

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 17/00028/FUL

**APPLICANT :** Cleek Poultry Ltd

**AGENT :**

**DEVELOPMENT :** Erection of agricultural storage building with welfare accommodation

**LOCATION:** Land West Of Former William Cree Memorial Church Kirkburn Cardrona  
Peebles  
Peebles  
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>
196 73C	Location Plan	Refused
196 72	Elevations	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

Roads Planning:

A number of applications for various agricultural proposals have been considered, all of which utilise the same access point onto the public road. Several of these proposals lacked information on traffic movements and were subsequently refused permission, in part due to the lack of this information.

A fresh batch of planning applications, including this one, has now been lodged along the northern boundary of the site, all of which are for agricultural buildings. Again these submissions do 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

Nuisance

Water Supply

This development proposes to use a private drainage system.  
These can impact on public health if not properly installed and maintained.

#### Recommendation

Agree with application in principle, subject to Conditions and Informative.

#### 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.

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 water supply other than public mains water shall be used for human consumption without the written consent of the Planning Authority.

Reason: To ensure that the development does not have a detrimental effect on public health.

Prior to occupation of the property written evidence shall be supplied to the planning Authority that the property has been connected to the public water supply network.

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 exist 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.

#### Archaeology Officer:

The proposal in question is unlikely to pose adverse setting impacts to Our Lady's Church. Other recommendations for this site remain valid.

#### 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 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. Each site is located next to the previous one, immediately to the east of an application for an identical agricultural building.

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

Each 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. None of the applications include a visual assessment of the visual impact of the development(s) on receptors using the

B7062, nor do they show how the proposal(s) might be mitigated by planting.

I suggest that the existing trees along the north boundary will not provide adequate screening for the shed.

Condition 11 of the approval for 8no holiday lodges and hub house part of which is located on the same ground as these applications state:

'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'.

This condition applied to chalets with a ridge height of 6m whereas this application (and the three adjacent

applications) has a ridge height of 7.5m. This is a further 1.5m increase on ridge heights that were requested to be reduced. It is likely that this building (and other adjacent ones) will be visible to road users

and while a single agricultural building in this location might be acceptable, with a robust buffer planting

scheme, the cumulative impact of all these large agricultural buildings would be unacceptable.

The difficulty of screening taller buildings than those previously consented means that each proposal, on its own or together with the others, could have a highly negative cumulative visual impact on the local area.

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.'

There is a precedent for development in this location. Nonetheless, the number of proposed building(s) and the heights relative to the lodge development previously approved means that, on landscape and visual grounds and for the reason stated above, I could not support this application.

Economic Development: No comments.

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. 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).

This application is one of a series of applications lodged for agricultural building on this site; there are two others (shown on dwgs nos. 197 73A and 73B). The proposal for this particular application shows the shed to be the nearest of these applications proposed in terms of distance from the former chapel.

#### ASSESSMENT OF PROPOSALS

The application site is at a lower level than the former chapel and the proposed new building is two stories tall with a ridge height of c7.5m and the cladding colours and materials are relatively subdued. No planting or screening proposals are shown either on the actual application site or the adjacent land which is in the ownership of the applicant and has already got an earlier consent for chalets etc; some planting in the area as a buffer would be useful. I am content that the new building will not have a significantly adverse impact on the setting of the category B listed former church; it does not lie on the axis of the church which faces towards the SW.

#### RECOMMENDATION / RECOMMENDED CONDITIONS.

No objection, but note that this particular location of the shed is the nearest of a series of three parallel applications lodged and whilst I consider the others to have no adverse impact on the setting of the former chapel, I have tempered my comment for this application to be no significant adverse impact.

AHSS: No comments.

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 2nd March 2017

This application is now one of seven submitted for identical storage buildings on a plot by plot basis around the holiday chalet site. I consider that the issues debated under the first of these applications (16/01464/FUL) remain valid and the handling report is stated below:

"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."

The assessment above pertains to this application as well as the other two submitted in this northerly row between the B Road and the proposed holiday chalet access road. The Landscape Architect has also commented on the visual impacts of cumulative development of buildings that are higher and wider than the previous holiday chalets, resulting in an even greater impact from the B Road. This cumulative impact should also be reflected in the reasons for refusal.

#### **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 and cumulative 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 and cumulative 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.