

**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO  
SERVICE DIRECTOR REGULATORY SERVICES**

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 15/00115/FUL

**APPLICANT :** Sheik Fahad Al Thani

**AGENT :** James Murdie Design

**DEVELOPMENT :** Alterations and extension to dwellinghouse and erection of falcon breeding pens, hack pen, viewing room and storage building

**LOCATION:** Windrush And Land South East Of Windrush  
Highend  
Hawick  
Scottish Borders  
TD9 9SA

**TYPE :** FUL Application

**REASON FOR DELAY:** Ecology Survey

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
2 REV A	Elevations	Approved
3	Elevations	Approved
4	Existing Elevations	Approved
5	Elevations	Approved
1 REV A	Location Plan	Approved
1A	Block Plans	Approved

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

There are no representations.

**CONSULTEES:**

Roads Planning Service: Further to previous discussions with the agent, it is understood that the viewing area is for the use of the applicant and his guest. As such, there will be no excessive demand on the parking as there would be if the area was open to the general public. As such, I have no objections to the proposal.

Hobkirk Community Council: Concerned about the possible effects on wildlife and shooting estates of falcons escaping. There are already two falcon breeding operations in the area; there are concerns about proliferation. It is noted that the proposal would provide 1.5 full time jobs.

Environmental Health: If the dwelling is to be serviced by a private water supply the applicant will need to provide details to demonstrate that the supply will be adequate for the size of the dwelling and not affect supplies in the vicinity.

Ecology Officer: Adopting the Council's Supplementary Planning Guidance for biodiversity from the information provided the proposed development and type of structure proposed for alterations, extensions and new construction conforms to the type of development requiring a bat survey and breeding bird survey.

The existing dwelling house has potential to support bats and their roosts. There are barge boards, fascia boards, soffits and gaps. There are gaps in these features that could provide potential access for bats. Works to wallheads and loft space to construct the extensions has potential to disturb bats and their roosts. The mature trees have features that may support roosting bats e.g. rot holes, cavities, cracks and splits.

The existing outbuildings have potential to support breeding birds e.g. barn swallow and house sparrow.

The habitat in the surrounding landscape is of low-moderate quality for bats. There is a fragmented network of hedgerows, hedgeline trees and shelter belt coniferous plantations in a predominantly open hill area. There is isolated tree cover (mature beech and oak trees) and hedgerows adjacent to the existing dwellinghouse. This is linked by a line of tree cover to an area of semi-natural woodland (Upland mixed ashwood) approximately 220m to the south-east. The Borders Landscape Character Area (BDR11 Grassland with hills) classifies the surrounding landscape as dominated by permanent pasture with locally frequent woodland cover.

Prior to determination a survey for bats and breeding birds is required by a suitably qualified person.

Re-consultation: No response.

Landscape Architect: The site is an existing house and grounds within Landscape Character Type BRD 11: Grassland with Hills, an 'Upland Fringe' character type. The site is at an elevation of around 210m AOD.

The site location is remote from sensitive receptors and the proposed developments are in scale with farm buildings found in the area. I therefore have no concerns regarding this application. I note that the applicant proposes to retain existing trees (mature oak and beech) and this should be possible provided Root Protection Areas (RPA) are not damaged during construction. You may wish to apply a condition to retain the trees and keep works out of the respective RPAs. It would also be useful for the applicant to consider tree succession as these trees are already mature and it would be prudent to plan a few replacements. It would also be worth requesting an RAL code to confirm the proposed colour of external cladding.

SEPA: No objection.

#### APPLICANT'S SUPPORTING INFORMATION:

##### Design and Access Statement

- Policy D1 of the Local Plan encourages business proposals in the countryside. The application is for a small scale falcon breeding operation. The development is by its nature appropriate to the rural character of the area and the site is isolated and will not impact upon the surrounding areas and nearby uses. The development respects the amenity and character of the area.
- There will be little noise from the falcons and they prefer peaceful areas away from surrounding noise.
- Windrush is situated 3 miles from Bonchester Bridge and 6 miles from Hawick and is an agricultural holding of 20 acres previously in equestrian usage.
- The proposal is for two small scale buildings and a hack pen for breeding falcons for export to the applicant's home/business in Qatar. It would generate one full and one part time job and trade with local suppliers.

- The breeding chambers would be located to the south of the farmhouse within a fenced paddock. The hack pen is 40m in diameter located away from the high voltage electricity cable. The hack pen would be covered with a black nylon mesh with a gravel floor to allow the birds to be trained. A small building would be used for storage for materials, feed and the quad bike.
- The buildings would be clad in Juniper Green profile sheeting located around existing trees and hedges and fitted into the sloping ground to reduce their visual impact.
- The farmhouse would be extended and a separate office building would be erected using matching proportions, colours and roof pitches.
- The existing access from the public road would be utilised and the existing buildings used as garaging.

#### Bat and Bird Survey

- There is some sheltered bat feeding habitat immediately present with the occasional mature tree to the south east and trees are present in the field boundaries which are mainly walls. Woodland and plantations are present in all directions within 500m, some isolated and some are linked with shelterbelts.
- Inspection results revealed the presence of no bat droppings within the loft areas of the house. Externally the roof and ridge were sound and the walls are pebble-dashed and painted white which reduces bat roost potential. The trees on site near the proposed sheds are mature with good bat roost potential however these will be retained as at present.
- The building is assessed as a low risk that a bat maternity roost is present in this building and no further survey work is recommended.
- All contractors involved in the development will read the method statement, prior to commencing the work.
- Timing to avoid the hibernation period and caution and attention by the contractors will ensure that the development has as little negative effect on bat conservation status as possible.
- Any nesting birds will be allowed access to the nest until the birds have fledged. No traces of barn owls were seen on site.

#### **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Consolidated Local Plan Adopted 2011

Policy G1: Quality Standards for New Development

Policy NE3: Local Biodiversity

Policy H2: Protection of Residential Amenity

Policy inf4: Parking Provision and Standards

Policy INf5: Waste Water Treatment Standards

Policy INf6: Sustainable Urban Drainage

Policy D1: Business, Tourism and Leisure Development in the Countryside

**Recommendation by** - Julie Hayward (Principal Planning Officer) on 8th June 2015

#### Site and Proposal

The property is situated to the south west of Bonchester Bridge and accessed from a minor road. The site comprises of a two storey farmhouse with white rendered walls and a slate roof that has a porch extension

on the south elevation, a conservatory on the west (side) elevation, a flat roof garage on the east elevation adjacent to the road and a small extension on the north (rear) elevation. There are several timber and metal sheds and outbuildings in the rear garden and larger timber and metal agricultural sheds/stables to the south of the house. There is a stone wall on the boundary to the road, high hedges around the rear garden and timber fencing to the south of the house and around the paddocks. There are a number of mature trees within the site.

The property is surrounded by fields and Highend Farm steading is to the north, which comprises of a number of large agricultural buildings and the farmhouse.

The application seeks to establish a falcon breeding business at the property in connection with the applicant's business in Qatar and similar to that approved at Weensmuir Farm Bonchester Bridge (12/01304/FUL). The application includes a number of proposals:

Alterations and extensions to the farmhouse:

- The garage would be demolished and a single storey extension would be erected to provide an office. This would have a pitched roof for the majority and a flat roof to the rear.
- The conservatory and decking would be demolished and a two storey extension would be erected to provide a lounge and bedroom with an en-suite shower room.

The extensions would have white rendered walls and natural stone panels, UPVC windows and slate roofs to match the existing house.

The proposal as submitted was for one building accommodating falcon pens that would be erected in the paddock to the south of the farmhouse. This would be 47m by 9.5m and 4.1m in height with Juniper Green profile steel sheeting for the walls and the roof would be partly covered with profile sheeting but would be mainly covered with black mesh.

The proposal has been amended following negotiations with the agent regarding the mature trees within the site. The proposal is now for two falcon pens repositioned within the paddock to avoid the Root Protection Areas of the trees. One building would be 30m by 8.4m containing 30 pens and the second would be 15m by 14m containing 10 pens. The external materials would be the same as originally proposed.

A storage building would be erected adjacent to the pens. This would be 6m by 10m and 5.4m in height, also clad with Juniper Green profile steel sheeting.

A circular hack pen would be erected in the field to the south. This would be 40m in diameter with Juniper Green profile steel sheeting for the walls (4.5m high) and black nylon mesh roofing.

The existing buildings would be retained and the property would utilise the existing access.

#### Planning History

94/00077/FUL: Erection of garage. Approved 26th July 1994.

04/02195/OUT: Erection of two dwellinghouses. Land South East of Windrush Highend Hawick. Refused 15th February 2005.

#### Planning Policy

The proposal is for a commercial falcon breeding and training business at the property. Policy D1 of the Local Plan states that proposals for business development in the countryside will be approved provided that the development is used directly for uses which by their nature are appropriate to the rural character of the area and the Council is satisfied that there is an economic and/or operational need for the particular countryside location and that it cannot be accommodated within the development boundary of a settlement.

A major issue in assessing this proposal is whether this site is an appropriate location for such a business. The proposal requires a certain amount of land to accommodate the hack pen and breeding pens. The

proposal is for 40 pens to be accommodated at the site and this would generate a certain level of noise. It is considered that the proposed use is better suited to a fairly isolated, rural location than to a site within or adjacent to a settlement. The area is characterised by dispersed houses and farm steadings, which limits the potential for disturbance. There is a similar facility at Hawthornside to the south west and the site has been chosen to take advantage of this local expertise. Planning Permission has also been granted for a similar proposal at Weensmuir Farm to the west of Bonchester Bridge.

The farm buildings and farmhouse are currently vacant. The proposal would result in the reuse of the existing buildings and would result in the farmhouse being occupied, bringing the buildings and land back into use.

Although this would be a small scale development, the supporting statement submitted by the agent advises that the business will require one full time and one part time employees, providing job opportunities. The proposal would also benefit the local economy when the owner, his family and customers visit the site.

Concern has been expressed that falcons escaping from this facility could affect wildlife and shooting estates. The falcons are valuable and it is likely that measures will be taken to ensure the birds do not escape. Training of birds is proposed using a hack pen.

## Design

Policy G1 of the Local Plan requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development.

Policy D1 states that where a new building is proposed the developer will be required to provide evidence that no appropriate existing building or brownfield site is available and where conversion of an existing building is proposed, evidence that the building is capable of conversion without substantial demolition or rebuilding.

This proposal involves a number of elements. The existing farmhouse is vacant but would be brought back into use; extensions are proposed to upgrade the property to meet the requirements of the applicant. These include a single storey and two storey extension to replace the garage and existing conservatory. The farmhouse has been altered in the past, with a number of extensions. Although the proposed two storey extension would be large in scale, there is sufficient ground available to accommodate it. The extension would have a similar front and rear building line and eaves height and would fit within the existing gable end.

The office extension would be of a smaller scale. The roof is designed to have a similar pitch to the existing house but the length of the extension means that a section with a flat roof is required. This is unfortunate but the extension would replace the flat roof garage and so on balance, this element of the proposal is considered to be acceptable.

The external materials and windows of the proposed extensions would be in keeping with those of the existing house. There is sufficient space to accommodate the two extensions and so the proposal does not constitute over-development. It is considered that the scale, design and materials of the proposed extensions are acceptable.

The buildings housing the falcon pens and the storage building would be located in the paddock to the south of the property. These would be well related to the existing buildings. The design and materials of the buildings would be agricultural in appearance. The proposal has been amended so that two buildings are now proposed. This breaks up the mass of the building, reducing its visual impact.

The hack pen and breeding pens would be located in an agricultural field to the south of the farmhouse. The structure has been sited to avoid the overhead power cables but would still be well related to the other buildings proposed. It is accepted that none of the existing buildings could be converted to this proposed use. The design of the hack pen is dictated by its function. The proposed buildings and hack pen would have green metal cladding, common in agricultural buildings. Overall, it is considered that the scale, design and materials of the new buildings and hack pen are acceptable.

## Landscape and Visual Impacts

Policy D1 of the Local Plan requires that the development must respect the amenity and character of the surrounding area.

As outlined above, the proposed alterations to the farmhouse are considered to be acceptable in design terms. They would replace an existing extension and conservatory. It is not considered that these elements of the proposal would harm the visual amenities of the area.

The buildings accommodating the breeding pens and the storage building would be clad in dark green profile sheeting. The building accommodating the falcon pens would have been a large building but is now split into two buildings and they would only be 4.1m in height and would have the appearance of agricultural buildings and so it is considered that the buildings would be in keeping with the rural character of the area.

The hack pen, however, is not a type of structure commonly seen in the countryside. This would have a 40m diameter and be 7.2m in height, though the green metal sheeting for the walls would only be 4.5m in height and the roof would be nylon mesh. By way of comparison, a similar hack pen is already sited adjacent to the A6088 at Hawthornside and is not unduly prominent in the landscape.

The design and materials of the buildings and hack pen would mean that these structures would not be unduly prominent in the landscape and would not harm the visual amenities area. There are mature trees within the site and some hedging along the field boundaries. However, a condition is recommended that a landscape scheme is submitted and agreed for the site and implemented and maintained until fully established to provide a degree of screening to ensure that the development is well integrated into the landscape.

No security fencing or lighting are proposed as there would be a resident member of staff providing on-site security. However, these elements can be controlled by a planning condition to protect the visual amenities of the area and prevent light pollution at night.

It should be borne in mind that this was once a working farm and modern farming practices require large agricultural buildings for storage and livestock that have the potential to be prominent and intrusive in the landscape.

#### Impact on Residential Amenities

Policy D1 of the Local Plan requires that the development must have no significant adverse impact on nearby uses, particularly housing. Policy H2 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

One of the benefits of this site is that it is in a relatively isolated location with few residential properties in the surrounding area. The closest residential property is at Highend Farm to the north and farmhouse is 120m from the property and 200m from the proposed breeding pens with agricultural buildings in between. Given the distance between the two properties and intervening screening, it is considered that the proposed use would not have a significant adverse effect on the residential amenities of occupants of this property.

Details are required of the exact proposals for the storage and disposal of manure and waste generated by the proposed use. A planning condition is recommended to require the submission of such details. It is considered that provided waste is stored and disposed of in a manner that complies with the requirements of Environmental Health legislation then the proposed use should not result in vermin infestations or risk to the environment or health. The condition would ensure that this aspect of the proposal could be monitored.

The use of the farm for agriculture and horses would have generated a certain level of manure and waste and it is not felt that the scale of the proposed use would worsen this situation.

#### Access, Road Safety and Parking

Policy D1 states that the development must take account of accessibility considerations. Policy Inf4 of the Local Plan requires that car parking should be provided in accordance with the Council's adopted standards.

The site is accessed by a minor road. The proposal is for a commercial falcon breeding and training business and this would not be open to members of the public as a tourist facility. The agent advises that the applicant will visit the property two or three times a year.

The Roads Planning Service has no objections to the proposal as the use would not be open to the public and so there would be no excessive demand on the parking.

Although no designated parking spaces are shown on the site plan the applicant intends to use one of the existing buildings for parking and the existing paved area is large enough to accommodate parking associated with the proposed use.

#### Natural Heritage

Policy NE3 of the Local Plan seeks to safeguard the integrity of habitats which are important for the maintenance and enhancement of local biodiversity. Where development is proposed on a site for which there is evidence to suggest that a habitat or species of importance exists the developer may be required to undertake the necessary surveys.

The Council's Ecology Officer advises that from the information provided the proposed development and type of structure proposed for alteration conforms to the type of development requiring a bat survey and breeding bird survey. This has now been submitted and the Council's Ecology Officer has been consulted.

No evidence of bats was found in the loft space of the house, though there is bat feeding habitat in the immediate area and the mature trees provide bat roost potential. No traces of barn owl were found. The report includes a mitigation strategy and a condition will ensure that the development is carried out in accordance with this.

The Council's Ecology Officer has raised no concerns regarding the impact the proposed falconry pens on wildlife habitats or bird populations.

#### Trees

Policy NE4 seeks to protect trees and woodlands from development.

Existing trees (mature oak and beech) are to be retained. The Council's Landscape Architect advises that this should be possible provided Root Protection Areas (RPA) are not damaged during construction and he has no objections to the proposal.

The agent has provided a drawing showing the Root Protection Areas of the mature trees within the site. The breeding pens have been repositioned within the site and divided into two buildings to ensure that the development is outwith the Root Protection Areas of these trees. A condition will require that the existing trees are retained and protected during construction.

The Council's Landscape Architect advises that the applicant should consider tree succession as these trees are already mature and it would be prudent to plan a few replacements. The agent has shown that oak and beech saplings would be planted along the south east boundary of the site as long term replacements and a condition would require the submission and implementation of a planting plan.

#### Drainage and Water Supply

Policy Inf5 states that the preferred method of dealing with waste water associated with new developments would be the direct connection to the public sewerage system and for development in the countryside the use of private sewerage provided that it can be provided without negative impacts to public health, the environments, watercourses or ground water. Policy Inf6 requires a SUDS for surface water drainage.

Foul drainage would be to an existing septic tank and soakaway and surface water would be via existing field drains to a ditch, though no details have been submitted. A planning condition is recommended that would require the submission of full details of the foul and surface water drainage before the development commences.

SEPA has no objections to the proposal and have provided advice on drainage, which will be attached to the decision notice as an informative.

The water supply would be from a private source. Environmental Health has requested that a condition be attached to any planning permission for this proposal that details of the water supply be submitted and approved by the Planning Authority.

### **REASON FOR DECISION :**

The proposed development, subject to the imposition of planning conditions, is considered acceptable and in compliance with policies G1, D1, NE5, H2, Inf4, Inf5 and Inf6 of the Scottish Borders Consolidated Local Plan Adopted 2011. The proposed business use would be appropriate for this rural location and the proposed development would not have a detrimental effect on the visual amenities of the area or on the residential amenities of occupants of neighbouring properties. Adequate access and on-site parking can be achieved.

### **Recommendation:** Approved - conditions & informatives

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2 The external materials to be used on the extensions to the dwellinghouse shall match in all respects those of the existing building and no other materials shall be used unless the prior written consent of the Planning Authority is given for any variation thereto.  
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
- 3 The breeding pens, storage building and hack pen hereby permitted shall be completed in the external materials shown on the plans hereby approved and no other materials shall be used without the prior written consent of the Planning Authority.  
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
- 4 No development is to commence until a report, by a suitably qualified person, 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 use of the buildings hereby approved commencing.  
Reason: To ensure that the development is adequately serviced with water without a detrimental effect on the water supplies of surrounding properties.
- 5 Details of any proposed security fencing and lighting to be submitted to and agreed in writing by the Planning Authority before the development commences. Only the approved fencing and lighting to be erected as part of the development.  
Reason: To safeguard the visual amenities of the area and limit light pollution.
- 6 Details of the foul and surface water drainage to be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be completed in accordance with the approved details.  
Reason: To ensure the development is adequately serviced and to protect the environment.
- 7 No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Local Planning Authority, and shall include (as appropriate):



- i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
- ii. location of new trees, shrubs, hedges and grassed areas
- iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
- iv. programme for completion and subsequent maintenance.

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.

- 8 No trees within the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Planning Authority.

Reason: The existing trees represent an important visual feature which the Planning Authority considered should be substantially maintained.

- 9 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by hedges fencing, or similar, a minimum of 1.5 metres high, placed at a minimum radius of one metre beyond the crown spread of each tree, and the fencing shall be removed only when the development has been completed. During the period of construction of the development:

- (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
- (b) No fires shall be lit within the spread of the branches of the trees;
- (c) No materials or equipment shall be stored within the spread of the branches of the trees;
- (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
- (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.

Reason: In the interests of preserving the health and vitality of existing trees on the development site, the loss of which would have an adverse effect on the visual amenity of the area.

- 10 Details of measures to store and dispose of manure and other waste arising from the operation of the premises to be submitted to and approved in writing by the Planning Authority before the development commences. The use hereby approved shall then be operated in accordance with the approved details. Manure and waste to be stored away from nearby dwellings. Manure and waste storage areas to be constructed so as to ensure that contaminated run-off does not cause public health nuisance or contaminate water courses.

Reason: To safeguard residential amenities and the environment.

- 11 Details of measures to control insects and other pests to be submitted to and approved in writing by the Planning Authority before the development commences. The use hereby approved shall then be operated in accordance with the approved measures.

Reason: To safeguard residential amenities and the environment.

- 12 The development to be carried out in accordance with Section 2 of the Bat and Barn Owl Risk Assessment April 2015 by Ruth Hadden, including the implementation of the mitigation measures listed within the report.

Reason: To protect protected species within the site.

### Informatives

It should be noted that:

- 1 The consultation response from SEPA is attached for the information of the applicant.
- 2 Environmental Health advises that:

In respect of condition 4, the applicant should provide the following information:

1. The type of supply i.e. borehole, spring, well etc.
2. The location of the source by way of an 8 digit reference number.
3. Details of other properties on the supply (if the supply is an existing one).
4. Estimated volume of water that the supply will provide (details of flow test).
5. Evidence that this supply will not have a detrimental effect on supplies in the area.
6. Details of any emergency tanks.
7. Details of treatment to be installed on the system.
8. Details of any laboratory tests carried out to ensure the water is wholesome.

For information, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to one cubic metre (or 1000 litres) of water per day for every five persons who will be using the supply. It is the provision of this quantity that must be ensured and, as such, water storage facilities may be necessary for this purpose. In addition, when designing storage facilities, the minimum recommended capacity is three days' worth of supply, in order to allow for supply interruption/failure.

As the proposal may result in the general public consuming the water from the private water supply, the supply will be classed as a Type A. This will mean that the supply will be subjected to annual water testing and a risk assessment of the supply. The applicant should contact an Environmental Health Officer before becoming operational to discuss testing of the water.

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