

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 16/01422/FUL

**APPLICANT :** Cleek Poultry Ltd

**AGENT :**

**DEVELOPMENT :** Erection of cattle building with welfare accommodation

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

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
19670	Site Plan	Refused
19671	Elevations	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

Roads Planning:

Planning applications have been lodged and determined for a similar proposal opposite this site. The first application (15/00947/FUL) was refused in part due to lack of information on transport movements. The subsequent application for the same site (16/00114/FUL), whilst also refused, did include a transport statement detailing traffic movements associated with the business.

No Transport Statement has been submitted for the current application and whilst it is for a similar type of development, the business model may differ. As a result of this and in line with previous applications, I will require a Transport Statement to be submitted in order for me to make an informed decision on this application.

Until I receive this additional information, I am unable to support this application.

Environmental Health:

Amenity and Pollution

Assessment of Application

Air Quality  
Noise  
Nuisance

This is an Application to erect a cattle building.  
These have the potential to impact on adjacent occupiers.

Recommendation  
No Objection subject to Condition.

A plan for the management and control of potential nuisances (including noise, odour, air quality, flies and other pests) that would be liable to arise at the site as a consequence of and/or in relation to the operation, individually and/or cumulatively, requires to be submitted to and approved in writing by the Planning Authority. Thereafter the approved nuisance control management plan shall be implemented as part of the development.

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

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

#### Nature of the Proposal

The proposal is for the erection a 36 x 12 x 7.5m high shed with staff facilities.

#### Implications of the Proposal for the Landscape including any Mitigation

There is precedent for development in this location - 4 holiday sheds and a laundry building having been approved in this location previously.

Due to the sloping nature of the field the 7.5m tall shed has the potential to be visible from the north side of the valley and more locally from the B7062 immediately to the north of the field.

I have tried to calculate from previous submissions, given the lack of information supplied in support of this application, what the ridge height of the building will be above ordinance datum (AOD) and suggest that as access will be off the existing track which is approximately 103.00 AOD, the ridge height of the 7.5m tall building, will be in the region of 110.5 AOD. The site plan and sections submitted in support of 15/00965/FUL shows 5no (the five highest) tree heights ranging from 105.30 - 110.43 AOD so I am not satisfied that the shed, seen from the A72 across the valley, will be adequately screened. (Please note my calculations are based on rather limited information gleaned from previous applications that has not been rigorously tested on site)

The intervening slope may help limit views into the site from the local B7062 road.

#### Conclusion

The submitted information was very limited nonetheless my calculations suggest the apex height of the building will overtop the existing trees to the north and so will be visible from surrounding areas. Therefore on landscape and visual grounds, I do not support this proposal.

Should consent be granted we would want to see a robust planting scheme to be a condition of the approval to help set the development into the local landscape.

Archaeology Officer:

Thank you for requesting an archaeology consultation. I refer you to comments I have made in respect of applications for both the proposed development site and the refused application sites to the south of this. I am concerned that this proposal will have a detrimental impact to the setting of the unscheduled, regionally significant, site of Our Lady's Church and churchyard. The application does not include a screening proposal as consented in previous applications that could mitigate this impact. As currently proposed I do not feel I can support this application.

If, however, the application is ultimately consented I recommend that conditions attached to previous consents for this application site be carried forward.

Economic Development:

Economic Development cannot support the application for the erection of cattle building and welfare accommodation in field no 0328, Kirkburn, Cardrona:

This is due to the close proximity of the proposed location of the cattle 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 housing cattle and agricultural buildings so close to holiday lodges would detract from a quality visitor experience.

Peebles and District Community Council:

#### **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 5th January 2017

There have been three previous applications for cattle buildings on this landholding, only one of which (16/00114/FUL) was submitted with a Business Plan. For the reasons fully explained in that application and the previous ones without a Business Plan (15/00493/FUL and 15/00947/FUL), there is no adequate justification or demonstrated business need for a building of this scale and purpose on the small holding. The similar design of it to that refused previously also led to doubts being expressed by Business Gateway over the suitability of the building for the purposes intended, being largely enclosed with few doors and staff accommodation. 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.

The landscape impact reasons for refusal of previous applications at this landholding have also 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 sheds (15/00831/FUL and 16/00892/FUL). These applications still demonstrated, through excavation, taking access from the lower land to the north and lower ridge heights, that any projection of the buildings above the general tree top heights was highly unlikely. The highest ridge height expected with 16/00892/FUL was 106.65AOD. As the Landscape Architect has noted, this proposal now accesses from the higher track to the south-west along the 103m contour line. There has been no cross section, floor level information or photomontage to demonstrate the impacts of the proposal but, given the 7.5m ridge line, the Landscape Architect has reasonably assumed a ridge height of around 110.5m AOD.

Whilst there is one noted roadside tree of 110.43m AOD 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 proposal will result in 3-4m building walls and roof visible above the tree canopy. For these reasons, it is felt that the proposal continues to cause the same issues of detrimental landscape impact caused by other proposals, despite it utilising part of the holiday sheds site.

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 a new Business Plan 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.

In terms of archaeology, similar developments proposed on the site above and to the south of the current site have been opposed by the Archaeology Officer due to the hemming in of Our Ladys Church and graveyard adjoining, a cumulative impression of overdominance and reduction of setting due to the proposed developments. The holiday sheds were not opposed for this reason as there was still buffer space to the south and the impact of the sheds was seen as being of much lesser impact than large agricultural buildings of greater scale, height and bulk. The Archaeology Officer cannot accept this application for a much bigger building without illustrative information showing how the impacts on the setting could be mitigated or shown to be acceptable. Such information has been sought before but never submitted. It is, therefore, considered that the impacts on archaeological interests are likely to be significantly detrimental and have not been demonstrated to be otherwise.

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 sheds site. If approved and implemented, the cattle building would sit alongside a couple of the sheds in very close proximity and overlook the hub house which was part of another holiday consent. 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 sheds consent 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 sheds proposal and the larger scheme for the chalets/hub house. 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 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 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 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.

The application is contrary to Policy EP8 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that the building would not have an adverse impact on the setting of the archaeological site of Our Lady's Church and Churchyard adjoining the application site.

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 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 EP8 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that the building would not have an adverse impact on the setting of the archaeological site of Our Lady's Church and Churchyard adjoining the application site.
- 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 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”.**

