

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/01008/FUL

APPLICANT : Mr Adam Elder

AGENT : Camerons Ltd

DEVELOPMENT : Erection of replacement dwelling house

LOCATION: Derelict Dwelling Land West Of Glenkinnon Lodge Peelburnfoot
Clovenfords
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY: Late Submission of Information

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
9303.0.01	Location Plan	Refused
9303.1.01 existing	Site Plan	Refused
9303.1.04	Elevations	Refused
9303.1.03	Sections	Refused
9303.1.02 proposed	Site Plan	Refused
9303.1.05 A-A	Sections	Refused
9303.1.06 B-B	Sections	Refused

NUMBER OF REPRESENTATIONS: 17

SUMMARY OF REPRESENTATIONS:

ROADS PLANNING SERVICE:

Have no objections in principle to the erection of a replacement dwelling at this location. However, the following points will have to be satisfactorily addressed in order to gain support;

- o The private access where it meets the public road to be positioned in such a manner which does not impact on the existing street lighting column.
- o Private access track to be a minimum of 3.7 metres wide.
- o The first two metres of the private access track to be constructed to the following specification "75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1."
- o The remainder of the private access track to be formed with a well compacted free draining, smooth running surface capable of withstanding a minimum axle loading of 14 tonne.

It should be noted that all work within the public road boundary must be undertaken by a contractor first approved by the Council.

COMMUNITY COUNCIL:

In summary, express significant concerns about the scale of the house, impact on trees, and suitability of the access. The CC goes on to question the sustainability credentials of the proposed design, given one gable end is glazed. Highlight no detail is given of any wood burning stove, question the phrase

'Possible micro-hydro' as a renewable energy source- this is an extremely vague phrase. Question the need for such a dwelling on the site. Whilst managing the woodland in a positive and sustainable manner is to be welcomed this does not require the woodland to be lived in.

EDUCATION & LIFELONG LEARNING (NEIL HASTIE):

Confirm the site is located within the catchment area for Clovenfords Primary School, St Margaret's R C Primary School and Galashiels Academy. There are no contributions sought for this application.

ENVIRONMENTAL HEALTH:

Confirm the application was assessed in terms of air quality, nuisance and the proposed private water supply. The documents lodged in support of the Application indicate that the property will be serviced by a private drainage system and may be heated by biomass/ stoves. Further details on biomass, drainage, and water supply are required.

LANDSCAPE ARCHITECT:

Confirms the site comprises an area of ancient or semi ancient woodland that made up part of the Peel estate which was firstly a shooting and fishing estate, created at the end of the 19th century and subsequently was used as a hospital. On closure of Peel Hospital the northern part of the grounds were developed as a large residential development and a Tree Preservation Order (TPO) was placed on the surrounding woodland within the hospital grounds. In summary, the site is wooded and within this woodland there are the remains of dog kennels. The Landscape Architect suggests that given the size of the kennels they were purely kennels to house the dogs and did not incorporate any accommodation for the dog handlers. The proposal is to build a house on the site of the old kennels. The site comprises woodland which because of its amenity value and ability to screen and shelter the residential development within, is covered by a TPO. To build the house and access requires the felling of approximately 14 trees as well as creating a driveway and parking within the canopy and Root Protection Areas (RPAs) of a number of mature trees. It will create a hole within the centre of this piece of woodland and the surrounding trees, including those immediately to the south, could be under long term pressure for removal due to shading and the potential for falling damage. There is potential for further trees to be affected by services runs which will have to come through trees. A development in this location would undermine the TPO as well as Policy EP13. Policy EP13 gives protection to the woodland resource and states that 'the Council will refuse development that would cause the loss of or serious damage to the woodland resource unless public benefits clearly outweigh the loss of landscape, ecological, recreational, historical, or shelter value.' Given the aims of Policy EP13 and the TPO status of the woodland the landscape architect does not think this is an appropriate site for development.

ECOLOGY

Summary of initial response:

Proposed works include removal of trees within the woodland, demolition and rebuild of the existing ruined dwelling, earthworks to create new access and parking area hardstanding, installation of private drainage arrangements (septic tank and soakaway) and SUDS for surface water.

The River Tweed SAC is situated 45m to the north, designated under the EC Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna. The River Tweed is also designated as a SSSI, which is regulated by the Nature Conservation (Scotland) Act 2004, and is notified for Atlantic salmon, sea, river and brook lamprey, flies, beetles, vascular plants and trophic range river/stream). Immediately adjacent to the site (7m east) is the Glenkinnon Burn SSSI. The Glenkinnon Burn SSSI links with the adjacent riparian River Tweed SAC and the grassland Williamhope SSSI forming a whole ecological unit and part of a connected ecological network. It also falls within the local strategic green network. There is potential for run off from waste and sewage water to enter the River Tweed SAC and SSSI and/or the Glenkinnon Burn. More information about proposed drainage may be required.

Bat species have previously been recorded within 1km of the development. The Ecology Officer noted that the preliminary roost assessment for bats (Stone's Wildlife Management, July 2017) found no fresh or historic signs of bat use. However the suitability for bats was stated as being low, rather than negligible. The surrounding habitat is excellent and may afford opportunities for commuting, foraging or roosting bats, including species that thrive in riparian habitat. A further survey for bats is required, in accordance with good practice guidelines. Bats are a European Protected Species and establishing whether or not they are present on development sites must take place prior to approval of a planning application.

Other protected species recorded within 1km of the development include red squirrel and adder (UK BAP species, also listed on the Scottish Biodiversity List) and badger. The woodland supports a range of bird species including tree pipit, (listed on the UK BAP and Scottish Biodiversity List and a red list species of conservation concern), redstart, mistle thrush, which have been recorded within 1km as well as pied flycatcher, wood warbler, green and greater spotted woodpeckers, which, like tree pipit are of local distribution in the Borders. Moth species listed on the UK BAP and declining in Scotland, as well as being listed on the Scottish Biodiversity List, have also been recorded within or adjacent to the site.

The Ecology officer notes the Landscape Officer's response of 08/08/17, stating that: the woodland is covered by a TPO; earthworks to create a driveway and parkway have potential to damage further mature trees in addition to the 14 to be felled; and that, further trees, especially to the south may be under pressure for removal due to shading, potential falling damage and installation of services. As outlined above, there are potential impacts and constraints relating to biodiversity, which require further assessment.

Summary of second response:

A preliminary ecological appraisal was then carried out following the above noted initial advice from the SBC ecologist. The Ecology Officer then provided further advice as follows,

Noted the information provided by Stone's Wildlife Management (Ecological walk over survey At Peel Wood, August 2017). In her opinion the information provided is lacking in the rigorous detail expected from ecological survey reports, in order to ensure appropriate recommendations can be made in respect of biodiversity. It lacks such elements as a site plan; desk survey data; reference to designated sites; detailed methodology; details of baseline conditions, and reference to mitigation or enhancement opportunities.

However, from the information provided, and from the previous survey undertaken, it can be concluded that, since no roosts, fresh or historic, were discovered in the building and trees surveyed within 30m of the development, that no licence and no further bat surveys are required. Nonetheless, as good practice, mitigation to ensure the protection of bats in close proximity to the site (as recorded during the survey), is required. No evidence of current bird nesting, of red squirrels or their drays or of badger activity was found during the survey. However, evidence of historic bird nests have been found, and red squirrels and badgers are recorded locally. Therefore, recommendations are given in terms of mitigation to ensure protection of these species, if the planning application is approved.

The development has potential to impact biodiversity through causing loss of the woodland resource. Therefore, it is recommended that (in line with Local Development Plan policy EP13), a detailed biodiversity management plan, prepared by a competent ecologist, should also be submitted. Were the application approved, the Ecologist has suggested suitable conditions in the second response provided.

PUBLICITY AND REPRESENTATIONS

This application was publicised by means of the direct postal notification of five neighbouring dwellings. Further publicity was carried out in the form of an advert in the Southern Reporter, and a notice on the national public notices website "Tell Me Scotland". At the time of the finalisation of this report, a total of 16 separate submissions had been made opposing the application. These can be viewed in full on the public access website and summarised as follows:

- Concern over possible additional buildings.
- Traffic, in terms of construction, and then the increased use of the access serving the dwelling.
- Adverse road safety impacts, and insufficient parking.
- Environmental issues and adverse environmental and ecological impacts, including adverse impact on woodland, species, and a SSSI.
- The submitted Contextual Visual is criticised as a misinterpretation of what it would realistically and actually look like, to achieve a dwelling of this size far more trees would need to be cut down destroying the nature of the woodland.
- Sewage and drainage impacts, including inadequate drainage,
- Loss of view (not a planning issue).
- Noise nuisance.
- Overlooking.
- Lack of sunlight (trees in summer, elevation of sun in winter) will result in additional tree felling or substantial trimming being required.
- Highlighting of inconsistencies in the submission.
- Contrary to Local Plan.
- Detrimental to environment.
- Fire Safety (in terms of having a dwelling and stove positioned within a woodland).
- Height and scale of the proposed building.
- Inadequate screening.
- Poor design.
- Water Supply.
- Highlighted that the derelict kennels have never been a dwelling
- The site and will occupy at least twice the area currently occupied by the derelict kennels and fenced runs.
- The topography of the site is ill-suited for car parking or drainage of rainwater.
- Finally, one objector tracked down the valuation roll presented in the application, and demonstrated that the version they were able to obtain did not contain the same information on occupation as the version presented by the planning consultant for the applicant. This is discussed in more detail in the report.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

- PMD1 - Sustainability
- PMD2 - Quality Standards
- HD2 - Housing in the Countryside
- HD3 - Protection of Residential Amenity
- EP5 - Special Landscape Areas
- EP8 - Archaeology
- EP1 - International Nature Conservation Sites and Protected Species
- EP2 - National Nature Conservation and Protected Species
- EP3 - Local Biodiversity
- EP13 - Trees, Woodlands and Hedgerows
- IS2 - Developer Contributions
- IS5 - Protection of Access Routes
- IS7 - Parking Provision and Standards
- IS9 - Waste Water Treatment Standards and Sustainable Urban Drainage

Other considerations:

- Supplementary Planning Guidance
- New Housing in the Borders Countryside SPG
- Placemaking and Design SPG
- Privacy and Sunlight SPG
- Trees and Development SPG
- Local Landscape Designations SPG (Special Landscape Areas)

Recommendation by - Andrew Evans (Planning Officer) on 27th September 2017

SITE

The application relates to an existing derelict building located within woodland at the northern side of the entrance road to The Peel. The site is steeply sloping and populated by mature and semi mature woodland planting. Older, ancient woodland is located to the east of the application site. The site extends to 3551m², and is on the northern western corner of the Peel Wood, part of the former woodland estate which was associated with the historic Peel House. The access road serving The Peel, and housing at Craigmyle Park runs along the southern and western boundaries of the application site. The road sits at a higher level than the application site.

PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of a single detached dwelling within the woodland. The application is submitted in full, and accompanied by a design statement, planning statement, ecology and bat survey, tree survey and woodland management proposals. A written statement from the applicant is also provided. The proposed house has a steeply sloping roof. The detail of the proposed house is as follows:

- Footprint

The proposed dwelling would have a footprint of approximately 14m x 7m. This contrasts with the footprint of the existing building measuring approximately 3m x 7m. The kennels building had a pair of railed enclosure off of one of its outer walls, enclosing an outside area of approximately 4m x 7m.

- Levels

The road level at the top of the footpath is at 145.42. To the same datum, the proposed house has a finished ground floor level of 139.60; and a ridge level of 148.86. The proposed building is set lower on the slope than much of the nearest immediately adjacent housing. However its proposed form is unlike any of the surrounding development. This is discussed further below under "Placemaking".

- Materials

The building would be finished with boarded timber cladding, and reclaimed stone to the walls. Each gable would feature timber framed glazing. The roof would be finished in a dark grey slate.

POLICY PRINCIPLE

The application is submitted on the contention that the proposed dwelling is a replacement of a former dwelling. Supplementary information was lodged in the form of an extract from a historic 1915-1916 valuation roll. The application requires to be considered against adopted policy and guidance on New Housing in the Borders Countryside.

- Building Group

The current planning application requires to be considered principally in terms of Policy HD2 (on Housing in the Countryside) of the Scottish Borders Local Development Plan (2016), and in terms of the current SPG on New Housing in the Borders Countryside. The SPG sets out that the existence of a group will be identifiable by a sense of place which will be contributed to by:

1. Natural boundaries such as water courses, trees or enclosing landform, or
2. Man-made boundaries such as existing buildings, roads, plantations or means of enclosure.

Policy HD2 aims to support new rural housing where it is associated with existing building groups of three units or more. The policy sets a maximum total of 2 additional dwellings at a building group within the Local Development Plan period, or a 30% increase, whichever is higher. In this case however, the planning authority is of the view that whilst a building group is present at The Peel, the application site is adjacent to it, the proposed development cannot be considered an acceptable addition to the existing group. The site is removed from the group, and positioned within woodland which performs a significant and important

screening role over the housing development up slope. This screens and minimises view of much of the housing development from across the valley.

Development of the site would result in significant harm to the character of the existing building group, by eroding the tree belt around The Peel. Furthermore, the proposed development would not be in keeping with the scale and form of surrounding buildings, or with the building on the proposed house site.

-Replacement Dwelling

Policy HD2 (D) allows for restoration of a former house, not its replacement. Policy HD2 (E) on replacement dwellings sets out that the proposed replacement of an existing house may be accepted where relevant policy criteria are met. However the policy does not allow for the replacement of a former house. Even if these parts of Policy HD2 supported replacement of a former house, the policy criteria are such that there would need to be compliance with criteria in relation to landscape setting, building pattern, and character. I do not believe that the proposed development can comply with policy HD2 in these regards,

In essence, the submission takes a second attempt at establishing the principle of development, with information submitted in the form of a historic valuation roll, seeking to establish the presence of a historic dwelling at this location. The agents submitted planning statement (Ferguson Planning; August 2017 - In IDOX/ PublicAccess, dated as received 6th September) sets out in section 5.3 onwards that "the principle of residential development has already been established in this location by virtue of the existing residential property on the site. It is asserted that this building is no longer habitable and therefore requires to be replaced..."

The agent goes on to assert in section 5.7: "Whilst we acknowledge that the property may have been used in association with dogs, it was never purely as a kennels. Instead the use was for accommodating hunting dog handlers as well as their dogs. The primary function was therefore entirely residential in nature. The screened nature of the existing property means that it would be difficult for members of the local community to reliably distinguish that the property had not been utilised as more than a dog kennel, however it is clear on site that this is not the case."

The agent asserts that the presence of roof lights, and a chimney in the building, together with the presence of an old bedframe, would demonstrate that there had been residential use of the building, rather than the provision of purely kennelling. The evidence is not conclusive here. It may have been the case that the building was used for residential purposes, however, the planning statement, and submitted valuation information does not in my view amount to an undisputed case having been made in this regard. Indeed the contentions of the agent are robustly challenged by objectors, Dr and Mrs Hope, who in their letter of September 12th query the accuracy of the submitted roll information. Succinctly put, the letter highlights that the planning authority are being asked to accept that a building with footprint of 7m x 3m, with no water, drainage or lighting apparent, and surrounded by metal fencing from dog enclosures was primarily in use as a dwelling. The objector went as far as to retrieve their own copy of the valuation roll for Caddonfoot, for 1915-16, with their extract showing no name present under the column for "Inhabitant Occupier" for these premises.

SIZE AND SCALE OF EXISTING AND PROPOSED BUILDING

The existing building has a relatively modest footprint. I note the proposed building seeks to minimise its footprint, by taking its form upwards, with accommodation provided within a steeply pitched roof. However, at approximately 14m x 7m., this does not compare favourably with the footprint of the existing building measuring approximately 3m x 7m (scaled from OS). The proposed dwelling is of a substantially larger scale and height than the former building would have been,

PLACEMAKING AND DESIGN

The application was accompanied by a design statement, which is visible on the PublicAccess website. The proposed house has a steeply pitched roof, which assists in minimising its footprint. It does not however reflect the immediate dwellings and its form and design would stray from the established character of the group. It would be an outlier, not just in its siting, but in its design, and this would not relate sympathetically to the group.

AMENITY

Policy HD3 of the Scottish Borders Local Development Plan sets out that residential amenity will be afforded protection. The Council has adopted supplementary planning guidance on Householder Development which sets out standards for privacy and amenity. In the case of these current proposals, the site is indicatively located in a manner sufficiently distant from, or oriented relative to, the nearest residential dwellings that I am satisfied that the proposed development of a house could be possible in a manner not resulting in an adverse impact on neighbouring amenity. The position of the house is such that acceptable privacy relationships could be achieved, and compliance with policy HD3 and the SPG standards on privacy and amenity could be achieved.

TREES AND WOODLAND

Policy EP13 of the LDP on Trees, Woodland and Hedgerows sets out that existing trees and hedgerows will be protected. The proposed building would be set within mature woodland, on sloping ground on the side of the valley. The trees vary in age, and type, with both coniferous and deciduous trees present. A tree survey accompanied the application. The Planning Service highlighted with the agent that the originally submitted survey included a "Stamp" outline of proposed tree positions, rather than an accurately rendered bespoke crown spread being shown for each tree. Tree surveys should be undertaken to British Standard 5837 of 2012. An updated drawing was lodged; however this remains on the basis of a stamped crown spread.

The Council Landscape Architect was consulted on the application. He advises that there are concerns in relation to the adverse impacts on surrounding woodland that would arise as a result of this proposed development. The impact of the proposed development, however sensitively handled, will be to require felling within the site, to accommodate the development and road to the house. This raises significant concern. The woodland as it currently exists performs an important screening function from the public road, separating the housing development in the grounds of The Peel. Furthermore, permitting this development would in theory enable further incremental development of the building group into this woodland, further eroding the screening function of the remaining trees.

The Council Landscape Architect acknowledge the applicant may have a real commitment to the Peel Woodland that is in his ownership, however none of the further information submitted since the original landscape consultation reply of 8th August has altered his view that development in the middle of woodland would have anything but a detrimental effect on this part of the woodland. As well as potentially undermining the TPO, it would be contrary to Policy EP13, the aim of which is to give protection to the woodland resource. The tree survey does not identify the appropriate Root Protection Areas for the surveyed trees, in accordance with BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations. The development requires the removal of at least 14 trees and requires a track to be formed into the woodland and will create a clearing, albeit a small one, in the woodland. The development, the access requirements and associated works are not, in my opinion compatible with sustainable woodland. Therefore, on landscape grounds, the Council Landscape Architect cannot support this application.

I note that the agent proposed use of protective "CellWeb" membrane in order to mitigate the impact on the trees at the entrance to the site. This would only deal with the remaining trees. As pointed out by the landscape architect, in the region of 14 trees would require to be removed to accommodate access to the site. The application Planning Supporting statement sets out also, the use of Screw Piles. This is in place of traditional foundations. Here, threaded steel tubes are screwed into the ground by a specialist machine. The significant advantage is that they require no excavation and no not place concrete near roots

The woodland, including trees in this site, is subject to a blanket Tree Preservation Order. The supporting statement acknowledges that the trees on the site benefit from this group TPO and any further removal would require express permission from Scottish Borders Council. Any trees removed as part of the current application will, at the very least, be replaced on a 'like for like' basis. This can be secured through a condition on the permission.

I note that to the eastern side of the site, nearby woodland (outside the application site) is classed as "Ancient Woodland" (woodland which has been continually wooded since at least 1750). There is no legislation specifically protecting ancient woodland, Scottish Planning Policy identifies it as an important and irreplaceable national resource which should be protected and enhanced, there are caveats with the

accuracy of ancient woodland mapping. However, the designated "Ancient Woodland" area is completely outwith the application site.

I am concerned also that the approval of this application would lead to increased development pressures upon the remaining woodland outwith the site, which could result in further erosion of the adjoining woodland, and result in landscape, and ecological harm.

FORESTRY MANAGEMENT

The applicant has set out detailed proposals for enhancing the management of the existing woodland by means of forestry management. Tree Force Ltd prepared a tree survey for the site, supplemented by a one page woodland management plan prepared by the applicant.

LANDSCAPE

The site is located within the Tweed, Ettrick and Yarrow Confluences Special Landscape Area. As such the site is subject to policy EP5 of the LDP. Further policy context is provided within the adopted SPG on Local Landscape Designation. Policy EP5 provides that the Council will seek to safeguard landscape quality and will have particular regard to the landscape impacts of proposed developments, including visual impacts. Proposals that have significant adverse impacts will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local significance.

- Special Landscape Area

The site is located within the Tweed, Ettrick and Yarrow Confluences Special Landscape Area, The adopted SPG on Local Landscape Designations sets out a statement of Importance for each of the new Special Landscape Areas. It notes that East of Thornielee, the area in which this site is located, the Tweed flows in to a narrower section, winding between steep valley sides which are often densely forested. The statement goes on to note forces for change, in the SLA, of which the following are relevant to this proposal:

- o Development pressure at the edges of Galashiels and Selkirk
- o Development of wind farms and wind turbines, and hillside access tracks

The Statement makes Management recommendations, and those relevant here are as follows:

- o Continue to promote sustainable estate management to balance the needs of biodiversity, recreation and tourism
- o Careful management of land use at settlement edges.
- o Consider landscape and visual impacts of proposed developments in and around settlements
- o Consider the effects of development on hilltops, such as masts or wind farms, which may be visible within the valley

Policy PMD2 of the LDP sets out that development should respect the character of the surrounding area, neighbouring uses, and neighbouring built form. The proposals in this case are considered not to respect the character of the surrounding area, due to the position of the site "within" the woodland, rather than being framed by it, and due to the divorced location of the site, relative to surrounding dwellings. However, the development would not have a substantial impact on the integrity of the SLA as a whole such that it would be contrary to EP5.

ECOLOGY

- Site of Special Scientific Interest

Objectors highlight the presence of protected species, and the SSSI designation of the woodland. The SSSI designation extends to the woodland beyond the eastern edge of the site, to the Glenkinnon burn. The SSSI was not flagged at registration. I have double checked SNH's online record for the site, and this confirms that the application site is positioned outwith (but adjacent to) the SSSI.

- Ecology Officer

The site is located adjacent to the woodland. The woodland forms an ecological habitat. The presence of red squirrel within the woodland was highlighted in objections. An Ecology Survey was undertaken by

Stones Wildlife Management for the applicants, and lodged with the planning authority for consideration. The Council Ecology Officer was consulted on the application and advises that the proposed development raises issues. In her original reply, the Ecology Officer requested that a proportionate EclA was requested. Further supplementary information was provided by Stone's Wildlife Management (in the form of an Ecological walk over survey At Peel Wood, August 2017). In the opinion of the Ecology Officer the information provided is lacking in the rigorous detail expected from ecological survey reports, in order to ensure appropriate recommendations can be made in respect of biodiversity. It lacks such elements as a site plan; desk survey data; reference to designated sites; detailed methodology; details of baseline conditions, and reference to mitigation or enhancement opportunities.

However, from the information provided, and from the previous survey undertaken, it can be concluded that, since no roosts, fresh or historic, were discovered in the building and trees surveyed within 30m of the development, that no licence and no further bat surveys are required. Nonetheless, as good practice, mitigation to ensure the protection of bats in close proximity to the site (as recorded during the survey), is required. No evidence of current bird nesting, of red squirrels or their dreys or of badger activity was found during the survey. However, evidence of historic bird nests have been found, and red squirrels and badgers are recorded locally. Therefore, recommendations are given in terms of mitigation to ensure protection of these species, if the planning application is subsequently approved contrary to this delegated decision.

The Ecology Officer notes that development has potential to impact biodiversity through causing loss of the woodland resource. Therefore, it is recommended that (in line with Local Development Plan policy EP13), a detailed biodiversity management plan, prepared by a competent ecologist, should also be submitted. It has not been suitably demonstrated that the site can be developed without significant impact on the existing woodland. I note that the Council Ecologist is prepared to recommend conditions and, in the event consent was to be granted, conditions would be drafted to address these issues.

ACCESS AND ROAD SAFETY

Road Safety is a material planning consideration. The Roads Planning Service was consulted on the application and advises that the proposed development can be supported, subject to the imposition of planning conditions relating to the positioning of the private access, a minimum private access width of 3.7 metres, surfacing for the initial section of new access, and for the running surface of the remainder of the track... Whilst I do not doubt that safe access to the site could be achieved via use of conditions, I do have significant concerns about the impact of the proposed track, access, and parking and turning would have upon the woodland.

WATER SUPPLY AND DRAINAGE

The submitted supporting statement sets out at section 5.21 that the proposed site plan incorporates a notional location for a soil/waste treatment plant and soakaways to the rear of the site. The statements suggest that full details of the treatment plans and soakaway can be secured via condition. Conditions would generally be appropriate in this regard. Were the application otherwise acceptable, a rigorously worded condition would be required to protect ecological and environmental interests adjoining and within the site.

DEVELOPMENT CONTRIBUTIONS

Policy IS2 of the LDP sets out the Council position in terms of development contributions. I note that the applicant was prepared to enter into a legal agreement in respect of the identified contributions, and in terms of woodland management. A legal agreement to cover woodland management would have been an option open to the planning authority, had this been an otherwise acceptable development proposition.

REASON FOR DECISION :

The development of a dwelling at this location is unacceptable in principle when considered against adopted policy and guidance on new housing in the countryside. The proposed development would be unsympathetic to the character of the existing group of buildings at the Peel by virtue of its siting, scale, form and design, and the existence of a building on the site is inadequate justification for the proposal. By virtue

of the location within existing mature woodland, the proposed development will result in unacceptable impacts upon the existing trees within the site and lead to future pressure for removal of further trees

Recommendation: Refused

- 1 The proposed development is contrary to policy EP13 (Trees, Woodland and Hedgerows) of the Scottish Borders Local Development Plan (2016), and contrary to adopted supplementary guidance on Trees and Development in that the development will result in significant removal of trees subject to Tree Preservation Order which provide a positive landscape contribution. Furthermore, the proposed development would lead to increased pressure to remove further trees in the future.
- 2 The proposed development is contrary to policy HD2 of the Scottish Borders Local Development Plan (2016), in that the proposed development would not sympathetically relate to the existing building group in terms of siting, scale, form or design. The existence of a building on site is inadequate justification for the proposed development

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