

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 19/01648/FUL

APPLICANT : Mr Walter Douglas

AGENT : Smith And Garratt Rural Asset Management

DEVELOPMENT : Erection of a livestock/general purpose agricultural building

LOCATION: Carlenrig Farm
Teviothead
Hawick
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
003	Proposed Site Plan	Approved
002	Proposed Elevations	Approved
annotated	Landscaping Plan	Approved
Tree Planting Specification	Specifications	Approved

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

No representations. No consultations.

PLANNING CONSIDERATIONS AND POLICIES:

LOCAL DEVELOPMENT PLAN - Adopted Scottish Borders Council Local Development Plan (2016)

PMD1: Sustainability

PMD2: Quality Standards

HD3: Protection of Residential Amenity

EP8: Archaeology

IS7: Parking Provision and Standards

IS9: Waste Water Treatment and Sustainable Urban Drainage

SBC Supplementary Planning Guidance: Landscape and Development (approved 2008)

SBC Supplementary Planning Guidance: Place-Making and Design (approved January 2010)

SBC Supplementary Planning Guidance: Waste Management (approved 2015)

Recommendation by - Stuart Herkes (Planning Officer) on 17th January 2020

This application proposes the accommodation of a new farm building on open farm land at Carlenrig Farm, near Teviothead. In its principle and form, it raises no concerns in being appropriate to its site and setting in its purpose and its function. The proposed materials - timber walls and slate grey coloured cement fibre sheets for the roof - are typical of the material and finishes of this type of structure and raise no concerns per se. There would be a need in the event of approval, to regulate how the proposed building (which is open-sided on one gable elevation) would be orientated. This would reasonably be regulated by condition, to retain effective control of how the building would be sited and orientated. (For operational reasons, it would be reasonable to assume that the open-sided gable elevation would face the associated yard and access road; and orientation in this configuration might reasonably be assumed to be the default unless any alternative were otherwise agreed in writing).

Beyond the principle and form of the building however, there is a need to consider the impacts of the proposal upon the amenity and environment of the site and surrounding area. In this specific case, the site and general area do have a particular landscape and visual sensitivity in that these are simultaneously elevated, open and sloping areas of land, and moreover, are readily visible from the surrounding area, including from the A7 to the southeast. The proposal therefore has the potential for impacts upon the skyline depending upon the vantage point of the observer, and would include views from the aforementioned trunk road. Two previous applications made by the same applicant for proposals within the near vicinity of the site - specifically, a farm building (19/00515/AGN) and a proposed farm house (19/00514/FUL) - were refused last year substantially on the grounds that they would both singularly and in combination with one another, have unacceptable landscape and visual impacts given the extent of the impacts per se, and given that the Applicant had not demonstrated that the need could not be accommodated more readily elsewhere - in particular, it was considered, insufficient consideration had been given to such potential downslope of the site, where it might have been accommodated at a lower level and against a backdrop of existing trees around the existing farmyard at Carlenrig Farm.

Although the Applicant has identified a different specific site for the current proposal, it is still substantially within the same area as the two previous proposals, and as such, raises the same or equivalent concerns with respect to the ability to accommodate it without it having unacceptable landscape and visual impacts. The Applicant had anticipated this concern within their supporting details to some extent, providing photomontages to describe the appearance in views from the A7, and indicating new tree planting further upslope to establish a backdrop to the site, to counteract the prominence of the building in these views. Notwithstanding this, the proposals are still substantially in the same context to those that were refused last year and the photomontages have only reaffirmed the concern that the building so sited, would be liable to impact the skyline, being liable to feature as a large building in a situation that would be almost equi-distant between the existing sheep shed and the existing farmyard at Carlenrig Farm. As such, it would be liable to promote an appearance of isolated 'clumps' of development spread out across the skyline. As before, it remains unfortunate that the existing farm steading has been lost to the farm business, and while the farmer can reasonably cite the operational considerations that have informed his choice of a site for a new steading, there is still a concern within the planning system to ensure that appropriate consideration has been given to the landscape and visual impacts of any such proposed accommodation of new development which requires planning consent, notification or prior approval.

In light of the above, the Applicant was asked to (re)consider specifically, the need for the proposal to be on this particular site, and to explain why any and all other potential siting options had been discarded in favour of this proposed siting. The Applicant's email of 02 January provides a response, considering all land within the Applicant's ownership, on a field by field basis. The general concern to site the farm building, and farmyard within a new central location, is a reasonable consideration, along with further operational concerns to locate such a centre near to the one existing farm building which remains within the Applicant's ownership. There are additional operational considerations relating to the accessibility of the site and the availability of more level ground relative to other potential sites, where some but not all of these attributes are present. However, I have remained concerned to establish whether or not the potential exists for the proposed building to be sited further downslope - essentially off the skyline - and whether or not this had been appropriately considered and justifiably discarded by the Applicant within his site selection considerations. The Applicant's main objection to such a siting is that this would be near the old farmyard and houses, with potential to raise objections and concerns from the new occupants of these buildings, which have recently been sold off from the farm.

Having considered the Applicant's advice, I am ultimately persuaded on the balance of considerations presented, that it does substantiate the need for the new farm building to be sited as proposed, but I do

consider that there is a need nonetheless to ensure that there is mitigation incorporated to address the substantial landscape and visual impacts that would result from the accommodation of such a large building on the skyline at this point. The Applicant is aware of this concern, and is agreeable to mitigation being incorporated. Indeed, a proposed new tree belt on land to the back (northwest) and on a bund to the front (southeast) of the proposal, are explicitly included within the proposals.

As a general approach, I am content that a new but substantial tree belt upslope of the proposed new farm building, would provide appropriate mitigation in views of the site, in that this would counteract the sense of this as an isolated building; the trees having the potential to link visually from the site to the existing trees around the traditional farmyard, while softening views of the site and its vicinity, as well as helping to reduce its salience on the skyline.

Further to my review of the specific tree planting proposals identified by the Applicant for this purpose, and further to my discussions of the same with the Landscape Section, I have concerns about the original landscaping proposal that tree planting should only take place on the opposite side of the road to the northwest. Firstly, as the Landscape Section has pointed out, this land is much rockier and more stony than the site, meaning that trees might struggle to become established in many areas, whereas land within the same field as the site, is notably of better quality. I would add in the second instance, that this land to the northwest of the road is in closer proximity to an archaeological site further upslope and to the north, while in some places, the land actually falls away from the road, such that much of the planting indicated, would in practice be liable to be hidden from view for many years, with a considerably limited visual impact even when (or if) they reached maturity. In light of this, it was put to the Applicant that a better, and more acceptable treatment would have been to have the establishment of a new tree belt entirely within the same field as the site; specifically in the area immediately upslope from the site and parallel to the aforementioned access road. This would not only be more favourable ground for the cultivation of trees relative to the land on the opposite side of the road, but with a genuine elevation above the site, would also maximise the visibility of any new trees planted. In short, this would be the most effective and successful establishment, subject to the right planting mix.

The Applicant has responded positively to this proposal as per their advice on file dated to 10 January. However, he would seek the removal of one section for operational reasons, proposing instead that this section might be re-accommodated on the opposite side of the road as originally proposed. Taking account of all factors, including the operational considerations of the farm, and what might reasonably be achieved with good planting, I am content that this does represent an appropriate way forward in principle, provided the tree planting is delivered in a robust way, both in terms of the planting itself and the regulation and maintenance of the same. I would observe that in views from the A7, the use of land on different sides of the farm road for tree planting, would not register strongly, or necessarily at all, in that it could have the appearance of a continuous tree belt, even one linking into the established trees around the traditional farmhouse to the northeast. With this in mind, I would propose that the Applicant's indicative tree planting description (10 January) is adopted as the basis of an appropriate landscaping treatment for the site.

The Applicant has expressed approval of the proposed planting specification identified by the Landscape Section. This includes the planting of larger specimens to allow the required backdrop to take form and shape quickly, but there is also as the Landscape Section notes, a role for smaller specimens too, allowing a tree belt to develop robustly (as well as quickly), to become established in the long-term. All in all with respect to a new tree belt, I am content that sufficient reassurance has been given that an acceptable tree belt could be accommodated, even if the precise details of that accommodation still require to be considered. Such details though, are capable of being required and regulated under planning conditions with the Applicant required to meet, or adapt, the planting based on the annotated landscape plan and 'Tall Screen Tree Planting' Specification. These matters though are appropriately capable of being addressed by appropriately worded planning conditions.

The mitigation provided by a new tree belt would be negated though, were the building to be raised up and over the existing ground levels on the site by any excessive make up of ground levels. Accordingly, the precise treatment of the existing levels on site requires to be provided for consideration and agreement. The section provided is reassuring in that it does not suggest that there is any intention or need to progress any substantial make up of ground (indeed, it shows a greater degree of cut than fill). However, given the landscape and visual sensitivities, a greater degree of precision is needed not just with respect to the building but also the accommodation of the related access road and yard in order to ensure that there would be no unacceptable change in levels across the site. I would advise that I am aware that the Applicant has

commenced ground works on the site in connection with agricultural operations. However, such works have been progressed at their own risk, and this does not remove the Planning Authority's need to consider the specific accommodation of the proposed building and indeed the access road and yard.

Another component within the Applicant's proposed landscape and visual mitigation is the inclusion of a new bund to the southeast of the building. This is indicated on the supporting drawings to be particularly artificial 'block' in its profile but is shown to be reinforced with new tree planting. Having discussed with the Landscape Section, I concur with its view that the bund could, and should, be accommodated in a less contrived, artificial way - with its levels swept or graded back into the natural - such that it would not be liable to present any incongruous profile or form within views into the site. Further, rather than tree-planting on the bund itself (which can be a difficult environment for new trees particularly on an exposed site), it is considered that the bund would be realised more sympathetically, and maintained, as a simple grass covered feature only; that is, essentially allowing it to recede visually into the background of the wider field, when observed in more distant views. This though would be dependent upon such an appearance being actively achieved through grass seeding and maintenance. Again, while the description of the bund on the proposal drawings would not address this, I am content that appropriately worded planning conditions could in the event of approval, be imposed to allow of these matters to be addressed and regulated satisfactorily including the seeding and maintenance of grass on the surfaces of the bund.

Given the need for the landscaping to allow the building and associated areas to be acceptably accommodated, I would consider that the conditions should be suspensively worded, and that the tree planting and grass seeding identified above would reasonably be required ahead of the commencement of operation of the building at latest. This would ensure that the planting and seeding required would take place, and be delivered within an appropriate time-frame that relates to the progress of the building, rather than there being any potential for the Applicant to establish and operate the building without these matters first having been addressed acceptably. I consider that this is reasonable and necessary in the circumstances of this particular proposal, and the requirement to ensure that it would not have any unacceptably adverse impacts upon the local landscape by introducing what would otherwise be a large and dominantly sited isolated building.

The site is to be accessed from an existing agricultural access which includes a section in hard standing at its junction with the public road, and in these terms raises no particular concerns. The Roads Planning Section has previously considered a proposal utilising the same access (specifically the farmhouse proposed under Planning Application 19/00514/FUL) and has raised no concerns in principle for a more intensive use of this field access. However, while there are no concerns in principle that the farm building might be accessed from this access - or that a surfaced access track might be created and operated as proposed, between the site and the junction with the public road, the details of this construction still require to be regulated. This is as much for landscape and visual reasons as for road construction reasons, since new levels and areas of disturbed ground are as liable to be as prominent in views of the site as any and all works required in connection with the proposed development. Again, I am aware that surfacing works have been commenced on site, but such works have been carried out at the Applicants' own risk, and the details are reasonably required for prior approval to ensure that the construction and finish are sympathetic to the context of the surrounding area.

The Council's Archaeology Officer has commented on previous proposals for this site, identifying a need for a watching brief of the initial ground works. A practical, if unfortunate, point of note here though, is that since the Applicant has already initiated ground works in connection with the new farmyard and access road, archaeological information, if it were present in these areas, has already been lost, or substantially lost, as a consequence of the works that have been carried out. A requirement along the lines identified by the Archaeology Officer in relation to the farmhouse site is therefore not usefully imposed. I would add only that the potential to carry out ground works relating to agricultural operations including surfacing makes this matter particularly difficult to control in these circumstances. While it was reasonably sought relative to the site of the proposed farmhouse, the Applicant's concern to accommodate a level stackyard here for example, is not capable of being regulated in the same terms given what can proceed under agricultural permitted development rights. An informative might though advise that any archaeological deposits or finds encountered should nonetheless be referred to the Planning Authority, and the Council's Archaeology Section.

The use of the building for agricultural purposes is reasonably required and regulated by condition given that the operation of a non-agricultural business from this site would be liable to contribute negatively to the landscape and visual impacts.

Subject to planning conditions being imposed to address the above highlighted concerns in the ways noted above, it is considered that it is possible for the proposal to be accommodated acceptably in landscape and visual terms, and on that basis, it would be permissible.

REASON FOR DECISION :

Subject to compliance with the schedule of conditions, the development is acceptable, having principally had regard to the relevant provisions of the Local Development Plan 2016 but also having had regard to overriding material considerations in this case which are as set out in the Report of Handling.

Recommendation: Approved - conditions & informatives

- 1 Unless otherwise agreed in writing and in advance by the Planning Authority, the livestock/general purpose agricultural building hereby approved, shall be sited and orientated in accordance with the description of the Approved Block Plan Drawing (003) and such that the open-sided gable elevation described on the Approved Elevations Drawing (002) shall face northeast.
Reason: To retain effective control over the development since the precise orientation of the farm building is otherwise not established by the supporting details. This is in the interests of conserving the visual amenities of the site and surrounding area.
- 2 The general purpose agricultural building hereby consented shall - and shall at all times - only be used for agricultural use, and shall not, and shall not at any future time, serve as any other (non-agricultural) business premises and/or be used in connection with the operation of any other (non-agricultural) business, unless an application for planning permission in such behalf has first been submitted to, and approved in writing by, the Planning Authority.
Reason: To retain effective control over the operation of the building in the interests of conserving appropriately the amenity and environment of this rural site and its surrounding area.
- 3 Unless otherwise agreed in writing and in advance by the Planning Authority, and notwithstanding the details provided in support of the planning application, no development shall commence on the livestock/general purpose agricultural building hereby approved until all of the following has first been submitted to, and approved in writing by, the Planning Authority:
 - (a) a revised version of the Approved Block Plan Drawing ("003") which identifies precisely the proposed location(s), extent and form of the new tree belt(s) and of the new bund, and which addresses in full the advice of Informative Note 2 and Informative Note 3 attached to this same planning consent with respect to how these features would be most appropriately realised and accommodated within a revised proposal; and
 - (b) proposed planting and maintenance details for the new tree-planting that is to constitute the aforementioned new tree belt(s), which incorporate and address in full the advice of Approved 'Landscape Guidance Note 1: Tall Screen Tree Planting', and which additionally also address and take full account of the advice of Informative Note 4 attached to this same planning consent.Thereafter, and unless otherwise agreed in writing and in advance by the Planning Authority:
 - (i) the new tree planting required to establish the aforementioned new tree belts, shall have been fully completed in accordance with the details approved to address the requirements of items a. and b. of this same planning condition before the end of the first planting season following the completion of the development or the first occupation and operation of the livestock/general purpose agricultural building hereby approved, whichever of these occurs soonest; and the new bund and all other areas of disturbed ground at and around the site which are not directly accommodating the development or its associated yard or access track, shall all be seeded with grass of the same type and variety as the surrounding field before the end of the first full planting season following the completion of the development or the first occupation and operation of the livestock/general purpose agricultural building hereby approved, whichever of these occurs soonest; and

(ii) the new tree planting shall thereafter be maintained in full accordance with the approved details. Any new plants planted in accordance with the approved landscaping scheme that fail within the first five years commencing from the date of the initial planting, shall all be replaced by plants of the same species and number as the failures and before the end of the first planting season which follows the failure(s) they are required to replace, and shall be planted as close to the position of the original failure(s) as practicable and any areas of the grass originally seeded on the bund and other areas of disturbed ground in accordance with the requirements of this same condition, which fail or become visibly deficient, shall be reseeded before the end of the first seeding season which follows the failure(s)/deficiencies they are required to address.

Reason: In the interests of conserving appropriately the landscape and visual amenities of the site and surrounding area by ensuring that an appropriate and robust landscape framework is delivered in association with this development, and to ensure that all altered and disturbed ground is reinstated appropriately.

4 The development hereby consented shall not be commenced until a scheme of details has first been submitted to, and approved in writing by, the Planning Authority, which describes:

(i) the proposed finished floor level and proposed finished roof ridge height of the livestock/general purpose agricultural building hereby approved;

(ii) the existing and proposed finished ground levels throughout the application site, along with the surfaces and sides of the associated yard area and access track; and the bund; and

(iii) precise details of the proposed profile of the bund which addresses in full the concerns of Informative Note 3 attached to this same planning consent; and

(iv) a clearly identifiable datum point, or clearly identifiable datum points, located outwith the site and sufficient for the purpose of establishing the heights of the proposed finished levels and proposed ground levels relative to the level of the existing streetscape.

Thereafter the development shall only be implemented in full accordance with the approved details and shall have been so completed ahead of the first occupation and operation of the livestock/general purpose agricultural building hereby approved.

Reason: To ensure that the consented development does not have any unacceptable impacts upon the appearance of the surrounding landscape as a consequence of the ground levels within the site being raised or lowered to any inappropriate heights.

Informatives

It should be noted that:

1 INFORMATIVE NOTE 1:

It has not been reasonable or practical in planning terms, to require that an archaeological investigation be carried out in advance of construction works relating to this particular development. However, the Council's Archaeology Officer considers that there may be potential for some archaeological remains of significance to be encountered during construction works. Applicants, and their agents, should be aware that it is an offence to knowingly destroy or damage archaeological remains; including any structures, deposits or artefacts encountered during construction works. In the event that archaeological remains are encountered during the course of the development, construction works should cease immediately and the Council's Archaeology Officer should be contacted at the earliest possible opportunity and his advice sought about the subsequent treatment of the archaeological remains, before any construction works are recommenced. Rather than being lifted and taken off site, any human remains or artefacts encountered should be left in situ wherever possible. Before construction works are recommenced, the police should be summoned immediately in the case of human remains, and the Council's Archaeology Officer should be advised as soon as possible, in the case of both human remains and artefacts.

The Council's Archaeology Officer will be able to offer practical advice on any mitigation measures that might be required or applied to ensure appropriate excavation, reporting and analysis if preservation in situ of significant archaeological remains cannot be achieved, or is otherwise not desirable. Please note that the failure to report any such finds and/or to apply appropriate mitigation

measures to ensure their appropriate treatment and conservation, may result in a temporary stop notice being issued by the Planning Authority.

2 INFORMATIVE NOTE 2:

The Planning Authority maintains its preference that the tree belt should be established as a single coherent and continuous feature, upslope of the site and within the same field as the site (that is on the same side of the public road as the site). However, the Planning Authority accepts the general form of the tree planting indicated on the Approved Block Plan (annotated), subject to the details of the precise form and siting of the proposed tree planting being provided for further scrutiny as per the requirements of Condition No 3, and addressing the points below:

With respect to the form and location of any tree planting that is proposed to the north/northwest of the public road, consideration needs to be given to the precise topography and ground on which it is proposed this tree planting would be established. Particular concerns are that some of this land slopes downwards and away from the road, negating the effectiveness of any tree planting that were to take place in these areas, while consideration needs to be given to the stony and rocky nature of the ground, and the need to avoid those areas that would be the least hospitable for new tree planting. In short, the proposals must be informed by the actual contours and nature of the ground identified, rather than any overly simplistic imposition of a shape onto the landscape at this point. Similarly, although the potential for tree planting is considered to be generally better and more favourable within the same field as the site, consideration does need to be given to ground conditions, and the most successful and accommodation of the trees.

Given that the requirement for the tree belt relates to the need to mitigate the appearance in more distant views, the tree belts themselves need to be robust features of substantial depth, which should not be any less than 7m in depth; and ideally of greater depth for those areas that would feature on either side of the farm building in more distant views.

3 INFORMATIVE NOTE 3:

As it is described on the Approved Drawings, the bund is too artificial and contrived a feature in its form and location to be acceptable, and this should be addressed within the revised proposal. It is considered that the bund should be moved further back from, and downslope of, the farm building hereby consented, and that it should be given a more natural form and profile, including in being graded back to the original existing surface levels of all surrounding land so that it is an altogether less abrupt, contrived and visually disruptive feature.

Rather than tree planting, the bund should be seeded in grass of the same type and variety as the surrounding field. This would allow it to recede visually into the background of the field, when viewed at a distance, helping to disguise its form.

4 INFORMATIVE NOTE 4:

With respect to the planting schedule, the Planning Authority requires the tree planting to consist of mainly deciduous species taking guidance from the Landscape Guidance Note 1 - Tall Screen Tree Planting, with approximate 10% planted as rootballed standard trees in irregular groupings along the northwestern boundary of the site (i.e. along the length of, and inside of, the wall defining the boundary with the road). A stock proof fence should be included along the other boundaries.

Planting plans and supporting details must provide sufficient information to be enforceable by detailing the following:

- i.) Plan is to an identified true scale (e.g. 1:200).
- ii.) Boundary of the application site is clearly marked.
- iii.) Site orientation is indicated by a North point or OS grid lines.
- iv.) All existing trees, shrubs and hedges to be retained are clearly marked.
- v.) Take account of site factors such as slope, aspect, soil conditions, proximity of buildings and minimum distances from pipe and cable runs, when choosing planting positions. Where necessary, seek professional landscape advice.

vi.) Planting positions are clearly marked showing individual trees and shrubs and / or planting area boundaries using dimensions as necessary.

vii.) All species of plants identified using their full botanical name (e.g. oak - *Quercus robur*)

viii.) All plant numbers to be identified individually or by group or area as appropriate. Species mixes can be identified by percentages and an overall number or a specified area and a planting density (e.g. *Betula pendula* 30%, *Quercus robur* 70%, 120 square metres @ 1 plant per 4 square metres = 9 *B. pendula* & 21 *Q. robur*)

ix.) A planting schedule identifies all the proposed planting by species and specification indicating size and nature of plants to be used (e.g.: Extra heavy standard tree 14-16cms girth or shrub 60-75cms high in 2 litre pot.)

x.) Notes on the plan describe how the planting is to be carried out and maintained to ensure successful establishment.

xi.) The plan indicates when the work will be completed and ready for inspection taking account of planting seasons (e.g. November to end March each year for bare rooted plants.)

N.B. Planting conditions are only discharged following an inspection of the completed work.

Please also note that the programme for completion and subsequent maintenance must include action points describing actions that will definitely be taken by the Applicant, and must also note precisely when these are to be carried out (i.e. definite actions to be carried out at clearly identifiable times). Use of ambiguous, vague or otherwise non-committal words or phrases (including "should", "could" or "may") must be avoided in favour of words and phrases that are clear and definite (such as "will" and "shall") when detailing these actions that the Applicant will carry out. A critical concern is that the detail and timing of the measures are capable of being checked if necessary by a third party, rather than left as discretionary or optional.

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