

REGULATORY SERVICES



To: **Development Management Service**
FAO Craig Miller

Date: 22 June 2017

From: **Roads Planning Service**
Contact: **Paul Grigor**

Ext: 6663

Ref: 17/00806/FUL

Subject: Erection of agricultural building and formation of new access track
Land South of 3 Kirkburn Cottages, Cardrona, Peebles

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.

AJS

REGULATORY SERVICES



To: **Development Management Service**
FAO Craig Miller

Date: **31 July 2017**

From: **Roads Planning Service**
Contact: **Paul Grigor**

Ext: **6663**

Ref: **17/00806/FUL**

Subject: Erection of agricultural building and formation of new access track
Land South of 3 Kirkburn Cottages, Cardrona, Peebles

The above proposal has been amended to highlight that access to the proposed agricultural building is now taken via the existing private access at Kirkburn. As with numerous other recent applications, there is a lack of information to accompany this application. I have copied below my response to other similar proposals in this vicinity which propose to utilise the same access.

There have been a number of applications for various agricultural purposes on this site and the surrounding land, without any clear vision of how all the various land uses will interact were they all to be granted. Previous comments to the applications requested additional information in the form of a Transport Statement which would detail the type, size and frequency of vehicles associated with each proposal. Given the lack of information which accompanies this proposal, I must again seek a Transport Statement to be submitted as part of this application before I can make an informed decision on this proposal.

AJS

Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	17/00806/FUL
Uniform Ref	17/01567/PLANCO
Proposal	Erection of agricultural building and formation of new access track
Address	Land South Of 3 Kirkburn Cottages Cardrona Peebles Scottish Borders
Date	28/6/17
Amenity and Pollution Officer	David A. Brown
Contaminated Land Officer	Reviewed – no comments

Amenity and Pollution

Assessment of Application

Noise

Nuisance

Water Supply

The uses of some agricultural buildings can impact on amenity and public health.

This development proposes to use a private water supply and drainage system. These can impact on amenity and 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.

Any waste materials arising from the development shall not be not stored or disposed of in any manner which would give rise to Statutory Nuisance conditions developing at neighbouring properties to the site.

Reason To protect the residential amenity of nearby properties.

No development is to commence until a report has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality and quantity. The report must also detail all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties in the locality which are served by private water supplies and which may be affected by the development. The provisions of the approved report shall be implemented prior to the occupation of the building(s) hereby approved.

Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

Informatives

Private Water Supply

To fulfil this condition, the following information should be provided.

1. A description of the source(s) / type of the supply – i.e. whether the supply is taken from a watercourse, loch, spring, well or borehole, or any other source or combination of sources.
2. The location of the source(s) of the supply – i.e. the appropriate eight figure Ordnance Survey National Grid Reference(s).
3. The name and address of every relevant person in relation to the supply.
NB. A “relevant person”, in relation to a private water supply, means a person (or persons) who: (a) provide the supply; (b) occupy the land from, or on which, the supply is obtained or located; or (c) exercise powers of management or control in relation to the supply.
4. The estimated maximum average volume of water provided by the proposed supply, in cubic metres per day (m³/day), and the details of any pump tests/flow rate tests undertaken to determine this estimate.
NB. For boreholes/wells refer to BS ISO 14686:2003 “Hydrometric determinations – Pumping tests for water wells – Considerations and guidelines for design, performance and use”.
5. Any water treatment that is intended to be carried out in relation to the proposed supply for the development.
6. Where there are existing users of the proposed supply, the addresses of all such properties.
7. Where there are existing users of the proposed supply, the existing and proposed occupancy levels of all such properties, as far as is reasonably practicable.
NB. As a minimum, the provision of the number of bedrooms per property will allow an estimate to be made of occupancy levels.
8. Where there are existing users of the proposed supply and / or there are other properties’ private water supplies in the vicinity of the development that may be affected thereby (e.g.

neighbouring boreholes, wells, springs, etc.), information advising if and how the proposed development will impact on the existing users and / or the other properties' supplies.

9. If the development is to be used for commercial purposes and / or members of the public will use / consume the water, the private water supply will be classed as a Type A supply. This will mean that it will require to be sampled & monitored by the local authority on at least an annual basis and a risk assessment of the supply will also be required. As such, prior to commencement of the commercial / public activity, the applicant should contact the Environmental Health Department of Scottish Borders Council to ensure that compliance with the legislative provisions is able to be secured.

For clarification, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to 200 litres of water per person per day who will be using the supply. Also, the quality of the water throughout the building(s) must conform to the requirements of The Private Water Supplies (Scotland) Regulations 2006 in order for it to be classed as wholesome.

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.

PLANNING RE-CONSULTATION - Incorporating revisions to previous consultation

To: Landscape Architect

From: Development Management

Date: 29th June 2017

Contact: Craig Miller ☎ 01835 825029

Application Ref: 17/00806/FUL

PLANNING RECONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 13th July 2017. If no reply is received by 13th July 2017, it will be assumed that you have no observations and a decision may be taken on the application.

Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.

Name of Applicant: Cleek Poultry Ltd

Agent: N/A

Nature of Proposal: Erection of agricultural building and formation of new access track

Site: Land South Of 3 Kirkburn Cottages Cardrona Peebles Scottish Borders

Outline Consent :

OBSERVATIONS OF: Landscape Architect

RE-CONSULTATION REPLY - S McDermott

The site was visited on 16th June.

Description of the Site

The site lies wholly within the Tweed Valley Special Landscape Area. The site comprised a strip of land within the field immediately to the south of Kirkburn graveyard, on which an access track would be formed, and a block of land approximately 50 x 28m in the next field south on which an agricultural shed 27 x 9m x 7.5m tall would be located.

The fields lies on the west side of the Kirk Burn valley and are moderately steeply sloping from the Laverlaw road down to the burn, including areas of more gently sloping ground and steeper areas with scree. The fields are used for pasture and are separated by a line of mature, mainly deciduous, trees. There are a number of gaps in this line of trees, one, towards the lower half of the field, has a gated field access through it.

Nature of the Proposal

The proposal is to form a track across the field from the north westernmost corner of the field, immediately to the south of the grave yard, across the field to a point on the southern boundary. The track will go through this field boundary and will expand to form a yard on which it is proposed to locate the agricultural shed.

Implications of the Proposal for the Landscape including any Mitigation

The track from the adjacent field to the north east, in the ownership of the applicant, appears to cross the field, mostly following a reasonably route. It then continues through the field boundary to be formed into a larger 'Farmyard'.

I have looked at the site from a point on the A72, across the Tweed valley and representative of views from this busy road, and I am of the opinion that neither the track nor the shed will be seen from this location, the shed largely screened from views from the north by the line of mature field boundary trees.

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 fields are visible from here but I do not consider that the track across the field would be out of keeping with the existing land use or a visual intrusion into the local landscape. Travelling up the valley the agricultural shed would be visible to walkers across the Kirk Burn for a good stretch of the track but again it would not be out of keeping with the land use and the visual impact could be mitigated by some appropriate tree planting, of a scale to suit the proposed development and immediate landscape.

I also looked at the site from the Laverlaw road and consider that the shed would not be a visual intrusion, and its 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 across the field following the 185m contour from the NE corner of the field to where it meets the southern field boundary. This appears to correspond with a break in the tree line and it should be a prime consideration of finalising the route of the track and the location of the shed that it does not affect any of the existing trees or require any of them to be removed.

Conclusion

Given that the proposal, in landscape and visual terms, is not inappropriate to the current land use nor is it highly visible, If the exact route of the track, the location of the shed and a scheme of tree planting could be agreed , I would not object to this proposal.

PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 7th June 2017

Contact: Craig Miller ☎ 01835 825029

Ref: 17/00806/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 28th June 2017, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 28th June 2017, it will be assumed that you have no observations and a decision may be taken on the application.

Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.

Name of Applicant: Cleek Poultry Ltd

Agent: N/A

Nature of Proposal: Erection of agricultural building and formation of new access track

Site: Land South Of 3 Kirkburn Cottages Cardrona Peebles Scottish Borders

OBSERVATIONS OF: Archaeology Officer

CONSULTATION REPLY

Thank you for requesting an archaeology consultation on this proposal. There are potential archaeological implications for this proposal.

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 through which the track is proposed. This may indicate buried archaeological features from which the object came within the area of the proposed development. However, the scale of what is proposed, and the unfinished nature of the track presents a low potential for encountering buried archaeology of this nature.

Given the separation of the proposed agricultural building from Our Lady's Church and churchyard, and its setting lower within the valley, I do not feel there would be setting implications from this proposal.

While I support the principle of development, I note the potential for buried archaeology. Given the scale of the proposal, and in particular the use of existing and non-metalled access tracks, I do not recommend mitigation at this time. However, I do recommend adding the informative below as the chance discovery of buried archaeology, and human remains in particular, may require further assessment per PAN2(2011).

If consent is granted I recommend the following informative:

There is a low potential for encountering buried archaeology during excavations. If buried features (e.g. walls, pits, post-holes) or artefacts (e.g. pottery, ironwork, bronze objects, beads) of potential antiquity are discovered, please contact the planner or Council's Archaeology Officer for further discussions. Further investigation secured by the development may be required if significant archaeology is discovered per

PAN2(2011) paragraph 31. In the event that human remains or artefacts are discovered, these should remain in situ pending investigation by the Archaeology Officer. Human Remains must be reported immediately to the police. Artefacts may require reporting to Treasure Trove Scotland.

PLANNING CONSULTATION

To: Economic Development Section

From: Development Management

Date: 7th June 2017

Contact: Craig Miller ☎ 01835 825029

Ref: 17/00806/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 28th June 2017, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 28th June 2017, it will be assumed that you have no observations and a decision may be taken on the application.

Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.

Name of Applicant: Cleek Poultry Ltd

Agent: N/A

Nature of Proposal: Erection of agricultural building and formation of new access track

Site: Land South Of 3 Kirkburn Cottages Cardrona Peebles Scottish Borders

OBSERVATIONS OF: Economic Development Section

CONSULTATION REPLY

There are no comments from Economic Development.