

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 18/01671/FUL

**APPLICANT :** Borders Low Carbon Developments Ltd

**AGENT :**

**DEVELOPMENT :** Erection of four dwellinghouses

**LOCATION:** Land West Of Thornwood Lodge  
Weensland Road  
Hawick  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
9373.1.01	Proposed Plans	Refused
04	Proposed Elevations	Refused
	Location Plan	Refused
03 Rev A	Proposed Sections	Refused
02	Proposed Plans	Refused
05	Other	Refused
Trees	Existing Plans	Refused

**NUMBER OF REPRESENTATIONS: 2**

**SUMMARY OF REPRESENTATIONS:**

One household has submitted two objections to the proposals on the grounds that: (i) part of the site has been impacted by flooding in its recent history (2015); (ii) the household is aware of rumours of asbestos materials having been used, and potentially disposed of, on the site; (iii) a neighbour at No 2 Thornwood Grove, has not been neighbour notified when it should have been (on the basis of the household's understanding that everyone within 500m should be neighbour notified); (iv) the Applicant is storing building materials on the site; (v) design is not in keeping with the surrounding area; (vi) there is insufficient parking provision for the size of houses proposed, since the households accommodated may have more than two cars; and (vii) concerns are raised with respect to access for development and houses due to blind summit at this point, and the frequency, speed and type of traffic on the adjacent public road at this point.

Roads Planning Section: has no objections in principle, but is concerned that there are two site plans with different information on each. Accordingly, it is advised, should the Council be minded to support this application, Roads would require a scheme of details to be submitted which covers access and parking. As such, any approval should include a planning condition which requires that a scheme of details should be submitted to the Council for its prior approval ahead of the commencement of development, which requires the inclusion and achievement of: (a) access points to be constructed as per DC-10 (with the width of the access to be widened to suit); (b) visibility splays of 2.4 by 43 metres

in both directions from each access point; (c) construction specification for the parking areas; and (d) dimensions of the parking bays and turning space.

Flood Prevention Section: the site may be at risk from a flood event with a return period of 1 in 200 years (that is, the 0.5% annual risk of a flood occurring in any one year). Hydraulic modelling was produced for the Hawick Flood Protection Scheme which demonstrates that the proposed development lies out with the 1 in 200 year (0.5%) inundation outlines for the River Teviot, other than a small section on the North side, closest to the river. This study is anticipated to be more accurate than SEPA's indicative mapping. As flooding is not anticipated to affect the majority of the site and specifically the buildings as per the Site Plan (Drawing 9373.1.01), the Flood Prevention Section would have no objections to the proposal on the grounds of flood risk. Furthermore, there is suitable access and egress from Weensland Road.

Landscape Section: does not object, subject to the imposition of conditions to achieve the following: (a) require submission and agreement of landscaping details; (b) regulate commencement of landscaping works; (c) require a notice of completion of the same; (d) require retention of existing trees; and (e) require protection of hedges. The Landscape Section does advise within its assessment that it has found the submitted plans to be inadequate, and it identifies a requirement for a simple tree survey accurately locating the trees with Root Protection Areas shown (in accordance with BS5837:2012 - Section 4.6) so that the implications for tree retention/removal will be clearly shown. However, notwithstanding these concerns, it advises that it does not have any serious issues in principle with the development of this site, but it would within the ulterior details be concerned to establish: (i) how much of the hedge along Weensland Road would require removal and if there would be any scope to replant it behind the visibility splays; (ii) what the detail of the moss roof construction, species would be; (iii) whether or not the northwest facing solar panels would be effective (it wonders if the line on the rear of the roof, should be orientated towards the south or orientated in a series of smaller ranks, behind the SE facing line, towards the south west); and (iv) it questions what ratio of the front parking court would be hard surfaced and what would be planting.

Ecology Section: has responded twice now to advise of deficits in the information provided. In the most recent response, it acknowledges satisfaction with the otter survey provided, but considers that the Construction Impact Statement provided does not adequately address SNH's concerns. However, it considers that there is potential for these matters to be addressed by appropriately worded conditions in the event of approval. It is advised with respect to otter conservation that a planning condition requiring a sensitive lighting scheme would be required. Further, a Species Protection Plan for birds would also be required.

SEPA: has no objection to the proposal on flood risk grounds in light of advice given with respect to finished levels within the site.

Scottish Natural Heritage: initially objected on the basis of a lack of information with respect to the management of run-off from the site during the construction period. Further to its review of additional information provided by the Applicant, SNH has been able to remove its objections, specifically advising: (a) that it approves of the removal of balconies from the rear of the dwellinghouses; (b) that it would allow that a planning condition might - as per the advice of the Council's Ecology Officer - suffice to manage the mitigation required for otter; and (c) most recently, that while the Applicant's submitted Construction Environment Management Plan report and map are fairly basic, but the report makes reference to General Binding Rules and the map illustrates the presence of a drainage channel leading to a settlement pond, with an outflow and sediment trap. Implementation of these measures should be secured by planning condition.

The Community Council, Education and Lifelong Learning, the Hawick Flood Prevention Scheme, River Tweed Commission and Housing Section have all been consulted but have not responded to the public consultation.

## **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Local Development Plan (2016)

PMD1, PMD2, PMD5, HD3, ED1, EP1, EP2, EP3, EP13, EP15, IS2, IS7, IS8, IS9.

Supplementary Planning Guidance:

- Placemaking and Design (2010)
- Development Contributions (2016)
- Householder Developments (2006)
- Waste Management (2015)

**Recommendation by** - Stuart Herkes (Planning Officer) on 25th April 2019

This application seeks full planning consent for the erection of four new dwellinghouses - in two blocks of two semi-detached properties - on land fronting Weensland Road within the Development Boundary at Hawick. The Applicant is Borders Low Carbon Developments Ltd.

#### SITE DESCRIPTION

The site is currently part of the garden ground of the detached bungalow known as "Thornwood", which lies to the northeast. It is generally open, sloping land, of an almost parkland type character, which lies directly above the southern bank of the River Teviot, and to the north of Weensland Road (A698). There are some trees on and around the site, which are not particularly large (not being fully mature). There is a coherent and mature hedge along the entire length of the site's roadside boundary. The Applicant advises that the site was once the kitchen garden of Thornwood House (now the Mansefield House Hotel).

The channel of the Teviot lies out with the site, downslope and to the northwest; and is part of the River Tweed Special Area of Conservation (SAC) and part of the River Tweed Site of Special Scientific Interest (SSSI). Weensland Road (A698) lies to the immediate southeast. There is a terrace of three traditional dwellinghouses (one flatted) at 'Weensland Terrace' to the immediate southwest (Nos 6, 7 and 8 Weensland Terrace; it is No 7, which is flatted into two). These properties front Weensland Road. The northeast gable of No 8 faces directly towards the site and constitutes part of the southwest boundary of the site. The remainder of the latter boundary is completed by a stone wall which is the property boundary at No 8. There are residential properties on the opposite (south) side of Weensland Road, facing directly towards the site.

#### PROPOSED DEVELOPMENT

It is the Applicant's intention that the proposal should be carbon-neutral, and the layout and design proposed, appear to be informed primarily by this consideration.

The proposal is specifically that two pairs of semi-detached houses, all fronting the public road in Weensland Road, should be erected on the site. These would be flat-roofed structures, but a line of angled solar panels would be set up along, and essentially above, the parapets of the roofs of the principal and rear elevations on all four proposed dwellinghouses. These arrays of angled solar panels would project above the flat roofs in all cases, and would be the highest part of each of the four properties.

As a result of the sloping nature of the land within the site; and as a consequence of the proposed depth of underbuild, there would be two storeys fronting Weensland Road, but three storeys to the rear, facing towards; that is, out and over; the River Teviot. The lower storey on the rear elevation would be accommodated within a notable under-build.

The two upper storeys of all four dwellings would be clad in larch board vertical cladding. The lowest storey, accommodated within the under-built, would be finished in a powder-coated aluminium cladding, which the supporting statement advises would be decorated with artwork by an artist specialising in themes of water, flora and fauna. The surfaces of the flat roofs, it is advised, would be moss covered.

Excepting the proposed site plan and a streetscape drawing which shows the front elevations of all four of the proposed houses, the Applicant's supporting details otherwise describe only two semi-detached houses on the basis that the other block of two, would be a handed version. (While there is sufficient details to describe the layout and appearance of what is proposed; in the event of approval, a full set of drawings describing all four houses would be required for development control purposes. This however could be made the subject of a suspensively-worded planning condition in the event of planning approval).

## PLANNING HISTORY

A previous, but now lapsed, consent - 09/00547/OUT - gave outline permission for three new-build houses; two on the current application site and one on another area of adjacent ground, also within the garden ground at 'Thornwood Lodge'. The long and linear nature of the site suggests that these were to have been detached properties. (I note the Applicant's comparison of the previously approved, and current schemes, but the previous consent was an outline, and therefore any details provided, only indicative).

## PLANNING PRINCIPLE

Given that the properties would inhabit a notable gap within the existing streetscape of an established public road within the Development Boundary, and given that all four properties would be capable of being accessed directly from this same public road - and could be aligned with existing properties to the southwest in Weensland Terrace - I am content that the principle of the site being developed for housing, raises no concerns. Indeed, the previous outline consent for the site and also for land to the northeast, Planning Consent 09/00547/OUT, approved the principle of three new houses being accommodated here.

## DENSITY

The current application is for four new-build properties on a smaller site than that which was the subject of Planning Consent 09/00547/OUT. However, given that the nearest properties are within a terrace (Weensland Terrace), I am content that the proposed density is not unacceptable. The site could be developed acceptably to accommodate four new-build properties - certainly as semi-detached or terraced properties - provided these were all able to face the public road, and were otherwise in alignment and character with the existing streetscape. However, the impacts of the specific proposal upon the character of the streetscape and the amenity of the site and surrounding area, require assessment.

## SCALE

The proposal is not out-of-scale with its surroundings but what is specifically proposed by way of layout and design, is decidedly at odds with the character and type of properties within the surrounding area, in that it would be accommodated on the site in a way which would be, and which would appear to be, highly contrived and exaggerated. This is specifically in the positioning of the houses on the site; the works required to accommodate them in that situation; and the design of the houses which is completely out-of-keeping with the designs of surrounding properties.

## LAYOUT

With respect to layout, the proposed houses would all be set back a notable distance behind the building line of the existing terrace to the southwest. They would be in such a recessed location relative to these neighbouring houses, that their front elevations would be in closer alignment with the rear elevation of the nearest existing neighbouring property within the terrace (No 8 Weensland Terrace). There would then be a pronounced staggering in the position of the existing and proposed houses within the building line fronting Weensland Road, which would register visually, as an obvious truncation in the building line at this point.

There is no natural or logical reason for this truncation either within the topography of the site, or within the built environment of the surrounding area. On the contrary, setting the proposed houses further back into the site only exaggerates the extent of ground works and underbuild that would be required to accommodate them. This is because the ground levels within the site fall towards the river bank, and away from the public road; the more withdrawn the siting of the houses, the greater the work required to counteract this fall away in levels. The amount of ground works and underbuild required on and within the site, to accommodate the proposed houses in this more withdrawn location, is much greater than would be required were it to be accommodated side-by-side with the existing terrace. Moreover, this recessed siting relative to the existing building line and the exaggerated ground works, would give the development an obviously - in fact, overly - contrived character; and one notably at odds with its site and environs. In short, this is not a well considered and sympathetic response to the particular context of the site and the surrounding area.

I am content that any houses on this site might be set back a little behind the building line of the existing terrace, at least where this would facilitate the accommodation of an area for off-street parking. However,

what is proposed here, is exaggerated well beyond that which would be reasonably necessary to achieve this. It would see both an over-dominance of hard standing to the front of the property and would be notably at odds with the streetscape at this point, registering as a notable truncation or stagger in the building line.

The Applicant has advised that this extent of set back is in line with properties on the opposite side of Weensland Road and with properties to the north, but this does not negate the concern that the siting of the proposed houses should be sympathetic to the immediate surroundings. Within the context of the surrounding streetscape, the concern is that any infill development should be accommodated acceptably relative to the building line on either side of it. This point is not outweighed by the achievement of a similar distance of set back elsewhere within the surrounding area. Ultimately the existing and proposed dwellings would contribute to the same streetscape, and unless any more immediate circumstances were to dictate otherwise, it is entirely reasonable to require that new development should be sited as far as reasonably possible 'side-by-side' with existing houses, both to contribute to a coherent and continuous streetscape, and to help minimise impacts upon the residential amenity of surrounding properties. The latter point is considered in more detail below.

Had the proposed level of set back been the only concern, then it would certainly have been appropriate to have asked the Applicant to consider how the proposed houses might have been brought back into closer alignment with the existing terrace to ensure as sympathetic an accommodation of the proposal as possible.

On a practical note, it might be added that much of the substantial and complex ground works and underbuild required to accommodate the development sited as proposed, could also easily and efficiently be avoided were the proposed houses to be sited in a more forward position relative to the public road, and in closer alignment to the neighbouring existing houses. However, the set back of the houses and exaggerated underbuild on the site to the rear; all appear to be deliberate design-features of the proposal, and principally intended to allow for the accommodation of a lower storey facing towards and over the river. I appreciate that this is a feature that the Applicant is particularly concerned to accommodate, but it is not a feature which responds to the site or its environs; and cannot otherwise be accommodated discreetly. The need for this considerable underbuild is a 'solution' to a problem of the scheme's own making. Addressing the scheme on its planning merits, I consider that it would be liable to appear highly contrived in terms of its accommodation on the site, and obviously discordant relative to the surrounding streetscape, and should be refused on this basis.

## DESIGN

While the surrounding area is mostly characterised by dwellinghouses of traditional designs, the house-type proposed in the current application, would be of a non-traditional design, of a very different form from any surrounding buildings (including even the 20th century buildings); principally in having a flat roof, gables of exaggerated width, a stepped profile, and notably different window-to-wall ratios (which varies between the different elevations). Furthermore, the proposal that these should be predominantly timber-clad structures capped with rows of angled solar panels, would further accentuate their notably different character relative to everything else that prevails within the surrounding area. In terms of the house-design vis-a-vis the finished levels, the streetscape drawing indicates a very poor horizontal alignment of the proposed new houses with the existing properties in Weensland Terrace, such that there would be an obvious visual discordance in the alignment (or non-alignment) of windows; eaves and roofs between the existing and proposed, in views from the public road. All in all, and excepting that the houses would face Weensland Road, there would otherwise be no common or shared features between the proposals and the existing surrounding properties despite their immediate proximity.

I do not consider that the use of a non-traditional design approach is at all objectionable in this context in so far as there is already some diversity within the designs of properties within the surrounding area, and the site itself does not lie within any cultural heritage designations which would otherwise have required a more strict adherence to a more traditional design approach. However, what is proposed in this case is so significantly different from, and at odds with, the built environment within the surrounding area, that the proposed development would appear obviously incongruous on this site and within this part of the local streetscape with which it has nothing in common. In particular, I would note that the proposed houses have a very pronounced horizontal emphasis, and would be liable to appear squat, bulky and boxy when viewed from the public realm. This is an effect which would only be accentuated where these were viewed side-by-side with the nearest traditionally designed properties at Weensland Terrace, which would draw attention to their very different form.

It is understood that the Applicant is concerned to promote a different form of housing development, and that there is self-evidently and intentionally no concern on its part, to bring the design of these properties into any alignment with the surrounding built environment. However, the adoption of such an overtly and self-consciously different design approach, does not reasonably allow that planning policies and guidance promoting sympathetic development and the achievement of good place-making, should be set aside to allow the Applicant to pursue its own unilaterally identified and defined objectives however technologically innovative and 'green' these may be. While some positive regard might be had to a design or layout which bring demonstrable environmental benefits, there is still no planning policy basis that would allow that such benefits should, or could, be given significantly more weight within a planning decision than any concern that the proposal should not have any unacceptable impacts upon the appearance and character of the site and surrounding area. Regardless of the scheme's environmental credentials, the proposal is still reasonably required to be capable of being accommodated satisfactorily in visual and amenity terms. In planning policy terms, this consideration outweighs any environmental benefits that might be attributed to the realisation of the development in accordance with the specific proposed design or layout. And in this particular case, I consider that there would be significantly adverse and unacceptable, visual impacts as a result of such a jarringly unusual form of development being inserted into such a highly visible section of streetscape in this location, side-by-side with traditional properties. Any environmental benefits pertaining to the proposal, do not in this context, reasonably allow that these objections to the proposed appearance could, or should, be set aside.

I have considered the potential for adjustments to the design, to strengthen the relationship between the proposal and its environs, but the differences - and ultimately concerns - are so pronounced that small-scale and minor revisions would not reasonably achieve any appropriate mitigation for such a significantly adverse and unacceptable visual impact. While the solar panels, timber-cladding and moss covered roofs certainly add to the incongruous nature of what is proposed, again had this been the only concern, the proposal might otherwise have been revised or conditioned to address this. Revisions to the materials and finishes would not be sufficient to mitigate the highly detrimental visual impacts of the design.

In a more secluded and contained context, there may well have been some opportunity for the proposed design to have been accommodated acceptably; at least, where the site itself was set back from neighbouring properties, and/or screened by mature landscaping (particularly where dark and organic coloured materials and finishes promoted the proposal's visual recession into a mature landscaped setting). This however, is not the context of this proposal, nor the environs of the application site. The proposed houses would instead be readily viewed as an integral part of a wider streetscape. As such, and without any such appropriate mitigation, the unacceptably adverse visual impacts of the proposal are not negated, or offset, by any circumstances on site or within the surrounding area. The impacts upon the visual amenity of the site are, I consider, unacceptable, and the proposal should be refused on this basis.

## CUMULATIVE IMPACTS

In addition to the impacts of the layout and the impacts of the design of the scheme being unacceptable per se, they collectively contribute to an unacceptably adverse cumulative visual impact. The layout being liable to exaggerate - rather than negate or mitigate - the negative impacts of the design, and vice versa.

Another consideration following from the culmination of the layout and design, is that if there ever were to be a concern to extend the dwellinghouses at some future point in time, the strong likelihood is that any extension to any of these proposed properties, would be more easily (and economically) accommodated to the front of the dwellinghouses. This has the potential to introduce even greater visual disruption and confusion within the public realm. Ultimately any ulterior proposals would require to be considered on their own planning terms, but it would be practical at this stage to seek to avoid any situation in which extensions might be more easily and practically accommodated to the front rather than the rear of the properties (where an even more contrived alteration or extension would be required). In short, were the proposed houses to be sited more conventionally, then there would appear to be more opportunity for any future offshoot or ancillary development to be accommodated to the rear, in a more conventional situation.

In addition to the overall visual impact, the cumulative impact of both layout and design also exaggerates the development's impacts upon the residential amenity of surrounding properties, and in particular, the nearest at No 8 Weensland Terrace. This point is considered in the next section.

## RESIDENTIAL AMENITY

The supporting details do not describe the houses sited relative to the nearest existing neighbouring dwellinghouse, No 8 Weensland Terrace. However, it is apparent that these would be liable to impact significantly upon the outlook and daylight of the residential property at No 8 Weensland Terrace as a consequence of their siting and size (including height achieved above the underbuild). Critically, this would be to an extent that is greatly exaggerated beyond anything that might reasonably or necessarily follow from any sympathetic accommodation of a residential development on the site, as per the points already noted above with respect to good design and place-making. As noted, the distance from the public road, and the underbuild and extensive ground works required to accommodate this specific proposal, are not a reasonable or sympathetic response to any circumstances on the site or within the surrounding area. This aspect of the proposal appears primarily intended to accommodate a lower floor within the underbuild required - or allowed - by siting the dwellings so far back into the site as is proposed. The specific proposal effectively exaggerates its own impacts upon the site and surrounding area for its own reasons. This includes its impacts upon No 8 Weensland Terrace, which are significantly out-of-proportion to what would reasonably be expected of a residential development on this site; and therefore the impacts are unreasonable, and unacceptable in the extent of their exaggeration.

There are no planning reasons - no benefits to the residential amenity of any surrounding properties; nor to the visual amenity of the surrounding area - as to why the houses should be set so far back into the site, as is proposed. Moreover, it is clearly possible - not to mention practical, in technical terms; as well as highly desirable in aesthetic terms - that any houses on the site, should be sited further forward, towards the road. Notwithstanding this, there is no concern on the part of the Applicant to accommodate the proposal in any more appropriate and sympathetic alignment with the existing dwellinghouse at No 8; and critically in such a way as to minimise the impacts on outlook and daylight of the rear gardens and elevations of the terrace; and chiefly No 8. I am aware that the design is intended to follow carbon neutral principles, but this does not outweigh the need to protect the amenity of a neighbouring property, and the Applicant is reasonably required to take an holistic approach, considering how best to ensure acceptable impacts upon the surrounding area, as well as meeting any design principles. The two are certainly not mutually exclusive, and impacts upon residential amenity are not appropriately set aside. What is proposed is only reasonably characterised as unnecessarily exaggerating the impacts upon the residential amenity of the neighbouring property. In this context, I can only find the impacts upon the residential amenity of No 8, unacceptable.

As noted previously, had the basic design otherwise been acceptable, it would certainly have been appropriate to have asked the Applicant to have brought the siting of the proposed houses into closer alignment with the dwellings to the southwest in Weensland Terrace, to address these impacts. However, given the concerns noted with respect to the proposed design, this was not usefully pursued in the current context. Accordingly, impacts upon these properties through an exaggerated and unacceptable loss of residential amenity, are also reasonably identified as a reason for refusal in this case, along with the proposed scheme's unacceptable visual impacts.

The Applicant reasonably points out that the proposal lies to the north of the terrace, and therefore would not give rise to any significant overshadowing impacts. However, as noted above, the concerns relate to the exaggeration of impacts upon daylight to, and outlook from, the rear of No 8, and not upon overshadowing or loss of sunlight.

The Applicant has been made aware of my concern that the proposal should be set back into the site an unnecessarily exaggerated distance from the public road, with consequences for the residential amenity of the nearest property in Weensland Terrace. However, none of the points it has raised in connection with impacts upon residential amenity, address the concern that the proposed houses could very well, and more appropriately, be accommodated in closer alignment with the building line at No 8.

In the event of approval, it would be reasonable to remove householder PD rights from the upper walls of the elevation facing No 8, to prevent any new openings or windows being formed under PD rights since any such openings in this situation, would be liable to give rise to an unacceptable level of overlooking from the site towards this neighbouring property's private garden ground. This could though, be made the subject of a planning condition. In the same way, it would also be appropriate to prevent the formation of any terrace, deck or balcony on the roof.

There are otherwise no unacceptable impacts upon the residential amenity of any other surrounding properties.

#### POTENTIAL FOR AN ALTERNATIVE SCHEME

The Applicant has been made aware of my concerns with regard to the proposed design and layout of this specific scheme and the potential for another scheme to be acceptably and sympathetically accommodated subject to the above noted points being addressed satisfactorily. However, the Applicant has not been agreeable to making any revisions to any aspect of the proposal. I am consequently lead to understand that the Applicant's concern is to maintain the current proposal. Given that I am unable to support it though for the reasons noted above, I consider that the only way forward for both the Applicant and the Planning Authority is that the application should now be refused. This will then allow the Applicant the opportunity to appeal the decision, should this be its concern.

Having been made aware of my concerns with regard to the design and layout and the impacts upon visual and residential amenity, the Applicant has prepared additional information in support of the original proposal. This includes both written statements and 3D drawings which I have reviewed and have taken into consideration within the assessment of this report, and within my recommendation. I would note that the supporting statements are characterised by terminology such as "fact", "true" and "false" when discussing the interpretation of planning policy. The Applicant is fully within its rights to disagree with the interpretation of planning policy, and to challenge or counter such interpretations by highlighting what it considers to be salient within, or material to, the planning policy context in which the proposal is being assessed. However, the Applicant's own views and counter-interpretations are by the same token, not reasonably presented (let alone treated uncritically or objectively) as "true" or "facts" within the context of such a discourse. They are simply, and self-evidently, statements that are as subjective as a planning officer's interpretation. Moreover, even within the Applicant's criticism of the assessment of its proposals, and contrary to its advice, I can find no instance of any actual identified 'factual errors'; merely its own stated difference of opinion with respect to the interpretation of planning policy. (I note that there appears to be a missing page - '2' - within the table of comments provided by the Applicant; if so, this was its own omission).

#### ACCESS AND PARKING

While I have noted an objection in terms of the over-dominance of hard landscaping to the front of the proposed properties, the Roads Planning Section has advised that it would not object on road safety grounds, provided conditions were imposed to regulate the provision, construction and achievement of appropriate access and parking provision. These matters would in the event of approval, be capable of being regulated along the lines Roads Planning has recommended in its consultation response.

#### TREES AND LANDSCAPING

The Landscape Section identifies a range of issues relating to the development, the progression of the development and inadequacies within the supporting details, but ultimately has no objections subject to specific identified planning conditions being imposed to regulate the concerns it highlights.

I concur that the finished landscaped appearance of the site including finished ground levels and all new planting could be regulated along the lines recommended by the Landscape Section, were there no concerns with the layout and design of the proposal.

The Applicant has provided a Landscaping Statement and a drawing showing existing trees, but given that no professional tree survey has been carried out, it is unclear to what extent the existing hedge and trees could be retained (regardless of the Applicant's stated intention to retain as much as possible). I would however not consider the loss of any of the existing trees within the site itself, to be objectionable. This is in part, because they are not particularly large or mature trees or otherwise visually prominent; and in part because most of them would almost inevitably be impacted were any housing development to go ahead on this site.

The greater concern is certainly with the roadside hedge which is a highly visible, coherent and robust boundary feature at present. However, much of the hedge, if not all of the hedge, would certainly require to be removed to accommodate the site access and visibility splays required by the Roads Planning Section. Accordingly, I am content that the loss of the hedge while lamentable, would not be objectionable in the

context of achieving safe access in and out of the site, while a new hedge (or new sections of hedge) could still be established set further back into the site; a feature that could even be required and established under planning condition in the event of approval, again had there been no concerns with regard to design and layout.

In summary, I note the concerns of the Landscape Section with respect to the existing hedge and trees, but I am ultimately content that the existing trees and hedging would in any case, substantially require to be removed in the event of any development of the site, and that appropriate new and replacement planting, particularly of the hedge, could be required under planning conditions in the event of the application being approved.

## ECOLOGY

Notwithstanding their initial concerns (and objections in the case of SNH) the natural heritage consultees have ultimately been content to advise that they would not object subject to planning conditions being imposed to address their concerns. This includes the implementation of appropriate mitigation measures for both otter and birds; the construction and operation of a settlement pond, complete with outflow and sediment trap, during construction; and adherence to General Binding Rules during construction. All measures are capable of being required and regulated under planning conditions in the event of approval; although a more formal document demonstrating operation in compliance with the General Binding Rules would more reasonably be required in enforcement terms, since a simple requirement that they be adhered to, would be unlikely to prove enforceable when it came to the implementation and monitoring of specifics.

## OTHER CONCERNS

There are no flood risk objections notwithstanding the concerns of the objectors.

The provision of services (mains sewerage and water supply) and formation and retention of parking, could all reasonably be made the subject of appropriately worded planning conditions.

The three affordable housing contributions required, can be collected under a legal agreement in the event of approval. The Applicant is agreeable to concluding a Section 75 Legal Agreement for this purpose.

In the event of approval, the Applicant could be made aware of the objectors' concerns that asbestos materials may be present on the site. The handling and disposal of asbestos is subject to other regulatory mechanisms out with the planning system, and these would need to be adhered to, were the Applicant to encounter such materials on site.

Everyone within 20m of the site should have been neighbour notified - not 500m as the objector understands.

I note that the Applicant advises in the supporting statement that preapplication discussion was carried out, but this proposal was not the subject of any written or formal preapplication. Any preapplication communication that took place with officers would have been within telephone conversations and without reference to any drawings or written scheme of details.

## CONCLUSION

The proposal is highly unsympathetic to the amenity of the site and surrounding area in being of a design and layout that would not be in keeping with the character of the surrounding area, and which would impact unacceptably upon the residential amenity of neighbouring properties, principally through its unsympathetic design and through the unnecessary exaggeration of the extent of impacts that are all readily capable of being avoided within a more sensitively designed and laid out scheme. I have considered the Applicant's supporting case, and the additional advice and information it has provided, and I am content that there are no material considerations that outweigh the requirement to determine this application in strict accordance with planning policy, including the Applicant's stated concern to provide a carbon neutral development.

## REASON FOR DECISION :

The proposal is contrary to Adopted Local Development Plan Policies PMD2 and PMD5 in that it would not respect the amenity and character of the site and surrounding area, including neighbouring built form, in that the proposed dwellinghouses would not be of a design or layout that would be sympathetic to the site or the surrounding area; and

The proposal is contrary to Adopted Local Development Plan Policies PMD2, PMD5 and HD3 in that it would have unacceptable impacts upon the amenity of the residential property at No 8 Weensland Terrace, principally as a consequence of an unacceptable loss of daylight and outlook due to the significant exaggeration of these impacts as a consequence of the proposed dwellinghouses being set further back into the site from the public road, than is necessary or otherwise justified by any circumstances on site or within the surrounding streetscape.

**Recommendation:** Refused

- 1 The proposal is contrary to Adopted Local Development Plan Policies PMD2 and PMD5 in that it would not respect the amenity and character of the site and surrounding area, including neighbouring built form, in that the proposed dwellinghouses would not be of a design or layout that would be sympathetic to the site or the surrounding area.
- 2 The proposal is contrary to Adopted Local Development Plan Policies PMD2, PMD5 and HD3 in that it would have unacceptable impacts upon the amenity of the residential property at No 8 Weensland Terrace, principally as a consequence of an unacceptable loss of daylight and outlook due to the significant exaggeration of these impacts as a consequence of the proposed dwellinghouses being set further back into the site from the public road, than is necessary or otherwise justified by any circumstances on site or within the surrounding streetscape.

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