

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/01039/FUL
APPLICANT : Cleek Poultry Ltd
AGENT :
DEVELOPMENT : Erection of temple
LOCATION: Land South West Of Kirkburn Parish Church
Cardrona
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
PP 01	Location Plan	Refused
PP 02	Elevations	Refused

NUMBER OF REPRESENTATIONS: 3

SUMMARY OF REPRESENTATIONS:

Three objections have been received. The grounds of objection are summarised below;

Contrary to LDP Policies

The proposal will have an adverse impact on the adjoin archaeological sites of Our Lady's Church and graveyard

Detrimental to environment

Height

Increased traffic

Land affected

Poor design

Privacy of neighbouring properties affected

Lack of justification

Consultees;

Archaeology Officer: The proposal has implications for archaeology below the ground and the setting of the regionally significant archaeological site of Our Lady's Church. Further photomontage visualisations showing the development in the context of the existing churchyard from most pertinent viewpoints should be submitted to determine the impact of the development on the setting of the archaeological site. This assessment should be carried out by a suitability qualified archaeologist. In the event that the application is approved planning conditions requiring further archaeological evaluation is recommended to mitigate any impacts on buried archaeology.

Environmental Health: Further information is required to determine if the activities which will take place in the temple will impact on local amenity.

Landscape Architect: The site is part of a north facing field on the south side of the Tweed Valley. The site is located within the Tweed Valley SLA and Designed Landscape of Kailzie lies immediately across the minor road to the north. There is precedent for development at this location as 4 holiday shed and a laundry building have been approved previously. Using information supplied in previous applications, calculate that the building would have a tip height of 132m AOD. Surrounding trees have previously shown to have a height of 105.3 - 110.4 AOD. This will be that the development would be seen a pyramid above intervening trees from the north side of the valley from the A72 and also the B7062. The proposal would be out of scale with all adjacent buildings and dominate views from across the valley. The large footprint of the building would require extensive earthmoving to level the site.

The proposal is opposed on landscape and visual grounds as it would be prominent from the valley and out of scale with all adjacent development in the area.

Roads Planning: Unable to determine if existing road network can cater for the traffic movements associated with the development from the little information provided. To enable proper assessment a Transport Statement which includes information of the anticipated and frequency of vehicle movements along will a plan to illustrate the accommodation of vehicles within the site. Until this information is provided, support is withheld.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD2 Quality Standards

ED7 Business, Tourism and Leisure Development in the Countryside

HD3 Protection of Residential Amenity

EP5 Special Landscape Areas

EP7 Listed Buildings

EP8 Archaeology

IS7 Parking Provisions and Standards

Supplementary Planning Guidance on;

Local Landscape Designations 2012

Recommendation by - Scott Shearer (Planning Officer) on 5th October 2017

Site and proposal Description

The application site is located on a large north facing field on the southern side of the Tweed Valley and falls within the Kirkburn landholding. Directly to the east of the site lie the remains of the archaeologically significant Our Lady's Church and graveyard. The William Cree Memorial Church which is listed category B and has been converted to a house lies to the north east with other residential properties located in this direction. A track from the public road appears to provide access to the site. Planning permission is sought to erect a triangular pyramid type building which stand 29m tall with a floor area of over 450 sqm. The building will be externally clad with steel profile dark green cladding with a clear polycarbonate apex in its roof with each elevation containing what appears to be a glazed entrance. The site is located within the Tweed Valley SLA.

Planning History

Planning permission has been previously sought for a wide range of development types at the landholding at Kirkburn. Some applications have been successful but some have not. Those which have been refused have generally been opposed on ground of their landscape and visual impact and their lack of justification. At this particular site, planning permissions have been obtained for holiday chalet developments with the last

consent 16/00892/FUL allowing for the development of 4 holiday sheds and associated office laundry building.

Policy Principle

Policy ED7 seeks to ensure that only suitable forms of development take place within the countryside. Criteria a) to c) of the Policy list the types of development which may be suitable within a rural area. This proposed land use is not judged to meet any of the potentially acceptable uses listed under these criteria and no compelling evidence has been provided which demonstrates that there is an operational need and requirement for this proposal to be accommodated within this rural location. The principle of the development is judged to fail to meet the requirements listed under Policy ED7 as an exceptional land use in a rural area.

Landscape and Visual Impact

The Local Landscape SPG identifies that the Tweed Valley SLA has a strong sense of place where the valley provides a setting to several views. This site is positioned in a location where it helps to enclose views from the north side of the valley and in particular from the A72. Using information supplied in previous applications the landscape architect advises that the peak of the building would stand at 132m AOD with surrounding trees (to the east and north) of the site ranging between 105 and 110m AOD. While applications for other developments have been approved on this site, these are significantly lower buildings which would be readily contained by the rising landform behind this site. The landscape architect's analysis confirms that the proposal will be directly visible from across the valley and most notably the A72. The sheer scale of the proposal will dominate views from the north and its pyramid form will appear stark and alien with an otherwise settled valley landform.

In addition to the impact from the A72 the scale of the proposal and its location on elevated ground above the B7062 which runs along the north of the landholding will mean that the proposal will also inappropriately dominate views when it will be visible along this route. The vast footprint of the building would require significant earthworks. No information has been confirmed to illustrate how much excavation would be required however judging by the footprint of the building and the steepness of the site, significant engineering works would be required which may leave an irregular landform within this natural sloping landscape.

In landscape and visual terms the proposed development is judged to be obtrusively prominent and distinctly out of keeping with the rural character of the area and it would significantly detract from the special quality of the Tweed Valley SLA.

Built Heritage

Further photomontage information would have revealed if this proposal would have impacted on the setting of the regionally archaeologically significant site of Our Lady's Church and also the B listed William Cree Memorial Church. The scale and non-vernacular design of this proposal would likely pose implications on the setting of these neighbouring building heritage assets. I would anticipate that the impact would not have been welcomed, however without further information it is not possible to make an informed determination.

In light of the defects of the proposal by way of its policy principle and landscape and visual impact this information has not been sought. Nevertheless, based on the proposals which have been submitted, it is recommended that insufficient information has been provided to demonstrate if the development has a tolerable impact on the setting of the archaeological site and the listed building, therefore the proposal fails to satisfy the respective LDP policies which cover these topics.

Residential Amenity

The separation of the building from residential properties means it will not detract from access to light or sunlight for these properties. The proposals will affect the outlook from these buildings. The hedging around the archaeological site provides some landscape screening and bearing in mind that planning cannot protect the right to a view along with the distance of the proposal to neighbouring houses, the proposal is not judged to have a significantly harmful impact on outlook to an extent which would warrant refusal.

Environmental Health Officers have requested additional information on noise and nuisance to determine if the activities within the temple would impact on local amenity. Environmental health legislation can control these amenity matters and in such case it would not be appropriate to oppose this planning application on amenity grounds from the information submitted.

Roads

Insufficient information has been provided to allow the Councils Road Planning Service to determine if the road network can cater for the vehicle movements generated by this development. The submission of a Transport Survey was recommended. Again, this has not been sought due to other objections to this scheme. Based on the proposals which have been submitted, it is recommended that insufficient information has been provided to demonstrate if the development can be properly accessed in a manner which does not adversely impact on road safety and therefore the proposal fails to meet accessibility requirements of policies PMD2 and ED7.

REASON FOR DECISION :

1 The application is contrary to Policies ED7 of Scottish Borders Local Development Plan 2016 in that it has not been demonstrated that the proposal meets any of the acceptable land uses listed in Policy ED7 and no overriding justification for the proposed building has been provided 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 and use are not of a scale or purpose that appear related to the nature or size of the holding on which the building would be situated, which further undermines the case for justification in this location.

2 The application is contrary to Policies PMD2, ED7 and EP5 of Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance on Local Landscape Designations in that the scale and design of the proposal would be prominent in the landscape and would result in an unacceptable adverse visual impact on the designated area. The proposed development would detract from the character and quality of the Tweed Valley Special Landscape Area and it has not been adequately demonstrated that the adverse landscape impact would be outweighed by social or economic benefits of national or local importance.

3 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that the proposed temple would result in an unacceptable adverse impact on road safety. The proposed building would increase traffic levels on the existing minor public road and it has not been adequately demonstrated that any traffic generated by the proposal can access the site in a manner which does not detrimentally impact on road safety.

4 The application is contrary to Policy EP8 of the Scottish Borders Local Development Plan 2016 in that the siting, scale and design of the proposed development would have an unacceptable adverse impact on the setting of the Our Lady's Church. It has not been adequately demonstrated that the proposal can be accommodated on the site in a manner which does not adversely affect the heritage value of a nationally important archaeological site.

5 The application is contrary to Policy EP7 of the Scottish Borders Local Development Plan 2016 in that the siting, scale and design of the proposed development would have an unacceptable adverse impact on the setting of the William Cree Memorial Church. It has not been adequately demonstrated that the proposal can be accommodated on the site in a manner which protects the setting of the category C listed building.

Recommendation: Refused

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

