 15 September 2015 are still applicable.

Scottish Water: Response awaited

Visit Scotland: Response awaited

Peebles and District Community Council:

We remain concerned that so little progress has been made with regard to the development of this site, despite approval of the original proposal in November 2014.

We note that a range of issues remain unresolved in the context of this revised application, that current proposals seem to fall short of the form that was subject to the earlier approval, and that crucially the changes in structure and layout of the site have not yet been reflected in provision of an updated and detailed business plan.

Until further resolution of outstanding issues is progressed further we feel unable to comment on these revised proposals.

Objections have been received from three adjoining properties on the following grounds:

Concerned at the ownership divisions and how this could impact on control of development and conditions.

Diminution of landscaping considered necessary for the approved chalet development, weakening screening towards building group.

Large increase in footprint, resulting in greater traffic and footfall generation and impacts on local community, especially with greater proximity to hub house.

Inappropriate encroachment on the listed church, churchyard and building group by the hub-house

Upon receipt of revised plans, all three objections maintained, pointing out that the hub house has simply swapped with two large chalets, same concerns over noise and reduced screening. Also point out the confusion caused by different ownerships and companies and the added concerns of the Heritage Officer over impacts on the listed Wm Cree former church.

PLANNING CONSIDERATIONS AND POLICIES:

Consolidated Scottish Borders Local Plan 2011

Policy G1 Quality Standards for New Development

Policy BE1 Listed Buildings

Policy BE2 Archaeological Sites and Ancient Monuments

Policy NE4 Trees Woodlands and Hedgerows

Policy NE5 Development affecting the Water Environment

Policy EP2 Areas of Great Landscape Value

Policy H2 Protection of Residential Amenity

Policy Inf4 Parking Provisions and Standards

Policy Inf5 Waste Water Treatment Standards

Policy Inf9 Development Within Exclusion Zones

Policy Inf11 Developments that Generate Travel Demand

Policy D1 Business, Tourism and Leisure Developments in the Countryside

Proposed Local Development Plan 2013

PMD1 Sustainability

PMD2 Quality Standards

ED7 Business, Tourism and Leisure Development in the Countryside

HD3 Protection of Residential Amenity

EP5 Special Landscape Areas

EP7 Listed Buildings

EP8 Archaeology

EP13 Trees, Woodlands and Hedgerows

EP15 Development Affecting the Water Environment

IS7 Parking Provisions and Standards

IS9 Waste Water treatment Standards and Sustainable Urban Drainage

IS12 Development Within Exclusion Zones

OTHER PLANNING CONSIDERATIONS:

"Local Landscape Designations" SPG - Special Landscape Area 2 "Tweed Valley"

Scottish Borders Tourism Strategy Action Plan 2008

South of Scotland Competitiveness Strategy 2007-13

"Placemaking and Design" SPG

"Landscape and Development" SPG

Recommendation by - Craig Miller (Lead Planning Officer) on 3rd May 2016

Planning permission is in place for a chalet development on this field at Kirkburn, granted by the Committee in November 2014. The approval was for 9 chalets totalling 16 bedrooms and was designed around a single access road with planting wrapped around three sides. The consent was subject to a number of conditions including phasing, access improvements, water, drainage, occupancy etc. An important condition related to landscaping where it was felt that thickening of areas was necessary, especially towards the B road and at the western/southern ends of the development. The development was supported by a Business Plan which was carefully considered and accepted by the Committee.

The current proposals are to seek more holiday chalet development within the original application site, submitted in two separate applications by different companies. The applications involve more land-take within the red lined boundary at the expense of landscaping generally. This application is on the majority of the field previously consented and seeks to achieve chalets of larger size and accommodation. It is seen as an alternative to the consented layout 12/00902/FUL.

The initial layout showed a row of eight holiday chalets between the internal access road and the B road with a Hub House at the eastern end nearest the former Wm Cree Memorial Church. The chalets are much larger than the previous two bedroomed versions, providing four bedrooms across two full floors with additional living accommodation. They were designed with monopitched sedum roof, the full elevation facing north onto the B road. The walls would be predominantly larch clad with roughcast piers at the wall edges. The hub house contains six double bedrooms with additional communal facilities.

It is important to note that the amount of accommodation has risen significantly as a result of the revised mix of chalets, resulting in larger units which all rival the size of the previously consented hub house. They are also placed closer together in a rigid row and are proposed much nearer the B road and the Kirkburn building group at the eastern end.

When processing adjoining applications for various agricultural buildings, tree height surveys were submitted and it was generally accepted that the site above that proposed for these sheds may have some potential for buildings, provided they were dug into the ground and ridge heights were less than 5m. It was considered that any visibility of such buildings from across the valley would be minimal and only the very upper part of any roof structure in any case. The previous consented layout demonstrated a hub house at about 7.3m apex height with the remainder of the chalets at lower heights and spaced further apart. Whilst it is unlikely that the revised plans would result in increased visibility from the A72 (due to them being no higher than 7.3m and positioned on lower contours), there was significant concern about the landscape impacts at a more local level and the attendant impacts on the adjoining Kirkburn building group, the listed former church and the archaeological interest at the churchyard.

The applicant was written to with concerns expressed in detail as follows:

"1. The two revised plans now result in an increase in bedrooms from 16 previously proposed to 44, with 8 lodges containing 4 bedrooms and the hub house increased to 6. You have clearly identified a demand for increased numbers of bedrooms and larger accommodation units, albeit it is recognized that you have proposed six single bedroomed chalets as well. Given the large increase in accommodation, please provide information in the form of a Business Plan or other supporting information to support the increased numbers and enlarged units at this location.

2. The increased size of the eight lodges along the northern edge of the development and their increase to two storey has led to an overdeveloped, denser arrangement less suited to the attractive rural area in which the development is situated and less appropriate than the approved arrangement. The repeated 3-4m gaps between two storey gables without planting presents a more urbanized visual environment from both inside the site and from the adjoining B-road. Furthermore, the planting belt to be developed along the B-road was required to be thickened up by planning condition on the previous approval and, yet, the new proposal reduces it both by creating garden areas and moving the chalets significantly nearer the B-road than previously approved.

3. The impacts of the increased size and relocation of the northernmost chalets has led to objections from the Landscape Architect (enclosed) and you are requested to consider reductions in density and improvements in landscaping to overcome these concerns (see comments below re hub house). You should perhaps also consider amendments to the parking alignment alongside the chalets to move them back towards their approved positions, thereby allowing increased planting proposals down towards the B-road.

The omission of a chalet or two would improve the spacings between them and enable the introduction of planting between them and in places along the internal access road.

4. None of the chalets have any FFLs or ridge heights and, whilst there are some contours and cross sections shown, there needs to be further information given for each chalet. It is clear from the cross sections A-A and B-B that the FFLs, and thus ridge heights, differ.

5. The siting of an enlarged hub house at the end of the development much closer (by 20m) to the converted church and houses at Kirkburn has led to objections from neighbouring proprietors who are concerned about the increased noise, activity and reduced buffer distances and landscaping. The Council Archaeologist has also expressed concern over the hub house moving closer to the adjoining archaeological site and has sought wireframe visualisations to show the impacts for him to consider. The Heritage Officer believes the size of the hub house and its movement so close to the listed former church will have a detrimental impact of dominance on the setting of the listed building. These impacts on the neighbouring properties, the listed building and the archaeological site determine that amendments to the layout and the position of the hub house are required to comply with Council Policies on rural tourism development and impacts on archaeology and tourism.

6. You should consider whether the hub house could be relocated in place of, and including the functions of the "Laundry/Admin" building. With ground excavation to road level, there would be less concerns over landscape and heritage impacts if the hub house was relocated and the remainder of the eastern end of the development could then be reorganized with more landscaping, movement of the car parking/turning and perhaps easement of the chalets eastwards by 10-15m partially into the "Service Area". In any case, the cutting required for the turning area seems to conflict with the "Laundry/Admin" building as proposed. Even if you consider such revisions, the Archaeologist would still require wireframe visualisations to satisfy any concerns over impacts on the archaeological site adjoining.

7. The amended design of the larger chalets and hub house are of concern within the rural setting, presenting full two storey faces to both the internal access road and the B-road. The shallow pitched roofs and roughcast piers, combined with the repeated two storey heights and rigid, congested layout would result in an arrangement less suited to the rural environment and less attractive as destination holiday accommodation. Whilst it is understood that you have been making attempts to keep ridge heights low, some coombing in upstairs rooms and dual pitched roofs would still be possible and improve the appearance of the larger units without any raising of ridge heights. I also cannot see what aesthetic benefit results from the roughcast piers and would suggest the units are entirely larch-clad. I welcome the sedum roofs although the current roof arrangement would only benefit the interior part of the scheme, given the monopitched slope."

Revised plans were submitted which made several adjustments, some of which were not suggested - notably the repositioning of the hub house back to the original consented position and replacement of the hub house with chalets moved across. (I had suggested the hub house be moved into the site on the position of the laundry/office building associated with 15/00831/FUL.) The rigid line of chalets has been altered slightly with two curves and the roughcast piers have been removed from the chalets. However, the significant concerns expressed over visibility from the B Road, the style of chalets, their density and the impacts on the sensitive buildings at the eastern end of the site had not been addressed. Of particular concern were the following unresolved issues:

The chalet positions remain at least ten metres further down the slope of the field towards the B road, resulting in less screening ability due to the alignment of the contours. Whilst some additional screening has been shown, the impacts on the B road will be much greater than the approved scheme and much more oppressive than it. The landscape impact will appear as poor containment of the development within the site and will be detrimental to the character of the local landscape within a recently designated Special Landscape Area. The Landscape Architect continues to object to the revised scheme on the basis that the chalet design had also not been altered.

The scale and size of the chalets was questioned in terms of the large increase in bedroom numbers and the applicant has chosen not to submit a revised Business Plan at this stage. Such a Business Plan was considered important to enable compliance with Policy D1 and to convince the Committee of the original scheme's acceptability. As the applicant states that he would only submit such a Plan once the development is up and running, the opportunity to convince the Department over the market need for such large chalets

and significantly increased numbers of bedrooms has not been taken. A revised Business Plan was not considered necessary to allow the six small holiday sheds (which will partially conflict in any case with the consented scheme and result in no increased numbers of bedrooms).

The dominance and rigidity of the scheme remains. The requests to lower eaves and apex heights through dual pitches have not been addressed and the development continues to present its sheer face to the B road. Roughcast piers have been removed but so have the sedum roofs which were not criticised. Overall, the lack of amendment to the design and the very slight amendment to the linearity have not overcome the expressed concerns over the dense and oppressive, almost urban, layout. This would look just as inappropriate from within the site as outwith it.

The dominance and overdevelopment of the site could have been reduced by the omission of a unit or two, also aimed at retracting the development from the eastern end of the site where it was appearing especially congested and dominant compared to the previous layout which had landscaped buffer in this area. The swapping of the hub house back to the consented position would have only worked if there had also been one or two chalets omitted as requested. This has not been done and the vacated hub house position has been replaced by repositioned chalets. There is a marginal improvement over the originally submitted layout but it does not compare favourably with the original consent. Neighbour objections remain at Kirkburn, the Archaeology Officer opposes the revised scheme and the Heritage Officer believes the impact on the listed Wm Cree Church to be unacceptable and detrimental to its setting.

For the above main reasons, the revised chalet scheme could not have been supported. It is not that the consented scheme is the only possible development but that the revisions and additional information sought by the Department to create an acceptable alternative scheme had, largely, not been taken. Some reduction in scale/number of buildings, redesign and repositioning on the site would be necessary, supported by a revised Business Plan at this stage, before any revised development could be supported. A scheme to tie in with the holiday sheds layout would be better sense for the development, albeit there will be no allowance for chalets significantly nearer the B Road than previously consented.

A number of the other comments made by consultees could have been dealt with by conditions, many repeating those attached on the earlier consent. These relate to access improvement, occupancy, water supply, drainage, lighting and noise

The above concerns were again relayed to the applicant and a further revised set of plans was submitted together with a Business Plan updated from the previous Plan submitted with the earlier consent. This time, the revised plans did the following:

- moved the hub house to a previously suggested position in the centre of the site.
- moved the lodges westwards by 11 m and straightened the row a little.
- a further minor movement of the lodges away from the B road by, at most, two metres.
- confirmation of an additional 5m area of planting along the B road boundary.
- reduction in scale and width of roadway and turning head.
- increase in spaces between lodges.
- changes to lodge design resulting in ridge reduction to 6m in favour of split-level monopitched.

The Business Plan was then submitted some time later with yet further revised plans which moved the hub house again back to a less acceptable position. These further revisions were not accepted and the applicant was told a new planning application would be necessary for these further revisions and that the Department would continue to determine the application based on the previous revised plans.

The revised plans brought in further reiterated objections from two of the neighbouring properties and concerns from the Community Council and Archaeology Officer. The latter refers largely to a thinning of landscaping which can actually be resolved through imposition of a detailed landscaping condition as per the original approval. The revised plan still gives space for additional planting to the former Churchyard boundary.

The Landscape Architect response reiterates concerns but believes that, with revised lodge height/design and securing detailed intervening planting, these concerns could be overcome. Given that the Business Plan has now been submitted and has been accepted by Economic Development, I am largely left with the chalet design remaining unacceptable - but not the actual footprint of the chalets. The main problem lies with the

upper floors of the chalets and hub house. Advice had previously been given that upper floors could prove acceptable if their appearance was less dominant in their design, perhaps through coombing of ceilings and lowering of the eaves lines. The ultimate ridge heights are 6m which are less than the hub house height previously approved by Committee but, until the intervening planting takes hold, impacts from the B road would be unfortunate and bulky without some eaves height reduction.

Given that all other matters have either been resolved or can be addressed by condition, it is considered that the precise design of the upper floor and roofs of the lodges and hub house can also be addressed by condition, preventing any development commencing until satisfactory designs have been submitted. If this lowers the ridgelines, then this would also be welcomed though not essential. The upper floor of the chalets possesses four bedrooms and two bathrooms over 65 square metres approximately. Some lowering of the eaves will not affect such accommodation whilst providing improvements in design and reduction in impact from the B road in particular. The roof material is less critical than the actual roof and chalet shape, subject to it being dark grey as proposed. The materials would be covered by condition.

Subject to a condition on chalet roof designs, the development can now be supported. Landscaping and other conditions will be carried through from the earlier consents for the main site and the adjoining holiday hut site.

REASON FOR DECISION :

The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed buildings will be prominent in height, elevation and visibility within the landscape, particularly from the B road and the houses at Kirkburn adjoining the site and will have a significant detrimental impact on the character and quality of the designated landscape.

The application is contrary to Policies BE1 and BE2 of the Scottish Borders Consolidated Local Plan 2011 in that the proximity and scale of Lodge Nos. 7 and 8 will have an adverse impact on the setting of the Category B Listed Building of the former Wm Cree Memorial Church and the archaeological sites of Our Lady's Church and Churchyard adjoining the application site.

Recommendation: Approved - conditions & informatives

- 1 The development hereby approved shall only be carried out in strict accordance with a programme of phasing which has first been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the development proceeds in an orderly manner.
- 2 The development hereby approved shall only be carried out in strict accordance with details of the materials to be used on the external walls, roofs, doors and windows of the proposed building(s) which shall first have been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting
- 3 No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):
 - o existing and finished ground levels in relation to a fixed datum preferably ordnance
 - o existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - o location and design, including materials, of walls, fences and gates - including any plot boundary treatments.
 - o soft and hard landscaping works, including thickening of the tree belts towards the B7062, around the internal access track entrance to the site, south-east of the Hub House and individual small groups of tree planting within the development.
 - o existing and proposed services such as cables, pipelines, sub-stations
 - o other artefacts and structures such as street furniture, play equipment

- o A programme for completion and subsequent maintenance the structure planting to be carried out during the first planting season following development commencement.
Reason: To ensure the satisfactory form, layout and assimilation of the development.
- 4 No chalet forming part of the development shall be occupied until the access junction has been completed in accordance with the approved plan under consent reference 15/01206/FUL and roads and parking areas shown on the approved plans have been completed to a specification and design firstly submitted to, and agreed in writing by, the Local Planning Authority and in accordance with any phasing plan agreed. The visibility splays at the junction to be maintained free from obstruction in perpetuity.
Reason: To ensure that adequate access to the site for pedestrians and vehicles is provided and is at all times properly maintained.
- 5 No development is to commence until a report, by a suitably qualified person, has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on surrounding supplies or properties. The provisions of the approved report shall be implemented prior to the occupation of the building(s)/dwellinghouse(s) hereby approved.
Reason: To ensure that the development is adequately serviced with water without a detrimental effect on the water supplies of surrounding properties.
- 6 No development to be commenced until fully detailed design proposals for foul and surface water drainage have been submitted to and approved by the Planning Authority.
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.
- 7 The occupation of all chalets, including the Hub House, shall be restricted to genuine holidaymakers for individual periods not exceeding 4 weeks in total within any consecutive period of 13 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.
Reason: A permanent residential site in this location would conflict with the established planning policy for this rural area.
- 8 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Archaeological Evaluation. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to conduct a programme of evaluation prior to development. This will include the below ground excavation of evaluation trenches and the full recording of archaeological features and finds. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered the nominated archaeologist(s) will contact the Archaeology Officer for further consultation. The developer will ensure that any significant data and finds undergo post-excavation analysis, the results of which will be submitted to the Planning Authority
Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.
- 9 No development to be commenced until further details are submitted to and approved by the Planning Authority in relation to on-site lighting and any additional footpaths. Once approved, the development shall only take place in strict accordance with those details.
Reason: To safeguard the visual amenity of adjoining residential properties and the wider rural area.
- 10 No development to be commenced until a Construction Method Statement has been submitted to, and approved by, the Planning Authority relating to all works proposed and access to facilitate the works. Once approved, the development then to proceed in accordance with the Statement.
Reason: To safeguard natural heritage interests in the area.

- 11 Notwithstanding the details indicated on the approved drawings, no development shall be commenced until revised plans have been submitted to, and approved by, the Planning Authority relating to a revised design of all chalets and the hub house, reducing the eaves heights and also reducing the ridge heights. There should be no ridge height increase. Once approved, no development shall proceed except in strict accordance with the approved details.
Reason: To minimise the visual impact of the proposed development and to safeguard the visual amenity of the area and the quality of the locally designated Special Landscape Area.
- 12 No development to be commenced until an air screening assessment has been carried out and the results submitted to, and agreed by, the Planning Authority.
Reason: To safeguard air quality in the local area.

Informatives

It should be noted that:

- 1 This consent does not include any permissions for on-site advertisements, signage and any additional facilities which may require buildings such as bike storage, toilets and any other facilities. You should contact the Planning Authority to discuss such proposals which may still require the submission of an application for Advertisement Consent and planning permission.
- 2 With regard to Condition 11, upper floors can remain but the rooms should be coombed and the eaves of the buildings lowered to increase the roof pitch angles and reduce the amount of wall visible. The split mono-pitched design could still be used or, alternatively, dual pitched with rooflights or dormer structures. In all cases, ridge heights should be lower than shown.
- 3 The Environmental Health Officer recommends the following:

Private Drainage System

Private drainage systems often cause public health problems when no clear responsibility or access rights exists 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.

Water Supply

As the proposal may result in the general public consuming the water from the private water supply, the supply will be classed as a Type A. This will mean that the supply will be subjected to annual water testing and a risk assessment of the supply. The applicant should contact an Environmental Health Officer before becoming operational to discuss testing of the water.

Air Quality

In order to allow an air screening assessment to be carried out the applicant can carry one out using the biomass unit conversion and screening tool at <http://iaqm.co.uk/guidance/>

Alternatively if the following information is provided the screening calculation will be carried out for you:

1. Flue diameter
2. Flue Height
3. Make and model of the boiler
4. Size of boiler (Kw)
5. Thermal efficiency of the boiler

6. Type of fuel to be used (pellets, chips etc)
7. The height and width of the building the boiler will be housed in
8. The height and width of any building within a distance of 5 times the stack height
9. Emission Factor PM10
10. Emission Factor NOx

Where manufacturer's Emission Factors are unavailable, A notional value derived from Guidance will be used.

Biomass

All combustion plant and associated flues should be maintained and serviced in accordance with the manufacturer's recommendations.

The combustion plant should only use fuel of a type and grade as specified by the manufacturer and which has been used for the basis of the air quality assessment.

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

REGULATORY SERVICES



To: **Development Management Service**
FAO Craig Miller

Date: 9 Jan 2017

From: **Roads Planning Service**
Contact: **Paul Grigor**

Ext: 6663

Ref: 16/01464/FUL

Subject: Erection of agricultural storage building with welfare accommodation
Field No. 0328, Kirkburn, Cardrona, Scottish Borders

Similar proposals for agricultural storage buildings in this area which are served by the same access have requested additional information regarding traffic movements, in order to assess the impact these proposals would have on the junction with the public road.

The current submission does not include any information on the number, type and frequency of vehicular movements associated with this 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.

AJS

Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	16/01464/FUL
Uniform Ref	16/02318/PLANCO
Proposal	Erection of agricultural storage building with welfare accommodation
Address	Field No 0328 Kirkburn Cardrona Scottish Borders
Date	5/12/16
Amenity and Pollution Officer	David A. Brown
Contaminated Land Officer	Reviewed – no comments.

Amenity and Pollution

Assessment of Application

Air Quality

Noise

Nuisance

This is an Application to erect an agricultural building including a workshop.
This has the potential to impact on adjacent occupiers.

Recommendation

No Objection subject to Conditions.

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 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 amenity of nearby properties.

PLANNING CONSULTATION

To: Economic Development Section

From: Development Management

Date: 23rd November 2016

Contact: Craig Miller ☎ 01835 825029

Ref: 16/01464/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 14th December 2016, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 14th December 2016, it will be assumed that you have no observations and a decision may be taken on the application.

Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.

Name of Applicant: Cleek Poultry Ltd

Agent: N/A

Nature of Proposal: Erection of agricultural storage building with welfare accommodation
Site: Field No 0328 Kirkburn Cardrona Scottish Borders

OBSERVATIONS OF: Economic Development Section

CONSULTATION REPLY

Economic Development cannot support the application for the erection of agricultural building and welfare accommodation in field no 0328, 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.

PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 23rd November 2016

Contact: Craig Miller ☎ 01835 825029

Ref: 16/01464/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 14th December 2016, if further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 14th December 2016, it will be assumed that you have no observations and a decision may be taken on the application.

Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.

Name of Applicant: Cleek Poultry Ltd

Agent: N/A

Nature of Proposal: Erection of agricultural storage building with welfare accommodation
Site: Field No 0328 Kirkburn Cardrona Scottish Borders

OBSERVATIONS OF: Archaeology Officer

CONSULTATION REPLY

Thank you for requesting an archaeology consultation. I can support the principle of this application. However, please see my consultation with respect to the consented development in this area. There are potential archaeological implications that can be mitigated. I recommend that Condition 9 of the existing consent covering this application site be carried forward.

PLANNING CONSULTATION

To: Landscape Architect

From: Development Management

Date: 23rd November 2016

Contact: Craig Miller ☎ 01835 825029

Ref: 16/01464/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 14th December 2016, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 14th December 2016, it will be assumed that you have no observations and a decision may be taken on the application.

Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.

Name of Applicant: Cleek Poultry Ltd

Agent: N/A

Nature of Proposal: Erection of agricultural storage building with welfare accommodation
Site: Field No 0328 Kirkburn Cardrona Scottish Borders

OBSERVATIONS OF: Landscape Architect

CONSULTATION REPLY

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 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 land to the south of the B7062.

Implications of the Proposal for the Landscape including any Mitigation

This application is for a shed on the sloping ground immediately to the south of the B7062. Due to the sloping nature of the field I am concerned that the shed will be visible locally from the B7062 immediately to the north of the field. The attractive juxtaposition of valley side pastoral farmland with mixed and coniferous forestry and woodland could potentially be undermined by the introduction of an industrial scale shed that will require substantial earth moving to achieve the required amount of level ground. I suggest that the

existing trees along the north boundary will not provide adequate screening for the shed.
Local Plan Policy EP2 requires developers to comply with Structure Plan policy N11 which states that *'In assessing proposals for development in AGLVs (replaced by SLAs in 2012), the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development.'*

Despite my concerns there is a precedent for development in this location.
As long as a robust screen planting scheme, that would help to integrate the development into the immediate landscape, is a condition of any approval, I would not be minded to object to this development.

Siobhan McDermott
LANDSCAPE ARCHITECT

LIST OF POLICIES

Local Review Reference: 17/00010/RREF

Planning Application Reference: 16/01464/FUL

Development Proposal: Erection of agricultural storage building with welfare accommodation

Location: Field No 0328 Kirkburn, Cardrona

Applicant: Cleek Poultry Ltd:

Scottish Borders Local Development Plan 2016**POLICY PMD2: QUALITY STANDARDS**

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

Sustainability

- a) In terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology,
- b) it provides digital connectivity and associated infrastructure,
- c) it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance,
- d) it encourages minimal water usage for new developments,
- e) it provides for appropriate internal and external provision for waste storage and presentation with, in all instances, separate provision for waste and recycling and, depending on the location, separate provision for composting facilities,
- f) it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

Placemaking & Design

- h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
- i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
- j) it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
- k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
- l) it can be satisfactorily accommodated within the site,
- m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
- n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

LIST OF POLICIES

Accessibility

- o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,
- p) it incorporates, where required, access for those with mobility difficulties,
- q) it ensures there is no adverse impact on road safety, including but not limited to the site access,
- r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,
- s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

Greenspace, Open Space & Biodiversity

- t) It provides meaningful open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
- u) it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements.

Developers are required to provide design and access statements, design briefs and landscape plans as appropriate.

POLICY ED7: BUSINESS, TOURISM AND LEISURE IN THE COUNTRYSIDE

Proposals for business, tourism or leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:

- a) the development is to be used directly for agricultural, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or
- b) the development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and, where relevant, it is in accordance with the Scottish Borders Tourism Strategy and Action Plan;
- c) the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the particular countryside location, and that it cannot be reasonably be accommodated within the Development Boundary of a settlement.

In addition the following criteria will also be considered:

- a) the development must respect the amenity and character of the surrounding area,
- b) the development must have no significant adverse impact on nearby uses, particularly housing,
- c) where a new building is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available, and where conversion of an existing building of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding,
- d) the impact of the expansion or intensification of uses, where the use and scale of development are appropriate to the rural character of the area,
- e) the development meets all other siting, and design criteria in accordance with Policy PMD2, and

LIST OF POLICIES

- f) the development must take account of accessibility considerations in accordance with Policy IS4.

Where a proposal comes forward for the creation of a new business including that of a tourism proposal, a business case that supports the proposal will be required to be submitted as part of the application process.

POLICY EP5: SPECIAL LANDSCAPE AREAS

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. Proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local importance.

EP8: ARCHAEOLOGY

(A) National Archaeological Sites

Development proposals which would destroy or adversely affect the appearance, fabric or setting of Scheduled Monuments or other nationally important sites will not be permitted unless:

the development offers substantial benefits, including those of a social or economic nature, that clearly outweigh the national value of the site, and there are no reasonable alternative means of meeting the development need.

(B) Battlefields

The Council may support development proposals within a battlefield on the Inventory of Historic Battlefields Register, or a regionally significant site, that seek to protect, conserve, and/or enhance the landscape characteristics or important features of the battlefield. Proposals will be assessed according to their sensitivity to the battlefield.

(C) Regional or Local Archaeological Assets

Development proposals which will adversely affect an archaeological asset of regional or local significance will only be permitted if it can be demonstrated that the benefits of the proposal will clearly outweigh the heritage value of the asset.

In all of the above cases, where development proposals impact on a Scheduled Monument, other nationally important sites, or any other archaeological or historical asset, developers may be required to carry out detailed investigations.

Any proposal that will adversely affect a historic environment asset or its appropriate setting must include a mitigation strategy acceptable to the Council.

OTHER MATERIAL CONSIDERATIONS

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

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