

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 16/01114/FUL

APPLICANT : Cleek Poultry Ltd

AGENT :

DEVELOPMENT : Erection of poultry cold store/hay store

LOCATION: Field No 0328 Kirkburn
Cardrona
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
196 60	Site Plan	Refused
196 61	Floor Plans	Refused
196 62	Elevations	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Roads Planning:

There have been previous applications for various agricultural type developments on this site. The current submission is for a relatively small scale building to be used for agricultural storage. This type of development is unlikely to generate a significant number of traffic movements given the size of the unit.

Access to the site is to be via the existing junction, which is to be upgraded as per a separate application (15/01206/FUL). As such, I would be seeking for a condition to be attached to any consent for this current application requiring the access to be upgraded, as per the application 15/01206/FUL, prior to the storage unit becoming operational.

Environmental Health:

Amenity and Pollution

Assessment of Application

Noise

This is an Application to erect a poultry cold store and hay shed.

Refrigeration equipment can cause noise problems if not properly installed and maintained.

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 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.

Archaeology Officer:

There are no archaeological implications. I previously responded with respect to application 15/00563/FUL which contains more detailed comments.

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 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.

Landscape Architect:

I have has a look at this application and note that the height of the building is 2m lower than the proposed building that made up the refused application (15/00563/FUL) Nonetheless, I remain concerned 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. There is nothing in the submission that shows cross sections or relationship to the other consented buildings and that demonstrates how the buildings would work on this sloping site. Nor has any landscape mitigation been proposed to help reduce the impact from sensitive receptors.

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

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 15th October 2016

This application is the sixth application in recent years for this part of the smallholding at Kirkburn, this time proposing cold storage in excavated land to the rear of a previously approved cold storage area and placing a hay/animal feedstuff store above it. The cold store will be accessed from the existing cold store and the hay store will be accessed from the upper yard. It will be 4.4m in height when measured from the upper yard level with shallow monopitched roof sloping up to the south. The exterior will be larchlap boarding with two pedestrian doors and two vehicular doors. The roof will be charcoal grey mineral fibre sheeting. No Business Plan or Masterplan has been submitted with the application.

It is important to understand the full background to this application by repeating extracts from earlier Handling Reports in relation to previous applications on the site and adjoining sites, especially in relation to landscape impacts. On 16/00495/FUL, the following was stated:

"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."

This application still poses the same issues of landscape prominence above the treeline when viewed from the A72. It is almost the same height exactly as the building refused under 16/00495/FUL. The Landscape Architect continues to oppose the application for the same reasons, including the impacts of the building from the local road adjoining the site. The submitted drawing now includes some references to tree top heights, indicating that the trees "In Drive Wood" have a top higher than the ridge of the proposed building. The reference is not clear as although it says "To north of site", "In Drive Wood" isn't clear whether it means the trees between the public road and the river or not. Even if it does, there is no tree survey as was previously submitted further east with the rabbit and mushroom sheds to indicate which, and how many, of the trees were of a height that could effectively screen the proposed building. Whilst it is accepted that the tree cover does increase in height to the west of the site, there is insufficient information in the form of sections, tree survey and photomontages to display the screening claimed by the applicant. This information has been repeatedly sought in earlier applications and not been submitted. Even if that could be proved, there are clearly landscape related concerns about expanding the existing buildings upwards in height, in relation to visual impacts from the public road adjoining the site. Given the continued objection from the Landscape Architect, I cannot accept that this submission addresses the landscape impact concerns sufficiently to comply with the relevant LDP Policies.

Policy ED7 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 upper building is proposed for hay storage yet neither seems suited for the purpose nor related to the size and current 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 previously 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 nor any evidence that a lease is in place. In any case, there is no evidence to justify 140 square metres of floorspace for the storage of hay from the landholding or animal foodstuffs, especially given the existence of existing buildings on the holding. There is also no apparent ventilation which would benefit such storage. Similarly, no explanation how additional cold storage is necessary, almost doubling the existing consented cold storage area. Economic Development cannot accept the proposal without details of the poultry business and cash projections. They again express concerns over the relationship with the proposed holiday business to the east, an issue of particular concern to the Local Review Body who rejected two previous applications on this site.

It is concluded that the application is contrary to Policies PMD2 and ED7 of the Local Development Plan in that it has not been adequately demonstrated that there is an overriding justification for the proposed building 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 building is not of a design or scale that appears suited either to the proposed uses 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.

In terms of Environmental Health matters, these can be controlled by planning conditions and there are no archaeological implications with this part of the Kirkburn smallholding. In terms of road safety, it is similarly identified that traffic movements are not likely to be problematic with this proposal and the junction improvement (under 15/01206/FUL) could be achieved by condition.

REASON FOR DECISION :

The application is contrary to Policies PMD2, ED7 and EP5 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 and 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 scale that appears suited for the uses proposed on the agricultural holding on which it 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 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 and 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 scale that appears suited for the uses proposed on the agricultural holding on which it 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”.