

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 20/00160/FUL

APPLICANT : Mr Hamad Alsowadain

AGENT : Mr Kevin Logan

DEVELOPMENT : Erection of natural pairs/imprint chambers/office building, imprint chambers building and hack pen/storage building (variation of previous planning consent 19/00456/FUL)

LOCATION: Land South West Of Windrush Highend
Hawick
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Approved
	Existing Site Plan	Approved
	Proposed Site Plan	Approved
PROPOSED HACK PEN & STORAGE BUILDING	Proposed Plans & Elevations	Approved
PROPOSED IMPRINT CHAMBERS	Proposed Plans & Elevations	Approved
PROPOSED NATURAL PAIRS, IMPRINT CHAMBERS	Proposed Elevations	Approved
PROPOSED NATURAL PAIRS, IMPRINT CHAMBERS	Proposed Plans	Approved

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Consultations

Economic Development Service: Were not consulted on the previous applications and, as the business has already been established, they see no need to respond now as there is no obvious economic development impact.

Ecology Officer: No significant ecological impacts are likely to arise. No objection

Roads Planning Service: No objection

Community Council: No reply

Environmental Health Service: No reply

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD2, ED7, HD3, EP1, EP2, EP3, EP13, IS7, IS9

SPGs Trees and Development 2008; Waste Management 2015

Recommendation by - Carlos Clarke (Lead Planning Officer) on 9th April 2020

This application seeks consent for further development of an existing falcon rearing enterprise located alongside a minor road approximately 1.7km south-west of Bonchester Bridge. Consent 15/00115/FUL granted approval for two falcon breeding pens, a storage building and a circular hack pen, all of which, apart from the storage building, have been built. Subsequently, consent 19/00456/FUL approved an extension to one of the breeding pen buildings, and a separate natural pairs building. However, neither have so far been built, and this proposal seeks consent for relocation (and to a different size) of the natural pairs building (which will also now include an office), and a free-standing imprint building on the site of the approved extension. Also proposed is a second circular hack pen.

Principle

The falcon breeding facility is already now established, and this proposal will expand on the existing enterprise. This will not conflict with Policy ED7, and a condition to regulate the use can be applied to maintain consistency with the previous consent. There appear to be no existing buildings or brownfield sites suitable, and the imprint building will supersede the previously approved extension which cannot be built alongside it. Though the relocation of the natural pairs building does not prevent the approved version from still being built, the potential for both to be built is not a particular concern. That all said, the proposed natural pairs building, and hack pen, extend the built development here further into undeveloped land whereas there appears scope to build between the existing pen and the road, thus avoiding a sprawl out into the field. The applicant was asked to justify the expansion in the direction proposed and has advised that the nature and contour of the land will allow for larger vehicles to enter and turn safely, and also that the development will be less prominent from the road. I can understand the need for more space away from the road if large vehicles are involved. While I am not convinced by the visual justification (the fact the buildings would be closer to the road does not mean they are less acceptable visually), I would note that ED7 does not require a comparison between greenfield sites so this matter cannot be pursued further. The landscape and visual impacts of the proposal are, therefore, considered on their specific merits below.

Roads/parking

Though the site's location is not ideally suited for accessibility, the type of use means its general need for isolation is an overriding justification. It is not a tourist facility, so its lack of accessibility for all but the car is not a concern, and I note the RPS raise no concerns. Nor is there an apparent need for new roads or paths to link the new structures as none are proposed, and the RPS raises no concern over the lack of dedicated hardstandings. An informative can refer to the potential need for separate consent for any hardstandings if subsequently proposed.

Services

A public water supply is proposed, though the original development is, I understand, served by a private water supply endorsed by Environmental Health. The applicant's agent has clarified that the buildings may need an extension to this supply to allow for cleaning, and accepts that further information can be provided by condition. The EHS has not commented on this application, and I consider it prudent to obtain this information via a standard condition.

A septic tank and soakaway are referred to, though no details have been submitted. It is understood a septic tank already exists, and the condition regarding foul drainage imposed on the original consent was discharged on that basis. The imprint building is to link into the existing foul system, and the other buildings do not require a connection. Ultimately, though, the system's capacity to accommodate an additional building is a technical matter that requires to be addressed under the requisite Building Warrant application.

No new hardstandings are proposed and the developments need not materially increase run-off to neighbouring property or the road if surface water from the buildings is managed appropriately. The applicant proposes linking surface water to an existing field drain with either field soakaway or watercourse outfall. A condition similar to that previously applied can be applied here as regards surface water drainage.

Noise

Falcons have the potential to generate noise, as was clearly evident to me on my visit. However, the original consent was not subject to any mitigation, thus the second consent applied none either. Given also that this proposal cannot reasonably be subject to more controls than the original breeding pens, then no conditions are recommended. I note the EHS do not comment, and suggest the matter of noise be regulated via EHS powers separately, and apply to the business as a whole, not just these additional buildings

Waste

No waste storage proposals have been submitted, though the previous consents had conditions that sought to regulate waste storage as well as pest control. The requirements on the original consent were, however, discharged on the basis that the development does not generate significant waste and that a specialist company would deal with any insects, though insects are not normally present. I don't see a need to reiterate requirements to regulate waste storage or pest control, therefore, and note the EHS have raised no issues on these points now. If nuisance arises from operation of the use, that will be for the EHS to address separately.

Ecology

The site is not on or nearby any designations and no buildings or mature trees or hedging are proposed for removal. As our Ecology Officer notes, there should be no ecological consequences of note.

Neighbouring amenity

The proposals should not adversely affect neighbouring amenity in terms of daylight, outlook or sunlight to any overriding degree.

Visual impact

The imprint building, which would be of a similar scale and form to the extension it would replace, would be located on a flat site within the complex of buildings. It would also have green walls and roof to match existing buildings. It would, however, be fairly close to a large mature tree which it would be appropriate to secure the retention of. Its positioning could be micro-sited to stay outwith the root protection area of that tree and the applicant's agent has agreed to this being a requirement. A condition is, therefore, recommended.

The hack pen would be a smaller version of the existing hack pen, and be constructed of dark green walls and black mesh cover. On the basis these finishes match the existing pen, then its built form is not a concern on this flat site, where it will sit below the skyline. Clarification of the floor level should, however, be provided and a condition should cover this.

The natural pairs building would not be significantly different in its scale and form to the approved version, and again it would sit below the skyline (and, again, its floor level should be confirmed). Dark green materials to match existing buildings are also proposed, though reference to white Upvc windows in the office is made. The applicant's agent has agreed these can be changed to green and a condition is recommended to this effect.

REASON FOR DECISION :

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

Recommendation: Approved - conditions & informatives

- 1 No development shall commence until all finished floor levels and ground levels, relative to existing ground levels and a fixed off-site datum have been submitted to and approved in writing by the Planning Authority. The development shall be implemented in accordance with the approved levels

Reason: To minimise the visual impact of the development

- 2 The approved development shall be used only for falcon breeding and rearing and not for any other use (excepting only agriculture) 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 use and operation of the development in the interests of conserving appropriately the amenity and environment of this isolated rural site and its surrounding area; including in the interests of road safety.

- 3 The development shall be implemented in accordance with the plans and drawings approved under this consent, including the colours of external walls and roofs of the imprint building and natural pairs buildings, which shall be finished in dark green materials to match existing buildings approved under 15/00115/FUL, and the hack pen shall be finished in materials to match the hack pen approved under 15/00115/FUL. All external windows and doors shall be green in colour to match those on existing buildings, notwithstanding the reference to white on the approved drawings

Reason: To minimise the visual impact of the development

- 4 No part of the imprint building shall be erected within the root protection area of the adjacent tree to the north-east, applying BS5837:12, unless otherwise agreed in writing with the Planning Authority and the building's position shall be micro-sited from that specified on the approved plans to a revised position agreed in writing with the Planning Authority before development commences, such that it does not fall within the protection area. The protection area shall be safeguarded by fencing compliant with BS5837:12 during the construction works

Reason: To safeguard a mature tree that has public landscape value

- 5 Surface water drainage shall be designed to comply with PAN 61 and CIRIA SUDs manual C697, and shall be designed and installed to maintain surface water run-off from the development at, or below, greenfield levels. The approved buildings hereby approved shall not be operational until the surface water drainage system that serves them directly, has first been completed and is fully functional.

Reason: To ensure the sustainable disposal of surface water and avoid additional run-off from the site

- 6 No building that requires a water supply connection shall be erected under this consent 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, quantity and the impacts of this proposed supply on surrounding supplies or properties. The provisions of the approved report shall be implemented prior to the operational use of the building(s) hereby approved.

Reason: To ensure that the development is adequately serviced with water without a detrimental effect on the water supplies of surrounding properties.

Informatives

It should be noted that:

- 1 This Planning Permission grants conditional consent for the development specified on the approved plans and drawings and not for any additional hardstandings or hard surfaces not so specified. Where additional works beyond the approved plans and drawings are required, the applicant should ensure that any necessary PP has first been granted.
- 2 Any surface water discharges may require separate authorisation under the Water Environment (Controlled Activities)(Scotland) Regulations 2011 (As amended). The applicant should refer to SEPA guidance for more information on potential requirements.

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