

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 23/00492/PPP
APPLICANT : Rivertree Residential Ltd
AGENT : Aitken Turnbull (Edinburgh)
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Land North Of Ivanhoe
Dingleton Road
Melrose
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
(-L)000	Location Plan	Refused
(-L)001 A	Existing Site Plan	Refused

NUMBER OF REPRESENTATIONS: 7

SUMMARY OF REPRESENTATIONS:

Seven representations have been received objecting to the proposal (four within the statutory advertisement and neighbour notification periods) and raising the following issues:

o The proposal would remove a valued amenity for the residents of Dingleton and the surrounding neighbourhood, who enjoy the orchard and its fruit, although their upkeep has been neglected by the landowner. The trees are old varieties and many orchards have already been lost in the Borders, to the detriment of the environment and wildlife.

o The orchard can clearly be seen from the Eildons, within the National Scenic Area, and building on this site would be to the detriment of that.

o The loss of this valued amenity seems a disproportionate loss for the gain of one home, particularly when plans are underway to build many homes further up the road and the proposal will not meet the demands for affordable housing.

o The site is described as scrubland but is a productive orchard, formerly for the hospital. Trees are to be removed; several of those are heritage species dating from the creation of the orchard in the early 1870s. Those losses are to be mitigated by the introduction to the site of eight new native fruit trees of various sizes. It must be a condition of approval that those replacements are approved by the Planning and Landscape Officers.

- o Rivertree's original sales prospectus for the 110 Dingleton and Glentress Apartments promoted the orchard as a significant mutual social amenity for the new residents. The trees may in future be out of bounds but their visual amenity must continue to be a collective asset.
- o A survey by NatureScot recorded that the Borders region had lost a third of its established orchards since the 1950s. To sacrifice so much of a surviving one in order to build a single house would be a scandalous additional loss.
- o The orchard is part of the Tree Protection Area covering the old hospital, yet this proposed development seeks to remove most of the orchard trees. Trees are seen as increasingly important, especially among buildings, for their contribution to visual amenity, air quality, ecological diversity, wind tunnel amelioration, water soakaway and flood amelioration and land stability.
- o As an old site, the trees will be linked by a mature mycorrhizal network (a localised 'wood wide web'), which will be damaged, as well as severed and excised in large part, by the construction and future existence of the proposed house, leaving the remaining trees in a compromised and possibly irrecoverable condition. Replacement trees are never a substitute for old, removed trees. The construction operation will cause damage to the trees on the site, as well as introducing continuing stress.
- o This site is a sensitive location, among old stone buildings and behind an old stone wall. It is within the National Scenic Area, visible from the Eildons, from the golf course, and from busy Dingleton Road.
- o The site contains the compost bin for residents.
- o Properties immediately adjacent to the proposed site are traditionally stone built and their design is sympathetic to the locality and complementary to each other. The proposed new property will not blend into its environs and will have a detrimental impact on the appearance of this sensitive area that is frequented by visitors to Melrose as they approach the Eildons.
- o This is the third application for the site to include no description or illustration of the design, materials or size of the proposed house. All immediately neighbouring buildings are in uniform stone. Since reproduction of that design would be impractical today, assurance is needed that the proposal would relate to location and scale. Any design similar to the vernacular pastiche of the adjacent Trimontium Heights by the same developer would be an unacceptable intrusion into the consistent visual amenity of the area. Unless there is significant sensitivity in design and building materials, the visual impact on tourists and recreational walkers of the proposed large house standing within it will be damaging to the image of Melrose and the Central Borders.
- o The only access is via the unmarked existing pedestrian access from the un-named lane running along the western boundary of the site. A 150 year old beech hedge, carefully maintained, prevents access at any other point. The hedge should not be removed to provide access.
- o The proposed access road is not suitable for regular vehicle use. It is narrow and in frequent use by walkers. High hedges and bends make it unsafe for pedestrians if vehicle use increases and would pose a safety risk from construction vehicles.
- o A 2 m section of the stone wall at the eastern edge of the site collapsed several years ago and has been filled by wooden planks. This must be sympathetically restored in any future development of the site on the grounds of amenity and safety.
- o Loss of residential amenities.
- o A dotted red line on the main Site Plan delineates the line of a domestic sewer originating at Ivanhoe, passing through the whole site and continuing north past the rear of Dingleton Cottages. The submission shows it connected by a short spur to the rear of the proposed house.
- o Loss of habitat, flora and fauna.

CONSULTATIONS:

Community Council: No observations.

Scottish Water: No objections. There is currently sufficient capacity in the Howden Water Treatment Works to service the development. However, further investigations may be required to be carried out once a formal application has been submitted to them.

This proposed development will be serviced by Melrose Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow them to fully appraise the proposals they suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water.

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

Landscape Architect: No response.

Education and Lifelong Learning: No response.

Roads Planning Service: Roads Planning Service has previously supported development on this site. I note that some concern has been raised regarding vehicles using the internal roads of the former hospital, however there is an existing dwelling which uses the current roads and there is an option for routes the occupants could use to access Dingleton Road.

Archaeology Officer: The site is crossed by a historic routeway that thought to be a Medieval in date (Canmore ID 343288) which has been mapped from much later Ordnance Survey first edition mapping surveyed in 1859 and published in 1861. This is identified as of local significance. In the first edition mapping the ground is shown as generally open, though with further tracks across it. It is the Ordnance Survey second edition mapping surveyed in 1897 and published in 1898 that shows the development of the Roxburgh, Berwick and Selkirk District Asylum (Canmore ID 100238) in the intervening time.

This remains a major historical site in the area. In addition to the main wards, the adjacent properties now known as Ivanhoe and Dingleton Cottages are identified as staff accommodation. Some of the asylum buildings are Listed Buildings and also appear as separate entries in the HER.

The Ordnance Survey third edition shows the site as an orchard and the walling is part of the asylum's arrangements.

The site of the house proposed is in open ground of the asylum's grounds, orchards and planting being typical of Post Medieval and Modern asylum and hospital arrangements.

There are a number of finds from the general area, but their findspots have not been exactly located to say if they would be impacted by this application.

Remains of the trackway are unlikely to be encountered as any below-ground evidence of finds, features and/or deposits, with the house proposed off what is thought the line that crosses the plot. The loss of the orchard, however, would be a loss of a historic environment feature and part of the gradual attrition of the historic environment.

Therefore whilst no archaeological conditions are recommended to this development, it is suggested an informative is used to cover the possibilities of finds, features and/or deposits of archaeological interest being encountered.

APPLICANT'S SUPPORTING INFORMATION:

- o Bat Roost and Breeding Bird Survey
- o Preliminary Ecological Appraisal
- o Arboricultural Impact Assessment
- o Arboricultural Method Statement and Tree Protection Plan

- o Supporting Statement

PLANNING CONSIDERATIONS AND POLICIES:

National Planning Framework 4

Policy 1: Tackling the Climate and Nature Crises
Policy 2: Climate Mitigation and Adaptation
Policy 3: Biodiversity
Policy 4: Natural Places
Policy 6: Forestry, Woodland and Trees
Policy 7: Historic Assets and Places
Policy 14: Design, Quality and Place
Policy 15: Local Living and 20 Minute Neighbourhoods
Policy 16: Quality Homes

Local Development Plan 2016

PMD1: Sustainability
PMD2: Quality Standards
PMD3: Land Use Allocations
PMD5: Infill development
HD3: Protection of Residential Amenity
EP1: International Nature Conservation Sites and Protected Species
EP2: National Nature Conservation Sites and Protected Species
EP3: Local Biodiversity
EP4: National Scenic Areas
EP7: Listed Buildings
EP8: Archaeology
EP10: Gardens and Designed Landscape
EP13: Trees, Woodland and Hedgerows
IS2: Developer Contributions
IS3: Developer Contributions Related to the Borders Railway
IS7: Parking Provisions and Standards
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance:

Placemaking and Design 2010
Householder Development (Privacy and Sunlight) 2006
Trees and Development updated October 2020
Biodiversity 2005
Development Contributions updated April 2023
Sustainable Urban Drainage Systems August 2020

Recommendation by - Julie Hayward (Lead Planning Officer) on 26th October 2023

Site and Proposal

The site is situated on the south eastern edge of Melrose, within the National Scenic Area and the Council designated Dingleton Designed Landscape. The trees are protected by a Tree Preservation Order.

The application seeks Planning Permission in Principle for the erection of a dwellinghouse on an area of land that is a well-established orchard behind a stone wall on the Dingleton Road boundary. There is a terrace of cottages to the north east (Dingleton Cottages), a detached dwellinghouse to the south west (Ivanhoe), the former Dingleton Hospital (converted to residential) is to the west and the golf course is to the east.

The indicative site plan shows that the dwellinghouse would be sited on the western portion of the site. Access would be from the existing road serving Dingleton apartments to the rear.

The existing site plan indicates that there are 29 trees within the site and 3 within and overhanging the north eastern corner (apple, plum, hawthorn and blackthorn). The indicative site plan shows 9 trees would be felled to accommodate the proposed development and 9 new fruit trees would be planted.

Planning History

20/00397/PREAPP: Erection of two dwellinghouses.

21/00768/PPP: Erection of two dwellinghouses. Withdrawn 5th August 2021.

21/01846/PPP: Erection of two dwellinghouses. Appeal against non-determination refused by the Local Review Body on 23rd August 2022 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 TPO 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.

Planning Policy

The site is within the development boundary for Melrose and so must be assessed against policy PMD5. Within development boundaries development on non-allocated, infill or windfall sites will be approved if certain criteria are met.

One criterion is that the development should not conflict with the established land use of the area. The site is within the grounds of Dingleton Hospital within Melrose, which has been converted into residential use, and there are houses along Dingleton Road. The area is characterised by residential uses. However, the site is an orchard, and not currently in residential use, which contributes to the visual amenities of the area and setting of the Dingleton Hospital redevelopment. The impact on the orchard and visual amenities will be discussed below.

The site is within the land allocated for housing: EM32B: Dingleton Hospital, and is allocated for structure planting/landscaping rather than for residential development. The Settlement Profile within the Local Development Plan for this allocation advises that existing trees, many of which are protected by a Tree Preservation Order, should be retained and protected.

The proposal would undermine this allocation and prejudice the aims of this structure planting/landscaping, to provide an attractive setting to the Dingleton Hospital redevelopment, to detriment of the visual amenities of the area. The representations received indicate that this is a valued area of amenity planting/open space enjoyed by residents of the surrounding area. It is considered that the site should be retained as an orchard, as per the site requirements set out in the Local Development Plan 2016.

Sufficient land has been allocated for housing development in the Local Development Plan 2016, and so there is no justification for developing such a sensitive site. The proposal would not result in any public benefit that would outweigh the loss of these trees and their landscape and historic value.

Siting and Layout

Policy 14 of NPF 4 requires development proposals to be designed to improve the quality of an area, whether urban or rural locations and regardless of scale. The policy encourages, promotes and facilitates well designed development that makes successful places by a design-led approach. Proposals will be supported where they are consistent with the 6 qualities of successful places: healthy, pleasant, connected, distinctive, sustainable and adaptable.

Policy 4 of NPF 4 states that development proposals that will affect a National Scenic Area will only be supported where the objectives of the designation and overall integrity of the area will not be compromised or any significant adverse effect on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits or national importance.

Policy PMD2 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 PMD5 requires that the development respects the scale, form, design, materials and density of its surroundings; the individual and cumulative effects of the development should not lead to over-development or town cramming; the proposal should not detract from the character and amenity of the surrounding area.

Policy EP4 seeks to protect the special qualities of the National Scenic Area.

The area is within the Eildon and Leaderfoot National Scenic Area (NSA), designated for its high quality landscape and natural heritage to which Dingleton Designed Landscape makes an important contribution.

The terrace of cottages to the north east are single storey, sandstone and slate with a one-and-a-half storey terrace beyond, all of attractive, traditional character. Ivanhoe to the south west is a traditional one-and-a-half storey lodge house. The hospital buildings have been converted into residential properties. The hospital was built in the late 19th century as an asylum and is an attractive complex of buildings within extensive grounds enclosed by mature woodland.

The site is situated adjacent to existing houses in Dingleton Road and would have a road frontage. Subject to the issue of trees (dealt with below), in principle, this would appear a logical infill plot.

In respect of the review against non-determination, the Local Review Body considered the proposal 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. They also noted that the site was part of the overall housing allocation EM32B in the Local Development Plan, albeit shown on the Settlement Proposals Map as part of the structure planting and landscaping within that land allocation, reflecting the fact that the site contained orchard trees protected by SBC Tree Preservation Order 21. The Local 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.

This current proposal is now for one dwellinghouse whereas the previous application (21/00768/PPP) had been for two dwellinghouses on this plot.

The revised indicative site plan shows a detached dwellinghouse sited towards the western boundary. Taking into account the size of the site, the proposal would not result in overdevelopment. However, the indicative site plan shows that the dwellinghouse would be surrounded by existing and proposed trees. Erecting a dwellinghouse within this orchard would result a lack of usable garden ground; the trees would potentially block the light and outlook of the house, there would be considerable leaf fall in the autumn, all of which could lead to requests to remove further trees at a later date or to plant fewer replacement trees, further undermining the use of the area of land as a mature orchard.

As this is a Planning Permission in Principle application no details of the scale or design have been submitted but a high quality of design and materials that are in keeping with the existing houses would be required to respect the character of the area and ensure that there is no harm to the visual amenities of the area or the special qualities of the National Scenic Area. The wall on the Dingleton Road boundary should be retained and repaired as necessary and this can be secured by condition.

Trees and Woodlands

Policy 6 of NPF 4 seeks to protect and expand forests, woodland and trees. Development proposals that enhance, expand and improve woodland and tree cover will be supported. Development proposals will not be supported where they result in adverse impacts on native woodlands, hedgerows and trees of high biodiversity value.

Policy EP13 seeks to protect trees and woodlands from development.

The trees within and overhanging the site are protected by a Tree Preservation Order (TPO 21) and are part of Woodland 4 (W4)). Under the woodland designation all trees within the woodland boundary are protected regardless of age, size or species. The designation was created to protect the tree resource and amenity of the Dingleton Hospital site.

The site is within the Dingleton Designed Landscape and policy EP10 seeks safeguard and enhance their landscape features, character and setting. This Designed Landscape is recognised for its contribution to the landscape character and quality of the area. The wooded component of the Dingleton Designed Landscape forms part of an extensive network of cover which contributes to both biodiversity and visual diversity on the lower north west facing slopes of the Eildon Hills. The area is within the Eildon and Leaderfoot National Scenic Area, designated for its high quality landscape and natural heritage to which Dingleton Designed Landscape makes an important contribution.

The Council's Landscape Architect objected to the original planning application (21/00768/PPP) as the proposal was considered to be contrary to policies EP10 and EP13 of the Local Development Plan and had the potential to compromise the character and amenity of the local area and the integrity of the Dingleton Designed Landscape. House footprints, garages, driveways, patios and ancillary structures all have potential to impact on the health of existing trees and in addition to the considerable risk to trees from the construction process and services installation, developments within wooded areas risk future pressure for severe pruning and tree removal due to the low light levels, shade and future canopy growth.

An Arboricultural Assessment has been submitted. The site survey shows 32 individual fruit trees within the site (apple and plum) arranged in a grid pattern, a mature beech hedgerow along the southern and western boundaries and area of self-seeded blackthorn in the north east corner. The majority of trees are mature and the condition of the trees is noted to be fair. The site is classed as a traditional orchard on "peoples trust for endangered species inventory for traditional orchards". NatureScot also has a UK Biodiversity Action Plan priority description: traditional orchards, which outlines the importance of traditional orchards in the UK.

The AIA states that 8 trees will need to be felled to accommodate the proposed development. These are all apple trees classed as category B: moderate quality and C: low quality. One tree (T16: hawthorn, category U) requires removal due to its condition. A section of hedgerow would have to be removed to provide the vehicular access and mitigation would be required to protect T32 (cherry/laurel) due to the formation of the access and driveway.

An Arboricultural Method Statement and Tree Protection Plan has also been submitted setting out tree protection measures, such as protective fencing for the trees to be retained, ground protection and mitigation for the driveway.

The Local Review Body, when considering the review in respect of application 21/01846/PPP, considered that the orchard trees within the site represented an historic and important element of the natural landscape and environment of the area, providing a public amenity for residents around the site. Whilst they noted the conclusions of the Arboricultural Assessment and the new tree planting proposals, the Local Review Body agreed with the Council's Landscape Officer that there was insufficient space within the site to achieve two dwellinghouses without resulting in the loss of existing orchard trees. Members also considered that there was insufficient space to carry out the new planting and for that planting to become established and retained, given that the proposal was for two houses. Ultimately, the Local Review Body concluded that the impact on the protected trees would result in an adverse impact on the character and amenity of the area and that there were insufficient benefits or mitigation that would outweigh the adverse impact. The proposal was, therefore, considered to be contrary to policy EP13 of the Local Development Plan and the Trees and Development Supplementary Planning Guidance.

The Local 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 current proposal would result in the loss of 8 trees within the orchard and it is considered that the proposed development would change the nature of this area of ground from historic orchard to house plot. The development, including the house, access, driveway/parking area and utilities, would impact on the health of the remaining trees, despite the proposed protection and mitigation measures, due to construction works and the laying of services (especially the SUDS for surface water drainage), for example, there is no space within the site for the site compound, scaffolding, welfare facilities for workers and parking for deliveries and staff, allowing for safe working distances. In addition, as set out above, developments of this nature within woodlands lead to pressures in the future for further tree removal, crown raising and pruning due to the impact of the proximity of the trees to the house, future tree growth and the impacts of this on outlook, light levels and shade of future occupants. The proposal contravenes the advice within the Supplementary Planning Guidance on Trees and Development.

Although replacement planting is proposed (9 trees), this is not on a 2 for 1 basis normally required, as would be insufficient space within the site once the dwellinghouse and associated works have been completed.

The concerns of the Council's Landscape Architect remain valid and have not been addressed by the reduction in the number of houses proposed. It is considered that the proposal would result in the loss of this valued, historic orchard and amenity space for local residents. In addition, the development would harm the character of the area, the setting of the Dingleton Hospital redevelopment and the integrity of the Dingleton Designed Landscape.

The proposal is therefore considered to be contrary to policies 6 of National Planning Framework 4 and policies EP10 and EP13 of the Local Development Plan and the Supplementary Planning Guidance: Trees and Development.

Impact on Residential Amenities

Policy PMD5 states that the development should not result in any significant loss of daylight, sunshine or privacy to adjoining properties as a result of overshadowing or overlooking. Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

The Council's Supplementary Planning Guidance: Guidance on Householder Developments July 2006 contains guidance on privacy, overlooking and access to light that can be applied when considering planning applications for new developments to ensure that proposals do not adversely affect the residential amenities of occupants of neighbouring properties.

The proposed dwellinghouse would need to be designed and sited so that no overlooking or loss of privacy and no loss of light or overshadowing occurs to neighbouring properties.

Ecology

Policy 3 of NPF 4 seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and connections between them. Proposals should integrate nature-based solutions. Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity. Any potential adverse impact of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design.

Policy EP3 states that development that would have an unacceptable adverse effect on Borders Notable Species and Habitats of Conservation Concern will be refused unless it can be demonstrated that the public benefits of the development clearly outweigh the value of the habitat for biodiversity conservation.

A Preliminary Ecological Appraisal has been submitted. The site is classed as an established orchard. No notable plant species or protected species were found. The report highlights best working practices for site contractors to avoid damage to trees.

A Bat and Breeding Bird Survey has also been submitted. This concludes that the trees are not large enough to be used for bat roosts. Based on the survey findings, breeding birds are not an ecological constraint for the proposed development. However, if site preparation is to commence between March and September as a precaution, the site should be checked for any breeding bird activity at least 48 hours prior to the start of works. This can be controlled by condition.

Policy 3 of National Planning Framework 4 requires post-construction ecological enhancements for new-build developments. These can be secured by condition.

Archaeology

Policy EP8 states that development proposals which will adversely affect local archaeological assets will only be permitted if it can be demonstrated that the benefits of the proposal outweigh the heritage value of the asset. All proposals that adversely affect such an asset must include an acceptable mitigation strategy.

The Council's Archaeology Officer has set out the history of the site. The recommended informative can be attached to any planning permission for this proposal.

Access, Parking and Road Safety

Policy PMD5 requires that adequate access and servicing can be achieved. Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

The proposed dwellinghouse would utilise the internal road that serves Dingleton Hospital, accessed from Chiefswood Road. Two parking spaces and a turning area would be required within the site.

The Roads Planning Service has previously supported development on this site. They note that some concern has been raised regarding vehicles using the internal roads of the former hospital, however there is an existing dwelling which uses the current roads and there is an option for routes the occupants could use to access Dingleton Road. They have no objection subject to conditions being attached to any consent to secure details of the access, on-site parking and boundary treatments.

Water Supply and Drainage

Policy IS9 states that the preferred method of dealing with waste water associated with new development would be a direct connection to the public sewerage system.

The proposed house would connect to the public water supply and foul sewer. No details of the surface water drainage have been submitted.

Scottish Water have confirmed that there is spare capacity in the public water supply system to serve the proposed development but is unable to confirm capacity in the waste water treatment works to serve the development. Surface water should be to a SUDS, which may further impact the trees and replacement planting.

Further investigation would be required by the agent in conjunction with Scottish Water to resolve the issue of foul water drainage.

The water supply and drainage could be agreed via conditions.

There is an existing sewer crossing the site north east to south west. Any development would need to be constructed without impacting the sewer and foul drainage of neighbouring properties.

Developer Contributions

Developer contributions, in compliance with policies IS2 and IS3, are required towards the Borders railway: £2,587, Melrose Primary School: £3,349 and Earlston High School: £4,709

These would be secured by a legal agreement.

REASON FOR DECISION :

The application site is a historic orchard of amenity value to local residents. It is situated within the National Scenic Area and Dingleton Designed Landscape and the trees within the site are protected by a Tree Preservation Order. The site is within the former Dingleton Hospital grounds and allocated for structure planting and landscaping.

The proposal would result in the unacceptable loss of protected trees, which would undermine the value of the site as a historic orchard, compromising the character and amenity of the local area, the setting of the Dingleton Hospital redevelopment and the integrity of the Dingleton Designed Landscape.

The proposal would prejudice the health and future retention of the remaining trees and would allow insufficient space for adequate compensatory planting.

Furthermore, it has not been demonstrated that public benefit of the development would outweigh the loss of, and impacts on, the protected trees.

The proposal is therefore considered to be contrary to policy 6 of National Planning Framework 4 and policies EP10 and EP13 of the Local Development Plan and the Supplementary Planning Guidance: Trees and Development.

Recommendation: Refused

- 1 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.

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