

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 17/00809/FUL

To : Cleek Poultry Ltd The Tractor Shed Kirkburn Cardrona Peebles Scottish Borders

With reference to your application validated on **12th June 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Change of use of land to form short stay holiday park and siting of 12 No mobile log cabins

At : Land South Of 3 Kirkburn Cottages Cardrona Peebles

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

**Dated 16th August 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



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Depute Chief Planning Officer

APPLICATION REFERENCE : 17/00809/FUL**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
HAN 03 REVA	Location Plan	Refused
HAN 04 REVB	Site Plan	Refused
HAN 05	Block Plans	Refused

REASON FOR REFUSAL

1. The application is contrary to Policies ED7 and ED8 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated through submission of a Business Plan that the proposal would be in compliance with the Scottish Borders Tourism Strategy or support the local economy and settlement facilities.
2. The application is contrary to Policies ED7 and ED8 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.
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 development would not have an adverse effect on the setting of the archaeological sites of Our Lady's Church and Churchyard to the north of the site.

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.

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/00809/FUL

APPLICANT : Cleek Poultry Ltd

AGENT :

DEVELOPMENT : Change of use of land to form short stay holiday park and siting of 12 No mobile log cabins

LOCATION: Land South Of
3 Kirkburn Cottages
Cardrona
Peebles

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
HAN 03 REVA	Location Plan	Refused
HAN 04 REVB	Site Plan	Refused
HAN 05	Block Plans	Refused

NUMBER OF REPRESENTATIONS: 5

SUMMARY OF REPRESENTATIONS:

Roads Planning:

I am unable to support this application. The junction between the minor public road and the B7062 is torturous in its alignment and single track in nature. Left turns into the junction and right turns out are near impossible to make without multiple manoeuvres. I would not wish to support any development which would add additional traffic movements at this junction.

Given the above, I must recommend refusal of this application on road safety concerns.

Economic Development: Cannot support in the absence of business justification.

Archaeology:

The proposed access track is adjacent to the medieval and post-medieval churchyard surrounding the ruins of Our Lady's Church. The original layout of the churchyard is unknown, the current being of likely 18th century date. There is therefore some potential for buried archaeology to exist within the footprint of the proposed track including human remains. Human burials are protected under Scots Law and should remain in situ. In addition, a bronze axe, likely Bronze Age in date, was found within or near to the field in which development is proposed. This may indicate buried archaeological features from which the object came within the area of the proposed development.

In order to assess the archaeological potential of the site, I recommend that an archaeological evaluation is required. This should comprise trial excavation trenches across 10% of the proposed development area. Should the evaluation encounter features or deposits of potential significance, further excavation or post-excavation analysis may be required.

I am concerned that there are potential setting implications for the regionally significant Our Lady's Church and churchyard. The yew trees that surround the churchyard to the east are potentially at risk through development. I note the intention to create a tarmacked road adjacent to the site and this potentially risks the roots of these trees. The yews are a key element of the churchyard's setting and require protection by imposing a root protection area. In addition the development of this site, along with development consent and proposals in the field to the north and west, this proposal risks creating significant impacts to the current valley setting through adding incongruous and competing elements. On the basis of what has been submitted I am unable to determine what these impacts might be, and I recommend that a Design and Access Statement is required that clearly shows the proposal within the setting of the church from prominent viewpoints. These can be agreed in advance.

In principle some form of holiday development may be designed that maintains the setting of the churchyard through, for instance, a suitable landscaping scheme. However, on the balance of what is submitted I cannot support this application. Should a Design and Access Statement addressing my concerns be submitted I would be very happy to review this decision.

Access Officer:

Rights of Way

According to the records held in the Planning & Economic Development Section there is one claimed right of way adjacent to this area of land, as shown on the attached plan. Details as follows:

Rights of

Way Code	Start (Approx. Grid Ref)	Finish (Approx. Grid Ref)	Length
BT106	NT 288 382	NT 302 336	6.4km

Rights of Way are protected by law under the Countryside (Scotland) Act 1967 sec. 46 'It shall be the duty of a...planning authority to assert, protect, and keep open and free from obstruction or encroachment any public right of way which is wholly or partly within their area.'

Please note that Scottish Borders Council does not have a definitive record of every claimed right of way within its area. The Scottish Rights of Way and Access Society, the community council and local residents may have evidence of existence of claimed rights of way that have not yet been recorded by SBC.

Land Reform (Scotland) Act 2003

There are other tracks in the area that the public would have a 'right of responsible access' to under the Land Reform (Scotland) Act 2003. This right also extends to most land and inland water in Scotland.

Please note: There are a number of statutory provisions contained in both public and private Acts under which public paths may be formally diverted. (s.37 Countryside Act 1967, s.199 Town & Country Planning Act 1972, s.9 &12 Roads Act 1984) The diversion of a path may only be undertaken if the planning authority can be satisfied that the diversion will result in the efficient use of land or that a shorter or more convenient path will be created. It should be noted that formal diversions of paths involve a lengthy legal process.

Other paths and tracks

On the east side of the proposed development site the main public entrance to Cardrona Forest runs north-south. The right of way BT106 (as above) runs north-south on the west side of the proposed development site.

Planning condition

In the event of planning permission being granted the site layout must include sufficient access to the path network for pedestrians/cyclists/horse-riders. The plan shows no entrance drives or pathways making it impossible to consult on the efficacy of the potential layout.

Visit Scotland:

I am writing on behalf of the national tourism organisation, VisitScotland, to express support in principal for the above proposed development.

VisitScotland is the national tourism organisation for Scotland with a primary role to maximise the economic benefit of tourism to Scotland. It wants to encourage this growth in a sustainable way that will bring benefit for the long term. VisitScotland has three core activities: Marketing, Information Provision and Quality Assurance, and it works closely with businesses, public agencies and local authorities to ensure it delivers these activities effectively.

Tourism is a key sector which is a major contributor to the economy of the Scottish Borders. The industry strategy for growth has been built around a number of key areas, of which capital investment is crucial. Any development adding to growth would be of benefit to the local area.

The Scottish tourism industry strategy, Tourism Scotland 2020 (TS2020), was launched in 2012. The process of developing the strategy united leading industry players and public agencies behind the ambition to increase overnight visitor spend by at least £1billion by 2020. The national strategy focuses on the need for quality products and services, working in collaboration and innovation. Based on the information provided regarding the improvement of visitor facilities it would seem fair to assume that a quality experience would be a focus for this development.

The Scottish Borders is predominantly a leisure tourism destination and this development could contribute to the area becoming a sustainable year round destination. We are supportive of the opportunity to offer additional bed stock in an area with somewhat limited provision in the holiday park and camping sector and in close proximity to the high demand town of Peebles. We believe this could encourage new visitors into the region from England, other parts of Scotland, International as well as drive new revenue for the local retailers and visitor attraction networks.

Should the planning application be successful I would recommend the applicants engage with our Quality Assurance scheme which could assist by offering advice, guidance and a framework to achieve 5star status. This would ensure that the customer experience remains at the heart of everything they do.

PM/3 Kirkburn Cottages Cardrona Peebles/SB/05th July 2017

We appreciate the range of different factors that need to be considered in such an application and we are supportive of a full and transparent process. Within this process we hope that our views can be taken into account.

Landscape Architect:

Description of the Site

The site lies wholly within the Tweed Valley Special Landscape Area. The site comprised the field immediately to the south of Kirkburn graveyard.

The field lies on the west side of the Kirk Burn valley and is moderately steeply sloping from the Laverlaw road down to the burn, including areas of more gently sloping ground and steeper areas with scree. The field is used for pasture and are bounded on the south side by a line of mature, mainly deciduous, trees. Immediately to the east is the Kirk Burn running down this side valley before crossing the B 7062 and finally joining the Tweed.

Nature of the Proposal

The proposal is for Change of Use to form a short stay holiday park, siting 12no mobile log cabins in the field immediately to the south of the grave yard. The proposed access to the site is along the small road serving the Kirkburn building group and through the section of woodland that separates the existing road from the field.

Implications of the Proposal for the Landscape including any Mitigation

The proposal would require the felling of a number of trees that are growing across the proposed access from the Kirkburn building group. It would also require the formation of a field access through the dry stone wall where currently there isn't one.

The proposal is very stark with no effort being made to settle the cabins into the landscape with planting. As shown on the Site Plan I consider it would be visually intrusive from surrounding areas and would not accord very well with the surrounding land use.

I have looked at the site from a point on the A72, across the Tweed valley. A representative view from this busy road, and I am of the opinion that neither the proposed track nor the majority of the indicative

log cabins would be seen from this location, being largely screened from views from the north by the yew trees surrounding the Kirkburn graveyard. Located on the upper side of the proposed track, some of the cabins at the southern end may be visible but could be accommodated within an appropriate planting scheme.

I also looked at the site from the Forestry Commission (FC) road that runs north - south from the FC Cardrona carpark along the east side of the Kirk Burn into Cardrona Forest. The field is visible from here and I consider a line of timber clad mobile homes could be incongruous and visually intrusive unless a robust planting scheme in the form of native tree and shrub planting could be developed to mitigate the visual impact.

I looked at the site from the Laverlaw road and consider that the log cabins would be incongruous with the current land use but would not be overly visually intrusive, sitting down in the valley as they are, and their setting in the landscape could be improved by an appropriate planting scheme.

If this proposal is to be approved I would want to see the route of the track kept to the lower side of the field and remaining level by following the appropriate contour. Any earthworks and cut and fill, all of which should be as limited as possible, should be sown with an appropriate grass seed or wildflower seed mix to better settle the development into the landscape. Any mitigation planting scheme would have to be completely protected from livestock by fencing and this would require each block of planting to be fenced off or the lower part of the field, encompassing the log cabins and the planting, to be fenced off and taken out of grazing.

Conclusion

I have serious concerns that the proposal as presented would, in landscape and visual terms, be incongruous to the surrounding land use but consider it could be accommodated, but only if a robust scheme of tree and shrub planting could be agreed, in which case I would not object to the proposal.

Environmental Health:

Amenity and Pollution

Assessment of Application

Air quality

Noise

Nuisance

This is an application to site mobile log cabins for short stay tourism.

It is unclear from the application if and how the log cabins will be heated. Some forms of heating have the potential to negatively impact residential amenity by the emission of noise, odour or fumes. The following information is required to assess the application:

- o Will the cabins use a solid fuel heating?
- o Will the application include any other form of renewable technology (biomass boiler/air-source heat pump, etc.)?

Recommendation

Further Information Required Before Application is Determined

SEPA:

We object to this planning application on the grounds of a lack of information relating to waste water drainage. We will review this objection if the issues detailed in Section 1 below are adequately addressed.

1. Waste water drainage

1.1 We note that private drainage is proposed for the waste water drainage. The applicant should be advised that this will require authorisation from SEPA under The Water Environment (Controlled Activities)(Scotland) Regulations 2011 (as amended)(CAR).

1.2 There is a lack of information provided with the application to fully assess if the discharge will be able to be consented under the above regime. Therefore, the applicant should provide further information on the type of treatment system proposed, the population equivalent of the site and the intended discharge location. If required the applicant can contact our local regulatory team to discuss and agree the proposals (See Section 4 for contact details).

2. Flood risk

2.1 We have reviewed the information provided in this consultation and it is noted that, parts of the application site lies adjacent to the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of flooding.

2.2 Review of the "Site Plan" (drawing number HAN 04) shows that the log cabins will be located away from the watercourse and the area marked as at fluvial flood risk on our flood hazard maps. We have reviewed the available LiDAR information for this area and the proposed location of the cabins is on ground at least 5m above the watercourse, as such they are not at risk of fluvial flooding. Therefore, we have no objection to this planning application on flood risk grounds. If the site layout is amended we should be reconsulted.

2.3 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland.

2.4 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Scottish Borders Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation.

3. Other planning matters (including surface water drainage)

3.1 For all other matters we have provided standing advice applicable to this type of local development.

Regulatory advice for the applicant

4. Regulatory requirements

4.1 Any proposed engineering works within the water environment will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

Peebles and District Community Council: Response awaited.

A total of five objections were also received from local residents on the following grounds:

detrimental to road safety increasing traffic on a road not suitable and in front of houses.

an alternative access is available to applicant.

traffic noise and impact on residential amenity.

loss of mature trees.

impact on red squirrel.

detrimental impacts on archaeological site and listed building contrary to LDP Policy.

no business case to justify expansion.

impact on private water supplies.

flood risk to STW.

potential erosion of access track.

detrimental impacts on SLA.

applicant submitting on behalf of landowner who lives away.

application numbers are excessive.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD1 Sustainability
PMD2 Quality Standards
ED7 Business, Tourism and Leisure Development in the Countryside
ED8 Caravan and Camping Sites
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

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 10th August 2017

Whilst there is no direct planning history on the site in question, the same applicant has now received four planning consents for different variations of holiday chalet development on his field immediately to the north-west of this site. As background to consideration of the current proposal, the Handling Report for 15/00831/FUL (which added six holiday sheds to the previously consented nine chalets) is pertinent and stated the following:

"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 largely on the higher land above the proposed original chalets but below the upper track which adjoins the Yew trees at the adjoining churchyard. The application does not fit in entirely with the consented layout but does so with the associated alternative application 15/00965/FUL.

The initial layout showed six small detached "Holiday Sheds" on the higher part of the field which was largely dedicated to schematic landscaping on the consented layout. Each shed would provide a living space with separate kitchen and bathroom. The sheds were arranged in a curve and vehicular access was to be provided from the top access road. A laundry/office building consisting of two conjoined sheds was to be provided to the north of the sheds, adjoining the proposed turning head for the remainder of the development. The sheds are modest in height with little else in the form of external material specification. Each appears to have a fuel burning facility with flue.

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. The fact that the holiday sheds were proposed 2-3m below that level gave us comfort that

their visibility would also be minimal and largely masked by the roadside trees. However, there were concerns over the impacts on landscaping caused by the upper road, parking and arrangement of the sheds.

Revised plans were submitted which made several adjustments, some of which were not suggested ie. the laundry building moving westwards and the six sheds now being arranged in linear fashion along the upper part of the site. Nevertheless, the access to them is now brought from below with additional hedging and planting shown to the front and rear of the sheds. Whilst the details would still have to be controlled by condition, the modest sheds can still be satisfactorily framed by planting, especially on land within the application site and south of the new access road. An enhanced landscaping condition would be applied.

I am content, after noting the Landscape Architect acceptance, that ridge heights would be down below the known average tree height screening the development from across the valley from the A72. Combined with appropriate additional planting and external materials, their impact on the Special Landscape Area will not be sufficient to warrant refusal of the application. The sheds will be wholly clad in timber with grey eternit roofing and dark grey windows/doors. Whilst the comments of the objectors are understood in relation to diminution of landscaping, I believe that the proposal can be acceptable for the aforementioned reasons.

The laundry/office building remains despite previous requests that it be omitted or combined with the Hub House in the larger development. It is not unreasonable to allow ancillary and associated facilities on the site, albeit some may be duplicated in the Hub House. Nevertheless, provided the laundry building is controlled by condition so that it is not an occupied unit, then I am content that its provision is reasonable. It will match in form and scale with the holiday sheds.

There is some conflict with the consented scheme, especially as the revised application 15/00965/FUL is intended to be refused. The principal conflict relates to the roadway position which enters the site almost through the repositioned laundry building on the consented scheme. Whilst it may still be possible to implement parts of both the original consented scheme and the new scheme, in reality, only one scheme could be effectively developed out - and only one facilities building. Development of the whole of this current application would prevent any implementation of the consented scheme unless further revision to roadway and chalet positions was sought and approved. This choice would be up to the developer and an Applicant Informative would be attached to highlight the difficulties of attempting to implement both.

Because of this inability to develop both consented and proposed schemes, it was not considered an issue that the applicant was not willing to provide an updated Business Plan at this stage. Even a combination of both schemes that could be implementable would not lead to a level of increase in bedspaces that would justify a new Business Plan at this stage. The applicant then offered to provide a Business Plan but it is only seen as necessary on 15/00965/FUL.

At the last minute, the applicant submitted a further letter and revised plan which augments the planting along the B road and on the open land in front of the chalets - together with a slight variation in the line of the six sheds. None of these suggestions cause any issue and begin to address the requirements of adequate screening - although the conditions to be attached are still required, as the Department are requiring a thicker planting belt and buffer to the B road than the applicant intends, given the layout shown on 15/00965/FUL."

Subsequent to that position, a further revised consent was granted for four larger holiday sheds in place of the six as per 16/00892/FUL. All planning permissions were subject to conditions and none have been commenced.

This proposal, despite being submitted by the owner of the sites with permission for holiday purposes, involves land in the ownership of others. Although initially submitted with an application site boundary in excess of that allowed for under a Local Application, the boundary has now been reduced to just under one hectare and draft ideas about increasing the number of chalets and changing the access to through the applicant's own land have been dropped. The application, therefore, remains as originally submitted and commented on, apart from the site boundary being shrunk.

The proposal is to position 12 "mobile log cabins" on the western side of a curving access road which is intended to lead from the end of the Kirkburn road to the north (via a 10m tarmac connecting section), down

through the site to a field to the south, unmetalled. The access track would pass over Forestry Commission land. An agricultural building in the latter field has recently been refused planning permission (17/00806/FUL). The access road would be 4m wide with passing places. A compound for a STW is now proposed at the northern boundary of the site immediately east of the access road, rather than abutting the Kirk Burn. Although this may have been intended to address the concerns over flooding of the STW, its revised position has not been directly notified to the objectors. Had the intention been to approve this application, then further notification would have been necessary.

Each cabin would be 10m by 3m set onto the field which will be left as grazing part from a mown grass area for sitting beside each cabin and parking, accessed via a gravel access path. The application has been taken as a change of use and, thus, the cabins are considered to be "caravans" for the purposes of assessment and Policy application.

Policy ED8 is the principal Policy to be considered with regard to this proposal, which supports the provision of new caravan sites provided certain criteria are met. This Policy has to be cross referenced with Policy ED7 for new Business, Tourism and Leisure Developments in the Countryside. There are a number of areas where the current proposal fails to comply with these Policies, as follows:

SBTS and Business plan - both Policies require the proposal to be in compliance with the Scottish Borders Tourism Strategy and ED7 requires the submission of a Business Plan demonstrating this. Whilst Visit Scotland are prepared to consider the proposal to potentially be in accordance, a Business Plan was requested and has not been provided. The development to the north west was fully supported by a Business Plan. Although there is potential for the Tweed Valley in this location to support such mobile accommodation, this has neither been demonstrated as required nor related to the unimplemented holiday chalet approvals to the north west. The absence of justification means that Policy ED7 is contravened and Policy ED8 is not met in relation to demonstration of local economy support. This is also the view of Economic Development.

Sequential Test - ED8 favours caravan sites within or immediately outwith settlements to ensure that local services within those settlements are supported. The nearest settlement identified to this site within the LDP is Cardrona which contains a shop, cafe and hotel. As the main intention of this Policy is to support local access to such facilities principally involving visits that do not involve car transport, the B road leading from the site to Cardrona is neither suitable in distance nor character to support the settlement on any meaningful basis. As there is no Statement or Business Case to explore this issue further, it is concluded that the proposal is for a countryside location that is not favoured by LDP Policy ED8.

Unacceptable impact on infrastructure - whilst there are no reasons to suggest that other infrastructure cannot be made available to service this development, road access capacity remains an obstacle to this proposal. Roads Planning oppose the application due to the inadequacy and unsafe nature of the Kirkburn road at its sharp junction with the B Road. The junction between the minor public road and the B7062 is torturous in its alignment and single track in nature. Left turns into the junction and right turns out are near impossible to make without multiple manoeuvres. There are also concerns from residents of the small hamlet of Kirkburn who would experience safety issues as a result of their cul-de-sac becoming a through road to a holiday development.

The applicant had previously proposed a junction realignment but this was refused due to landscape impacts and a lack of demonstration that the realignment could be actioned. The applicant intends to take this refusal to the LRB. He then briefly suggested an access over his own land to the rear of the churchyard hedge but then withdrew this idea, remaining with the access via the Kirkburn road over Forestry Commission land. As Roads Planning cannot support the addition of traffic onto the current roadway and junction, the proposal cannot be considered to be in compliance with Policies ED7 and ED8.

Policy EP8 requires development to be sensitive to archaeological sites and settings. The Archaeologist is concerned that there are potential setting implications for the regionally significant Our Lady's Church and churchyard. The yew trees that surround the churchyard to the east are potentially at risk through development. On the basis of what has been submitted he cannot determine what these impacts might be, and recommends that a Design and Access Statement is required that clearly shows the proposal within the setting of the church from prominent viewpoints. In the absence of that, he cannot support this application. As submitted, the application is, therefore, in contravention of LDP Policy EP8.

The site lies within the Tweed Valley Special Landscape Area and is controlled by LDP Policy EP5 and the management recommendations for the SLA. Many previous applications on the applicant's landholding to the north-west were refused principally for landscape impact reasons, representing a poor landscape fit inadequately contained by existing landform or screening, to the detriment of the Tweed Valley SLA. The Landscape Architect has consistently opposed such applications. However, this application site is on the downslopes of the Kirk Burn and the Landscape Architect has taken into account the additional screening effects of the slope alignment, additional distance from the main public viewpoint on the A72, the Yew Hedge surrounding the churchyard and the backdrop of the shelter belt planting to the south of the application site boundary. Whilst she accepts that a small number of the mobile cabins may be visible at the southern end of the site, and more from the Forestry Commission right of way to the east of the site, she can accept the landscape impacts subject to some additional planting.

I am of the same opinion. The row of cabins will become increasingly noticeable to the south of the field but with careful planting and, perhaps realignment of the end of the road and cabin positions (given there is no need for it to continue into the next field), I do not believe there are sufficient landscape reasons to oppose the application under LDP Policies EP5, ED7 or ED8. A wider expansion of cabins across the higher parts of the field, as was briefly proposed then withdrawn, would certainly have increased impact and prominence from the A72.

All other matters raised by consultees and objectors have been considered but do not have sufficient material significance to outweigh the decision. There is a SEPA objection but this was based upon lack of drainage information which could have been sought.

REASON FOR DECISION :

The application is contrary to Policies ED7 and ED8 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated through submission of a Business Plan that the proposal would be in compliance with the Scottish Borders Tourism Strategy or support the local economy and settlement facilities.

The application is contrary to Policies ED7 and ED8 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.

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 development would not have an adverse effect on the setting of the archaeological sites of Our Lady's Church and Churchyard to the north of the site.

Recommendation: Refused

- 1 The application is contrary to Policies ED7 and ED8 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated through submission of a Business Plan that the proposal would be in compliance with the Scottish Borders Tourism Strategy or support the local economy and settlement facilities.
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- 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 development would not have an adverse effect on the setting of the archaeological sites of Our Lady's Church and Churchyard to the north of the site.

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