

**SCOTTISH BORDERS COUNCIL**

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

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 16/00494/FUL

**APPLICANT :** Cleek Poultry Ltd

**AGENT :**

**DEVELOPMENT :** Erection of poultry building and erection of alter, sacred well and stance for statue

**LOCATION:** Field No 0328  
Kirkburn  
Cardrona  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

---

**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
196 44	Elevations	Refused
196 42	Site Plan	Refused
196 43	Block Plans	Refused
196 45	Floor Plans	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

Roads Planning: Response awaited

Environmental Health:

Amenity and Pollution

Assessment of Application

Air quality

Noise

Nuisance

Private Water Supply

This is an Application for Consent to erect a poultry building and other structures.

Some of these activities have the potential to impact on public health and amenity.

A Environmental Statement should be provided for this proposal and should detail,

o A full description of all activities proposed on site.

- o An assessment of the impact of the proposed activities on the local environment with attention being given to emissions to land air and water (including noise). The Assessment should encompass cumulative impacts with other activities underway or having Planning Consent at this time.
- o An assessment of traffic impacts resulting from the Development and any cumulative impacts with other activities underway or having Planning Consent at this time.
- o Full details of water supply and drainage arrangements for the Development.
- o Details of proposed poultry numbers on site, including any existing poultry facilities.

#### Recommendation

Further Information Required Before Application is Determined

Landscape Architect: Response awaited.

Archaeology Officer:

Thank you for requesting an archaeology consultation on this application. I have previously responded to other applications for this site and those adjacent. I would particularly draw your attention to my comments made with respect to application 15/00522/FUL. These remain valid.

To summarise, there is no objection to the application, however I am concerned about potential cumulative impacts to the setting of the regionally significant churchyard to the west. In order to make an assessment of this potential impact I require:

- o A photomontage and wireframe from the churchyard showing the development
- o Photos from the development site towards the churchyard

In addition, my prior response recommended an condition for an archaeological evaluation prior to development.

Economic Development:

Economic development cannot support this application for the following reasons.

- o We will require sight of a business plan for the poultry business and cash flow projections.
- o The poultry industry is highly regulated. Clear Span steel framed poultry buildings with food safe linings are the preferred option for poultry production. The incorporation of facilities for raising drinkers and feeders (weighing, handling and loading facilities) to aid access for handling equipment would also have to be included in addition to adequate lighting, litter provision and ventilation. This re-submission of the application for poultry housing does not have enough detail for us to respond.

Economic development would suggest and would request clarification that advice is sought from qualified agricultural advisers/engineers prior to submitting drawings to ensure that they comply.

- o Economic development would also have concerns about the proximity of the poultry 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: Response awaited.

#### **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Local Development Plan 2016

Policy PMD2 Quality Standards

Policy EP5 Special Landscape Areas

Policy EP8 Archaeology

Policy ED7 Businesss, Tourism and Leisure Development in the Countryside

"Special Landscape Area 2 - Tweed Valley" - Supplementary Planning Policies

**Recommendation by** - Craig Miller (Lead Planning Officer) on 9th June 2016

This is a repeat application of a previously refused application for a poultry building and altar/base for statue. Whilst some elements are no longer part of the repeat application (the steel containers, water storage building and plunge pool), the poultry building is much higher and it is pertinent to run through the same assessment as carried out with the previous application, 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 a poultry shed for rare breed chickens, a bottling/pumping shed, ten steel poultry feed containers and a plunge pool/alter/base for statue. These will be positioned on the land at the entrance to the site half way up the access road and on the rising land to the south and above the holiday chalets site, stretching to the public road to Laverlaw to the rear. The site is sandwiched between the existing compound and the site proposed for the mushroom/rabbit,cattle court/hay store/silo competing proposals.

The poultry building will be erected off a new 3m access road to the south of the existing access track, on land above it. It will be 16m by 8m with an eaves height of 6m and a ridge height of 7.5m. It will be clad in larchlap boarding with a charcoal grey fibre roof and will possess one roller shutter door to the front and two other pedestrian doors. Staff quarters are shown at one end of the building consisting of a mezzanine rest room, toilet and kitchenette. The stated use of the building is as a poultry unit.

The proposals also involve Water Bottling and Pumping Building on land just above the entrance to the site, off the existing access road. This will be of similar finishes and height but with a lower eaves of 3.8m. It will be 10m by 6m and possesses one roller shutter door and one pedestrian door. Further proposals involve a series of ten 6m long steel poultry feed storage containers sited on a hardstanding adjoining the access road leading to the existing compound. A plunge pool, alter and statue base are also proposed on elevated land above the poultry building towards the Laverlaw Road. A series of solar panels are also proposed on the south-facing roofs of both proposed buildings.

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.

This background is important as it should be noted that the poultry building in particular, which is the subject of this application, is neither cut into the site nor is 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 or contour differences. Furthermore, unlike the proposed position of the mushroom/rabbit sheds, the poultry building will be sited on much higher land, judging by the detailed contour plan submitted as part of the revised mushroom sheds AGN. The contours appear at least 3-4m higher than where the mushroom/rabbit sheds are proposed. Even if similar levels of cut were proposed for the current poultry building application, the height of the building would still result in projection above the average known tree height by even more than the cattle court proposal, given the starting point of elevated contours. Even if the poultry shed was reduced in height from 7.5m to a similar height as the mushroom/rabbit sheds and cut into the site, the elevation above the average known tree height would still be of a degree which is significant and was considered unacceptable for the cattle court. This would have a major landscape impact, exacerbated by the bulk of the building with very high eaves. There is 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. Any excavation would also not be screened by the tree screen north of the road. There is also likely to be local impacts from the B7062 next to the site. These landscape impacts would also be exacerbated by the alter/pool/statue base which would be highly visible and unrelated, both visually and operationally to the farm holding and compound. The slope of the ground means that the poultry building and alter structure would be presented to public view to the north, rising up the hill to the Laverlaw Road and introducing intrusive elements into the hill slope. The effects would be contrary to the purposes of designating the Special Landscape Area in the first instance."

Although there has been no response from the Landscape Architect as yet, it is clear that her objections will remain as the proposed castellated building is even higher than the one previously refused. The prominence and elevation above the tree canopy will be significant and dominant, creating greater detrimental impact than the last design which was refused for landscape impact reasons. The building is 9-12 metres from current ground levels which, as the extract report states above, starts with higher ground levels than the excavated sites considered for the rabbit and mushroom sheds. Despite the attempt at traditional castellated design, the impact will be highly significant above the treeline when viewed from across the valley, to the detriment of the landscape character of the area and the local landscape designation. The change in the Local Plan Policies makes no difference to this assessment.

The same applies to the other areas of assessment which led to the previous refusal, namely the economic justification under Policy ED7, the road safety impacts under ED7 and the environmental impacts under the same Policy. Relevant extracts from the previous report are repeated below:

"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. In this case, the building is proposed for poultry yet neither seems suited for the purpose nor related to the size and current scale of farming activities on the holding. 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. Whilst it has been mentioned that an additional 12 acres to the rear are used from an adjoining farm, there has been no demonstration of this in a Business Plan"

"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."

"Environmental Health have clear concerns over the proposal given that the poultry building represents the type of development discouraged by Government planning regulations over "Cordon Sanitaire" distances. The 400m rule is clearly not achieved by the proposal which sites an intensive poultry unit half that distance from private houses. Whilst there have been major advances in poultry housing and prevention of odour nuisance in recent years, the rule still exists as an alert to potential problems and Environmental Health seek an Environmental Statement. This should detail a full description of all activities proposed on site, emissions impacts to land, air and water (including noise), details of proposed poultry numbers, water and drainage proposals etc. In the absence of any Statement, there can be no agreement that the development would not have an adverse impact on the local environment and residents, Environmental Health wanting such information to be demonstrated before they could confirm any acceptance."

Continued advice along these lines has been received from Economic Development and Environmental Health, Roads Planning having advised verbally as per previous responses.

Overall, the re-application has not resolved any of the previous reasons for refusal and, indeed, has exacerbated them in relation to scale and impact of the building on the landscape and in relation to justification, roads and environmental concerns over scale of enterprise.

#### **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 and structures 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 and structures that would justify an exceptional permission for them 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 appear suited either to the proposed use for which it is intended or 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.

4 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that the uses proposed for the building would not have an adverse impact on the local environment and the amenity of nearby residents.

**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 and structures 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 and structures that would justify an exceptional permission for them 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 appear suited either to the proposed use for which it is intended or 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.
- 4 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that the uses proposed for the building would not have an adverse impact on the local environment and the amenity of nearby residents.

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