

Notice of Review Supporting Statement

Land north of Ivanhoe, Dingleton Road, Melrose, Scottish Borders

Erection of dwellinghouse

Application Ref. 23/00492/PPP

On behalf of

Rivertree Residential Ltd

November 2023

Aitken Turnbull Architects

Contents

	Page
Introduction	3
Site Description & Location	3
Proposed Development	5
Planning History	6
Reason for Refusal	7
Statutory Consultees & Third Party Representations	7
Planning Principle	8
Designed Landscape Impact	8
Loss of Trees	10
Summary	12

Introduction

This Notice of Review is submitted on behalf of Rivertree Residential Ltd, based upon refusal of application for planning permission in principle for the erection of a dwellinghouse (application ref.23/00492/PPP, registered 27th March 2023) at land north of Ivanhoe, Dingleton Road, Melrose, Scottish Borders. The decision notice was issued on 1st November 2023. The Notice of Review is submitted within the required 3 month timescale.

Site Description and Location

The site forms part of the grounds of the Former Dingleton Hospital, now converted into a successful apartment complex, with new build housing developments in the grounds. The proposed site was formerly an orchard for the hospital but has not functioned as an orchard for a number of years.

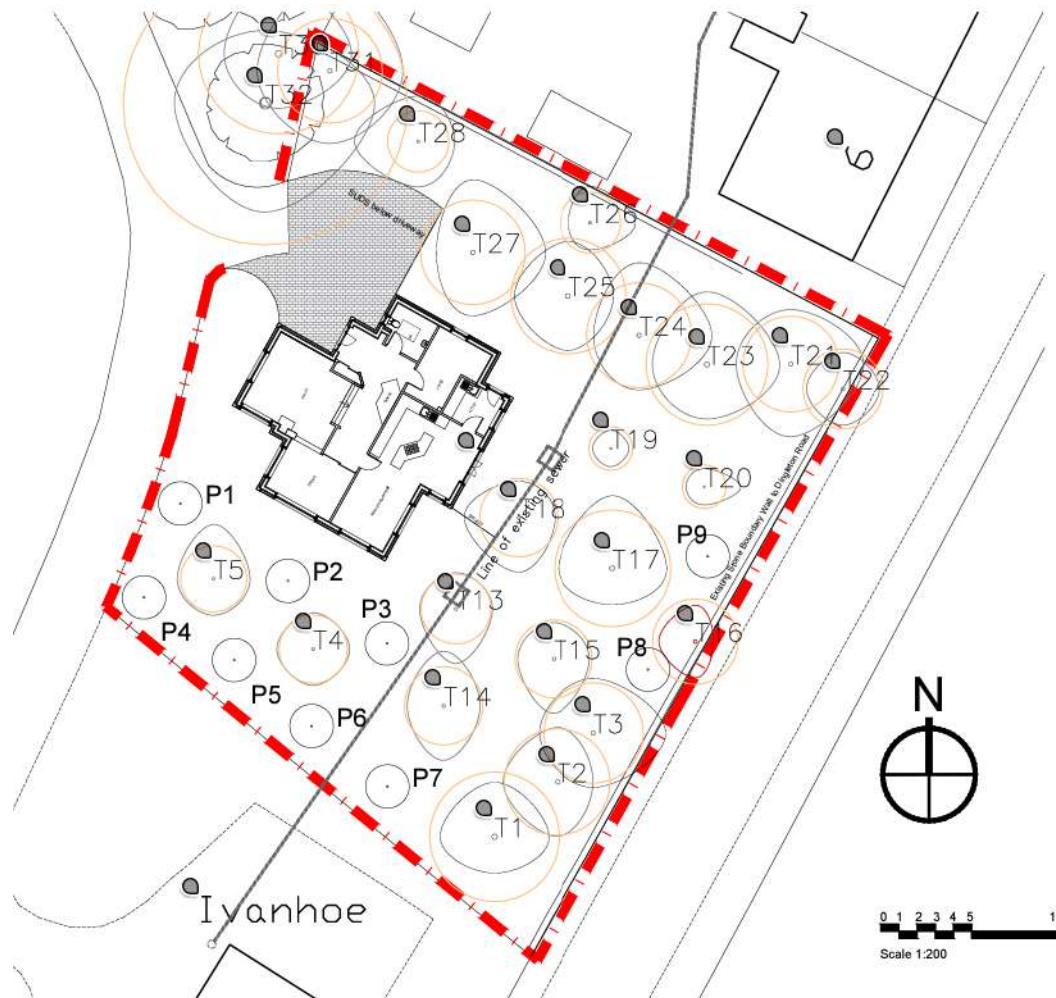


The proposed development site lies between the existing Dingleton Cottages to the North and the detached property Ivanhoe to the South, forming a logical infill plot. The site extends to 1146m².



Proposed Development

The proposed site is accessed from the existing road to the rear through the former hospital site, the same road currently serves the existing property Ivanhoe to the south. A detached dwellinghouse is proposed which is to be set back from the main road (it should be noted that the original application included a garage to the north-east of the house which was removed during application discussions with the case officer). The siting allows for the majority of existing trees to be retained (further detailed below showing existing and new tree planting) along with the stone wall to Dingleton Road. The proposals are fully illustrated in the application documents that support this Notice of Review.



Planning History

Planning application ref.21/00768/PPP for a two house proposal on the site (submitted May 2021) was withdrawn in August 2021 to allow for a tree survey and planting replacement plan to be provided with a new application. Planning application ref.21/01846/PPP (for two houses with the aforementioned tree information) was submitted in November 2021 with a Notice of Review submitted to the Local Review Body in April 2022 on the grounds of non-determination. The Local Review Body issued their decision notice in August 2022 which refused the application for the following reason:

“The development would be contrary to Policy EP13 of the Local Development Plan 2016 and the Trees and Development SPG 2008 in that there would be an unacceptable and detrimental impact on the orchard trees forming part of the SBC TPOI 21 (“Dingleton Hospital Site”) as a consequence of loss of protected trees, prejudice to the remaining trees and insufficient space for adequate and acceptable compensatory planting, resulting in adverse impacts on the character and amenity of the area. Furthermore, the development has not demonstrated that public benefit would outweigh the loss of, and impacts on, the trees.”

The August 2022 Local Review Body decision (included as a **supporting document**) however noted the following:

- *“Members firstly considered the application against Policies PMD2 and PMD5 of the Local Development Plan and **accepted that the site was an infill site** within the defined settlement boundary of Melrose.”*
- *“Having considered all the submissions and informed by their site inspection, the Review Body were of the opinion that this was a **suitable infill development opportunity but that the proposal for two houses represented overdevelopment** given the constraint of protected trees on the site.”*
- *“The Review Body did consider whether a more appropriate proposal would be a submission for one house on the site, which could potentially provide more space for the retention of the existing orchard trees and for adequate compensatory planting. However, Members were required to determine the proposal for two houses as submitted and that this could be a future option available to the applicant, to re-apply for one house on the site in a revised planning application.”*

- *“The Review Body finally considered other material issues relating to the proposal including impacts on designated landscapes, residential amenity, ecology, access, parking, water, drainage and development contributions but were of the opinion that detailed siting, design, appropriate conditions and a legal agreement could have addressed these issues, had the application been supported.”*

Reason for Refusal

The current application (23/00492/PPP) was refused for the following reason, as outlined in the Case Officer decision notice of 1st November 2023:

“The development would be contrary to Policy 6 of the National Planning Framework 4 and policies EP10 and EP13 of the Scottish Borders Local Development Plan 2016 and SBC Supplementary Planning Guidance: Trees and Development 2020 in that there would be an unacceptable loss of protected trees which would undermine the value of the site as a historic orchard of amenity value, compromising the character and amenity of the local area, the setting of the Dingleton Hospital redevelopment and the integrity of the Dingleton Designed Landscape, prejudicing the health and future retention of the remaining trees whilst allowing insufficient space for adequate compensatory planting. Furthermore, it has not been demonstrated that the public benefit of the development would outweigh the loss of, and impacts on, the protected trees.”

Statutory Consultees & Third Party Representations

The Applicant notes and accepts the following statutory consultee responses and associated conditions:

- SBC Archaeology – no objection (informative added regarding approach to potential findings during construction works).
- SBC Roads Planning – no objection (recommended conditions relate to detailed design of parking, access and any gates).
- Scottish Water – no objection (PDE required to confirm wastewater connection capacity)
- Melrose Community Council – no objection.

- SBC Contributions (noted within Case Officer Report) – request an agreement for the sum of £10,645 relating to education (Melrose Primary and Earlston High) and Borders Railway.

There were 7 No. third party representations raising concerns focussing primarily on the loss of trees which is addressed below.

Planning Principle

The site forms an infill site within the defined Melrose urban area in the Adopted Local Development Plan (LDP). The site also falls within the wider Dingleton Hospital allocated housing site (ref.EM32B).

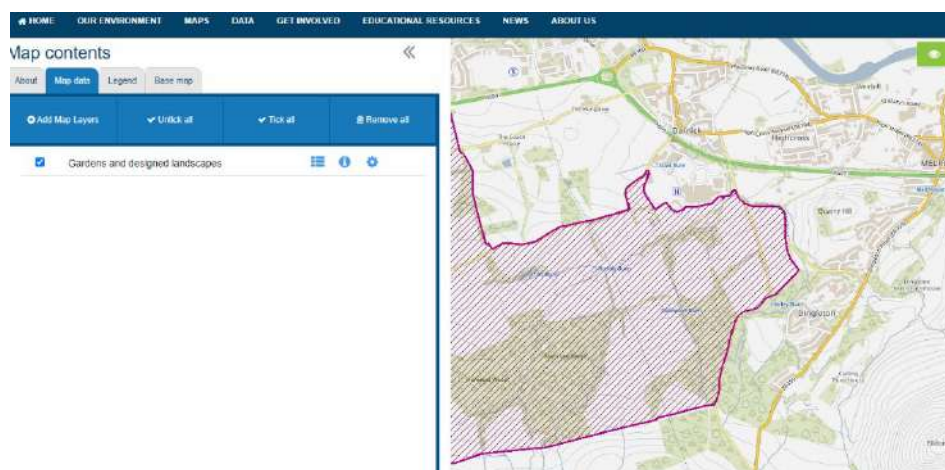
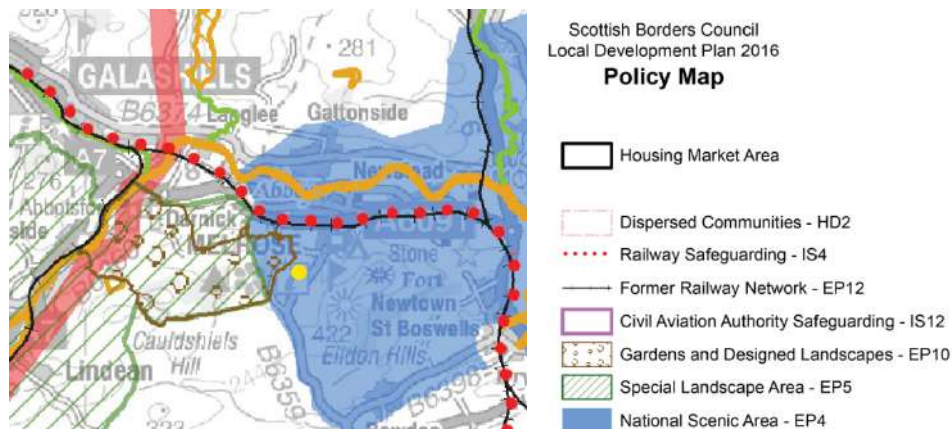
The proposal can meet the general design requirements of LDP Policy PMD5 (infill development). In particular:

- a) The proposed use does not conflict with surrounding uses.
- b) The proposal does not detract from the character or amenity of the local area – the majority of the site will remain with existing tree cover whilst the 8 No. trees to be removed to accommodate the proposed house are classified as of low or moderate quality and will be replaced with 9 No. new trees.
- c) There are no cumulative social or economic impacts.
- d) The indicative plot respects the scale, density and context of its surroundings.
Detailed design in relation to form, design and materials will be the subject of further approval.
- e) Adequate access and servicing can be achieved.
- f) The proposal does not result in loss of daylight, sunlight or privacy to adjoining properties.

Designed Landscape Impact

It is noted that the Case Officer has included impact on the Dingleton Designed Landscape as part of the reason for refusal based on Local Development Plan Policy EP10. This was not a reason for refusal in the determination of the previous application for two houses

(21/01846/PPP). The site does not fall within a site listed in the Inventory of Gardens and Designed Landscapes as per Local Development Plan policy mapping – the nearest Inventory designation is Abbotsford Designed Landscape to the west – see map extract below. This is also confirmed via Historic Environment Scotland mapping also illustrated below.



The consultation response from the Council’s Archaeology officer, which seeks to identify any “attrition of the historic environment through loss of the orchard” highlights that the site is within the open ground of the former asylum buildings at Dingleton. However, no objection is raised to the application with just an informative added to ensure if any finds of archaeological interest are identified during groundworks, these should be recovered and reported.

The Case Officer states that the site falls within the local Dingleton Designed Landscape and that development would harm the integrity of this designation. Given the change of

character in the Dingleton area with modern residential development, and the proposed siting of the new house set back from the main road behind existing trees and a stone wall, it is considered there would be no significant impact on this local designation.

Loss of Trees

The Case Officer contends that the proposal would be contrary to National Planning Policy Framework 4 Policy and Local Development Plan Policy EP13 in terms of impacts arising from loss of trees.

The proposed development site (outlined in red below) lies outwith the primary mature tree planting area (highlighted in green), which remains unaffected by the proposed development.



An Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan have been provided with the application with all trees on the site assessed. All trees

have been categorised according to the British Standard BS5837:20012. The proposals require the removal of 8 trees, of which 6 are Category C (low quality) and 2 are Category B (moderate quality). A further one tree requires removal due to its condition. The site is protected by a Tree Preservation Order with the assessment recommending a replanting plan which is also included within the application.

Proposals provide for replacement of 8 trees with 9 native fruit trees in keeping with the former use as an Orchard. The previous two house proposal proposed the loss of 17 trees in total.

The public amenity value of the current site is based on views from Dingleton Road – retention of existing trees at the front of the site will ensure this is not affected.

The application provided a Preliminary Ecological Appraisal and Bat and Breeding Bird Survey and the Case Officer confirms there is no ecological constraint for the proposed development.

The supporting Application documents fully illustrate proposals, including Site Plan and Site Plan showing tree removals.

Overall, with regard to impact on trees, it is considered that the proposals which comprise a combination of tree retention, replacement of poorer quality specimens and replanting approach is wholly proportionate and appropriate to support the development proposal.

The proposal would accord with LDP Policy EP13 (Trees, Woodlands and Hedgerows) on the following basis:

- a) The proposal would aim to minimise adverse impacts on the biodiversity value of the woodland resource. Only poor quality tree specimens are to be removed.
- b) Appropriate replacement planting will be provided to maintain the setting.
- c) The Applicant accepts any condition in relation to enhance the woodland resource.

Summary

The applicant had previously presented proposals for 2 houses within the application site. The findings of the Local Review Body in August 2022 confirmed that the site is a suitable infill plot and noted that whilst a two house proposal was over-development of the plot, there was scope to accommodate a single plot subject to suitable design.

The previous Local Review Body findings have therefore informed further development of the proposals to reduce impact by providing for a single dwelling and a significantly reduced number of tree removals (8 from 17) with an associated appropriate level of replacement planting for the site. Siting of the proposed plot in the western part of the site avoids any perception of loss of trees from the Dingleton Road frontage and, along with retention of the stone wall, will ensure the site's qualities in the wider landscape are maintained.

The proposal accords with national and LDP policy and on the basis of the foregoing, it is respectfully requested that the submitted planning application be viewed positively and approved by the Local Review Body.