

**APPLICATION NO. 14/00298/PPPL
APPLICANT: MR & MRS P ROBERTSON FOR PROPOSED HOUSING AT LAND
BETWEEN 14 AND 16 AIRLIE DRIVE MONIFIETH**

ANGUS COUNCIL'S SUBMISSION

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Angus Council

Application Number:	14/00298/PPPL
Description of Development:	Proposed Housing
Site Address:	Land Between 14 And 16 Airlie Drive Monifieth
Grid Ref:	348932 : 732859
Applicant Name:	Mr & Mrs P Robertson

Report of Handling**Site Description**

The application site which measures approximately 2,244 square metres (sqm) is located to the north of Airlie Drive some 73 metres east of its junction with Grange Road. The site falls gently from north to south and southwest towards Airlie drive and consists of a wooded area that is protected by Tree Preservation Order No2 1976, The Grange, Monifieth which covers a significant area of this part of Monifieth. The north boundary of the application site is defined by a public footway, the east boundary consists of timber fencing, the south boundary consists of a stone wall that is complemented by additional mesh fencing and the west boundary consists of timber fencing. The application site is bound to the north by Grange Lane, to the east by 14 Airlie Drive, to the south by Airlie Drive and to the west by 16 Airlie Drive. It is also relevant to note that the application site is subject to a Section 75 Planning Obligation attached to planning permission 98/00665/FULL which placed a responsibility on the original title holder and its successors to require the permanent upkeep of all trees within the site subject of this application.

Proposal

The application seeks planning permission in principle for the erection of three dwellinghouses. An indicative layout has been provided which indicates plot 1 will have an area of 364sqm and a usable garden area of 149sqm; plot 2 will have an area of 803sqm and a useable garden area of 255sqm with plot 3 having an area of 1045sqm and a useable garden area of 387sqm. No elevations have been provided but the indicative layout proposes the houses at plots 1 and 2 to be access from Airlie Drive with detached houses positioned close to the north boundary of the site. Plot 3 would be accessed from Grange Lane with the detached house located within close proximity to the north east corner of the plot. In order to facilitate the house plots three significant trees would have to be removed Western red cedar within plot 1; Western red cedar within plot 2 and a Fir within plot 3. The proposals indicate that the listed gate posts within the application site would be relocated to Airlie Drive at the access for plots 1 and 2; it should be noted that listed building consent would be required to relocate the gate posts. The application has not been subject of variation.

Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 2 May 2014 for the following reasons:

- Neighbouring Land with No Premises

The nature of the proposal did not require a site notice to be posted.

Planning History

98/00665/FULL - Erection of 2 Dwellinghouses and Garages on ground to the north west of the application site - was approved subject to conditions and a Section 75 Planning Obligation by the Development Control Committee on 12 November 1998. One of the clauses within the obligation placed a responsibility on the original title holder and its successors to require the permanent upkeep of all trees within the site subject of this application.

06/00109/FUL - Erection of Two Dwellinghouses to the north of the application site on the lawn of Grange House - was refused by the Development Control Committee on 16 March 2006 due to unacceptable impacts on the setting of The Grange a category C listed building.

07/00075/FUL - Erection of a Dwellinghouse and Garage to the north of the application site on the lawn of Grange House - was refused by the Development Control Committee on 19 April 2007 due to unacceptable impacts on the setting of The Grange a category C listed building. The proposal was subsequently dismissed at appeal by Scottish Ministers on 7 January 2008.

Applicant's Case

The applicant has submitted a planning statement, tree survey and shadow plans in support of the application. These can be summarised as follows:

Planning Statement

- The Site is covered by the Tree Preservation Order known as W2 dating back to 1976 for The Grange and covers a large area to the North of Monifieth in relation to Grange House.
- The site contains two listed gate piers now detached in isolation and hidden from public view.
- The site has become a regular fly tipping ground for neighbouring properties to dispose of lawn clippings and other garden waste to the detriment of the trees as noted within the Tree Survey Report. More recently the site has become unmanageable with the increasing levels of waste material being dumped.
- The Tree Survey Report indicates the intense undergrowth of self-set trees and shrubs should be removed in the interests of good arboricultural practice and by dividing the site into smaller areas of residential curtilage these can be managed effectively preventing the intense undergrowth recurring.
- The removal of three trees to the North of the site has presented the opportunity to create three individual plots for detached houses. These plots will be laid out to minimise the impact on the existing trees whilst maximising natural daylight to the proposals and the value of the trees as a feature of the houses.
- The layout (SK(00)01) has been designed with the trees as a central design focus and as such reflects a density far lower than the surrounding developments to the East. The proposals have been designed to avoid tree root protection areas and where possible any invasive landscaping will be avoided within these areas, the development will be undertaken in strict accordance to BS 5837:2005 Trees in relation to construction.

Tree Survey

- The removal of various young self-set trees and shrubs is recommended in the interests of good arboricultural practice.
- The proposed development requires the removal of three significant trees, nos. 0516 (Fir tree), 0521 (Western red cedar) and 0522 (Western red cedar).
- Retained trees will be protected from the effects of development by means of appropriate protective barriers and ground protection throughout the duration of the works.
- The strict observance of the Arboricultural Method Statement, together with any additional

guidance from the arboriculturist will ensure the successful integration of these proposals with retained trees.

A full copy of the planning statement, tree survey and shadow plans can be viewed as part of the planning application file.

Consultations

Community Council - There was no response from this consultee at the time of report preparation.

Angus Council - Roads - Objection in the interests of road safety as the required visibility splays at the access onto Airlie Drive affects land outwith the control of the applicant and would likely result in the loss of existing trees from the application site along with the reduction in height of the stonewall along the south boundary of the application site which is unacceptable in planning terms.

Scottish Water - There was no response from this consultee at the time of report preparation.

Natural & Built Environment - Landscape - There was no response from this consultee at the time of report preparation.

Aberdeenshire Council Archaeology Service - No objections subject to a condition requiring a programme of archaeological works.

Representations

5 letters of representation were received, of which 0 offered comments which neither supported nor objected to the proposal, 5 objected to the proposal and 0 supported the proposal.

The main points of concern were as follows:

- The loss of trees is contrary to Policy ER6 of the Angus Local Plan - this matter will be discussed in detail in the assessment of the proposal.
- Detrimental impact on the setting of Grange House - this matter will be discussed in detail in the assessment of the proposal.
- Planning permission has previously been refused for building in front of Grange House - planning permission (ref: 06/00109/FUL refers) for the erection of two dwellinghouses on the lawn associated with Grange House was refused by the Development Control Committee on 17 March 2006. A subsequent planning application (ref: 07/00075/FUL refers) for the erection of a dwellinghouse on the same site was refused by the Development Control Committee on 19 April 2007. The application was subsequently dismissed at appeal by Scottish Ministers on 7 January 2008.
- Overlooking, loss of privacy and adverse impact on amenity of existing houses - this matter will be discussed in detail in the assessment of the proposal.
- Road traffic safety - this matter will be discussed in detail in the assessment of the proposal.
- Creation of a precedent for further developments in the future - every application is considered on its own merits against relevant development plan policies and other material planning considerations. The acceptability of this application is assessed below.

Development Plan Policies

Angus Local Plan Review 2009

Policy S1 : Development Boundaries
Policy S6 : Development Principles (Schedule 1)
Policy SC2 : Small Sites
Policy ER6 : Trees, Woodlands and Hedgerows
Policy ER7 : Trees on Development Sites
Policy ER16 : Development Affecting the Setting of a Listed Building

TAYplan Strategic Development plan

The proposal is not of strategic significance and policies of TAYplan are not referred to in this report.

Other Guidance

Advice Note 14 : Small Housing Sites

The full text of the relevant development plan policies can be viewed at Appendix 1 to this report.

Assessment

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The application site is not specifically allocated for development but lies within the Development Boundary of Monifieth and as such is assessed under the terms of Policy S1 criterion (a). This Policy indicates that proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.

The application site is located to the south of Grange House which is a Category C listed building and in this respect the development has the potential to affect a listed building and its setting, Sections 14(2) and 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the Council to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In seeking to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest any development in the proximity of listed buildings should be directed away from the front elevation of the building in order to protect the setting of the building. The application site provides one of the main aspects towards the principal elevation of Grange House and the presence of the gate posts within the application site highlights the importance of the inter visible relationship between the application site and the mansion house. The indicative layout indicates the listed gate posts would be relocated from their current location and plots 2 and 3 would be offset to the east and west of the front elevation of the listed building. In considering an appeal for the erection of a dwellinghouse on the lawn to the south of Grange House an Appeal Reporter concluded that the lawn and area of trees in the foreground of Grange House was important to offset the listed building's scale and prevent it from appearing unduly hemmed in as well as being an important open space integral to the character of the residential area. The setting of Grange House has been preserved by resisting development to the south of the principal elevation and this proposal would be clearly inconsistent with these intentions and the decision of the Appeal Reporter. It is considered that the development proposed here would have a significant detrimental impact on the setting of the mansion house and its relationship with its associated gate posts and as such I do not consider the scheme to accord with Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Policy ER16 of the Angus Local Plan Review which is largely based on Sections 14(2) and 59(1) of the PLBCAS Act 1997.

In terms of the type of development proposed, the most relevant Local Plan policy is Policy SC2 which

deals specifically with small housing proposals. This policy is criteria based and proposals must be assessed against all relevant criteria.

It is considered that the proposal is compatible with established and proposed land uses as it would be a residential use within a generally residential area. The proposal is therefore consistent with the first criterion of Policy SC2. The second criterion of Policy SC2 relates to plot sizes stating that all sites should be compatible with those in the general area. The plot sizes are considered to be broadly comparable with other plots along Airlie Drive. The third criterion requires at least 100sqm of private garden ground. The indicative layout indicates the tree plots have sufficient ground to provide at least 100sqm of private garden ground. The final criterion of Policy SC2 requires proposals to maintain the residential amenity and privacy of adjoining housing. Whilst detailed drawings for the design of the dwellinghouse have not been provided at this stage I consider that there is scope for a dwellinghouse to be provided without significant adverse impact on the privacy of neighbouring properties. Detailed layout and design could be considered as part of a subsequent application and this would allow for any impact on the neighbouring property to be fully assessed and controlled as appropriate. The overriding aim of Policy SC2 is to provide a satisfactory residential environment and given the existing trees within the application site sun path diagrams associated with the three plots has been provided in support of the application. In order to create sufficient space for the house footprints three significant trees have to be removed which the submitted tree survey indicates do not need to be removed. Even with the tree removals, the indicative house positions remain squeezed next to the root protection zones of the remaining trees as well as the boundaries of the application site and promote a layout that is not generally representative of the area. Notwithstanding the information contained within the sun path diagrams such a scenario where dwellings are located in close proximity to mature trees would likely in the future lead to pressure for the removal of further trees to reduce restrictions to daylight/sunlight from shading by the remaining trees which lead me to conclude that there is insufficient space available to accommodate the proposed dwellings whilst creating an acceptable residential amenity without the removal of trees which should be retained. It is therefore considered that the application site could not provide an acceptable level of residential amenity for the occupants of the proposed housing and as such would be contrary to Policy SC2 and criterion (a) of Policy S6.

In respect of Policy S6 only certain criteria from this policy are relevant in the determination of this application. In respect of roads/parking/access these elements fall to be considered against criterion (d) of Policy S6. The Roads Service has been consulted on the proposal and has indicated the application site is situated between Airlie Drive and Grange Lane both of which are public roads and subject to a 30mph speed limit. The Council's Road Standards document recommends that visibility sightlines of 2.4 x 43 metres are provided on both sides of the proposed access to plots 1 and 2 at its junction with the public road. The Roads Service has highlighted that the provision of the required visibility splays would affect land outwith the control of the applicant and likely result in the loss of existing trees from the application site along with the reduction in height of the stone wall along the south boundary of the application site. The woodland and stone boundary wall are considered to be of considerable landscape value and any works that adversely affects these features is considered to be unacceptable in planning terms therefore the Roads Service has objected to the application in the interests of road safety. The development proposes a sub-standard vehicular access onto a public road which would compromise road safety therefore the proposal is contrary to criterion (d) of Policy S6.

The remaining significant issue in terms of the Policy S6 is the impact of the proposal on landscaping. This matter is also covered by Policies ER6 and ER7. Policy S6 states that development proposals should have regard to the landscape character of the local area (criterion h). Policy ER6 seeks to protect trees and woodland of amenity or nature conservation value. It indicates that development that would result in the loss or damage to ancient or semi-natural woodlands will not be permitted. It further indicates that Tree Preservation Orders will be used to protect groups of trees of importance to the amenity of the area where such trees are under threat. Policy ER7 requires, amongst other things, the provision of information to allow the assessment of development proposals on trees or woodlands.

The supporting tree survey identifies 19 trees within the application site and indicates they are in healthy condition with none of them requiring immediate removal. The only works that are required in the interests

of good arboricultural practice is the removal of various young self-set trees and shrubs. It is evident that the removal of the significant trees are proposed in order to facilitate the proposed housing development and are not in the interests of the management of the area of woodland. The combined effect of the trees within the application site creates the appearance of a reasonably dense wooded area and the loss of three significant trees would be likely to change the character of the area. However it is anticipated that further trees may have to be removed to provide for a working area and the routing of services but as this is for planning permission in principle it is not clear what additional works may be required. As indicated above, further trees would likely be under pressure to be removed to create areas of usable garden ground which would not be unduly affected by restrictions to daylight/ sunlight from shading by the remaining trees. Accordingly this development would require removal of trees that are considered to be of significant landscape value. It would require removal of trees that are subject of a Tree Preservation Order. As such the proposal is contrary to criterion (h) of Policy S6 and is also contrary to Policy ER6. The application is also contrary to Policy SC2 as it does not comply with the requirements of Policy S6. I do not consider that the proposal gives rise to any significant issues in terms of the other elements of Policy S6.

As the proposal is considered to be contrary to other policies of the ALPR, specifically S6, ER6 and SC2 as indicated above, the proposal is therefore considered not to meet with the requirements of Policy S1 criterion (a).

In terms of other material considerations it is relevant to consider that the application site is also subject to Section 75 Planning Obligation. This obligation was attached to planning permission 98/00665/FULL - Erection of 2 Dwellinghouses and Garages on ground to the north of the application site. It was considered in the determination of the aforementioned application that planning permission would only be granted for the erection of the two dwellinghouses (3 & 5 Grange Lane) if the trees in the site subject of this application were maintained on a permanent basis to ensure their long term future as an important feature of this part of Monifieth as the Tree Preservation Order that protects the application site merely prohibits cutting down, lopping etc. but does not impose any system of management. The obligation placed a responsibility on the original title holder and its successors to require the permanent upkeep of all trees within the site subject of this application. It is noted from the supporting planning statement that part of the reasoning behind the proposals is to ensure better management of the wooded area however the presence of the obligation should have ensured the trees were managed effectively over the years and I consider the removal of healthy trees from the wooded area is unnecessary and is not in the interests of the management of the site as required by the planning obligation. Notwithstanding this application, however, an application to Modify or Discharge this Planning Obligation would be required to facilitate any development affecting trees in this manner.

In conclusion the proposal would have unacceptable impacts on the setting of a listed building and require the felling of trees within a wooded area that is covered by a Tree Preservation Order and Section 75 Planning Obligation. As such the application is contrary to Policies S1, S6, SC2, ER6 and ER16 of the local plan. Concern regarding these matters has been raised third party objectors and those concerns support the conclusions reached in this report. The proposal does not comply with development plan policy and there are no material considerations that justify approval of the application contrary to the provisions of the development plan.

No legal agreement is required.

Human Rights Implications

The decision to refuse this application has potential implications for the applicant in terms of his entitlement to peaceful enjoyment of his possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying the decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. Any interference with the applicant's right to peaceful enjoyment of his possessions by refusal of the present application is in compliance with the Council's legal duties to determine this planning application under the Planning Acts and such refusal constitutes a justified and proportionate control of the use of property in accordance with the general

interest and is necessary in the public interest with reference to the Development Plan and other material planning considerations as referred to in the report.

Equalities Implications

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

Decision

The application is Refused

Reason(s) for Decision:

1. The proposed development would be located in front of the principal elevation of a listed building and would have a detrimental impact on the setting of the listed building. As such the proposal fails to accord with Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Policy ER16 of the adopted Angus Local Plan Review 2009.
2. That the proposed development would result in the unnecessary loss of trees from an established wooded area which has a significant landscape value and which is subject of a Tree Preservation Order. As such the proposal is contrary to Policies S1, S6 (Criterion h), ER6 and Policy SC2 of the adopted Angus Local Plan Review 2009.
3. That the application site is not considered capable of providing an acceptable level of residential amenity for likely occupants due to the proximity of buildings to existing trees and is contrary to Policy S6 (Criterion a) and Policy SC2 of the adopted Angus Local Plan Review 2009.
4. That the proposal would fail Policy S6 (Criterion d) as an access from the site onto Airlie Drive would lead to the creation of a sub-standard access which would compromise road traffic and pedestrian safety. The applicant cannot provide the necessary visibility sightlines of 2.4 x 43 metres in accordance with Angus Council's Roads Standards because the land required to provide the sightlines is not in the control of the applicant and would require removal of trees that are subject of a Tree Preservation Order. As such the proposal is also contrary to Policy SC2 of the Angus Local Plan Review.

Notes:

Case Officer: Ruari Kelly
Date: 23 June 2014

Development Plan Policies

Angus Local Plan Review 2009

Policy S1 : Development Boundaries

(a) Within development boundaries proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.

(b) Development proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan.

(c) Development proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary.

Policy S6 : Development Principles (Schedule 1)

Proposals for development should where appropriate have regard to the relevant principles set out in Schedule 1 which includes reference to amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information.

Schedule 1 : Development Principles

Amenity

(a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.

(b) Proposals should not result in unacceptable visual impact.

(c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

Roads/Parking/Access

(d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards, and use innovative solutions where possible, including 'Home Zones'. Provision for cycle parking/storage for flatted development will also be required.

(e) Access to housing in rural areas should not go through a farm court.

(f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out in Angus Council Advice Note 17 : Miscellaneous Planning Policies. If the track exceeds 200m in length, conditions may be imposed regarding widening or the provision of passing places where necessary.

(g) Development should not result in the loss of public access rights. (Policy SC36)

Landscaping / Open Space / Biodiversity

(h) Development proposals should have regard to the Landscape Character of the local area as set out in the Tayside Landscape Character Assessment (SNH 1998). (Policy ER5)

(i) Appropriate landscaping and boundary treatment should be an integral element in the design and layout of proposals and should include the retention and enhancement of existing physical features (e.g. hedgerows, walls, trees etc) and link to the existing green space network of the local area.

(j) Development should maintain or enhance habitats of importance set out in the Tayside Local Biodiversity Action Plan and should not involve loss of trees or other important landscape features or valuable habitats and species.

(k) The planting of native hedgerows and tree species is encouraged.

(l) Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.

Drainage and Flood Risk

- (m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22)
- (n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.
- (o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)
- (p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).
- (q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38)
- (r) Development should minimise waste by design and during construction.

Supporting Information

(s) Where appropriate, planning applications should be accompanied by the necessary supporting information. Early discussion with Planning and Transport is advised to determine the level of supporting information which will be required and depending on the proposal this might include any of the following: Air Quality Assessment; Archaeological Assessment; Contaminated Land Assessment; Design Statement; Drainage Impact Assessment; Environmental Statement; Flood Risk Assessment; Landscape Assessment and/or Landscaping Scheme; Noise Impact Assessment; Retail Impact Assessment; Transport Assessment.

Policy SC2 : Small Sites

Proposals for residential development on small sites of less than 5 dwellings within development boundaries should provide a satisfactory residential environment taking account of the following:-

- * compatibility with established and proposed land uses in the surrounding area;
- * plot sizes compatible with those in the area;
- * provision of at least 100m² private garden ground ; and
- * maintenance of residential amenity and privacy of adjoining housing.

Proposals will also be required to take account of the provisions of Policy S6 : Development Principles.

Policy ER6 : Trees, Woodlands and Hedgerows

Trees, woodlands and hedgerows which have a landscape, amenity and/or nature conservation value will be protected from development. Development that would result in the loss of or damage to ancient or semi-natural woodlands will not be permitted. Tree Preservation Orders will be promoted to protect groups of trees or individual significant trees of importance to the amenity of a surrounding area where such trees and woodland are under threat. Management Agreements will be introduced, where appropriate, to ensure the establishment of new and replacement planting. Tree planting initiatives such as Community Woodland proposals and other amenity planting will continue to be supported and encouraged.

Policy ER7 : Trees on Development Sites

Planning applications for development proposals affecting sites where existing trees and hedges occur and are considered by Angus Council to be of particular importance will normally be required to:

- (a) provide a full tree survey in order to identify the condition of those trees on site;
- (b) where possible retain, protect and incorporate existing trees, hedges, and treelines within the design and layout;
- (c) include appropriate new woodland and or tree planting within the development proposals to create diversity and additional screening, including preserving existing treelines, planting hedgerow trees or gapping up/ enhancing existing treelines.

In addition developers may be required to provide an Arboricultural Methods Statement, a Performance Bond and/or enter into Section 75 Agreements.

Policy ER16 : Development Affecting the Setting of a Listed Building

Development proposals will only be permitted where they do not adversely affect the setting of a listed building. New development should avoid building in front of important elevations, felling mature trees and breaching boundary walls.

TAYplan Strategic Development Plan

The proposal is not of strategic significance and policies of TAYplan are not referred to in this report.

Cairngorms National Park Local Plan

Not applicable.

DEVELOPMENT BOUNDARIES

1.29 Angus Council has defined development boundaries around settlements to protect the landscape setting of towns and villages and to prevent uncontrolled growth. The presence of a boundary does not indicate that all areas of ground within that boundary have development potential.

Development boundaries:

Generally provide a definition between built-up areas and the countryside, but may include peripheral areas of open space that are important to the setting of settlements.

Policy S1 : Development Boundaries

(a) Within development boundaries proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.

(b) Development proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan.

(c) Development proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary.

Public interest: *Development would have benefits for the wider community, or is justifiable in the national interest.*

Proposals that are solely of

commercial benefit to the proposer would not comply with this policy.

DEVELOPMENT PRINCIPLES

1.44 The principles in Schedule 1 provide a 'checklist' of factors which should be considered where relevant to development proposals. They include amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information. The Local Plan includes more detailed policies relating to some principles set out. Not all development proposals will require to comply with all of the principles.

Policy S6 : Development Principles

Proposals for development should where appropriate have regard to the relevant principles set out in Schedule 1 which includes reference to amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information.

Schedule 1 : Development Principles**Amenity**

- a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.
- b) Proposals should not result in unacceptable visual impact.
- c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

Roads/Parking/Access

- d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards, and use innovative solutions where possible, including 'Home Zones'. Provision for cycle parking/storage for flatted development will also be required.
- e) Access to housing in rural areas should not go through a farm court.
- f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out in Angus Council Advice Note 17: Miscellaneous Planning Policies. If the track exceeds 200m in length, conditions may be imposed regarding widening or the provision of passing places where necessary
- g) Development should not result in the loss of public access rights. (Policy SC36)

Landscaping / Open Space / Biodiversity

- h) Development proposals should have regard to the Landscape Character of the local area as set out in the Tayside Landscape Character Assessment (SNH 1998). (Policy ER5)
- i) Appropriate landscaping and boundary treatment should be an integral element in the design and layout of proposals and should include the retention and enhancement of existing physical features (e.g. hedgerows, walls, trees etc) and link to the existing green space network of the local area.
- j) Development should maintain or enhance habitats of importance set out in the Tayside Local Biodiversity Action Plan and should not involve loss of trees or other important landscape features or valuable habitats and species.
- k) The planting of native hedgerows and tree species is encouraged.
- l) Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.

Drainage and Flood Risk

- m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22)
- n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.
- o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)
- p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).

Waste Management

- q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38).
- r) Development should minimise waste by design and during construction.

Supporting Information

- s) (s) Where appropriate, planning applications should be accompanied by the necessary supporting information. Early discussion with Planning and Transport is advised to determine the level of supporting information which will be required and depending on the proposal this might include any of the following: Air Quality Assessment; Archaeological Assessment; Contaminated Land Assessment; Design Statement; Drainage Impact Assessment; Environmental Statement; Flood Risk Assessment; Landscape Assessment and/or Landscaping Scheme; Noise Impact Assessment; Retail Impact Assessment; Transport Assessment.

Towns, Villages and Other Settlements

2.11 The design and layout of all new housing is required to produce a viable and attractive development which relates well to the surrounding area, whether it is an allocated site, an unexpected windfall site or a small site within an existing settlement. Policy S6 :Development Guidelines seeks to ensure that relevant developments take account of a range of factors and make a positive contribution to the local environment. Housing proposals will be considered against the relevant guidelines. Angus Council's Advice Notes 6 – Backland Housing Development and 14 – Small Housing Sites provide detailed guidance relevant to small housing sites within development boundaries.

2.12 Allocations of land for residential development are made in the Settlement Statements in Part 4 of this Local Plan. In addition to allocated sites and land with planning permission, there may be other currently unidentified sites which may be suitable for residential development. The Plan provides scope for such sites to come forward, within development boundaries, where development is in accordance with the principles of the Local Plan.

Policy SC2 : Small Sites

Proposals for residential development on small sites of less than 5 dwellings within development boundaries should provide a satisfactory residential environment taking account of the following:-

- **compatibility with established and proposed land uses in the surrounding area;**
- **plot sizes compatible with those in the area;**
- **provision of at least 100m² private garden ground ; and**
- **maintenance of residential amenity and privacy of adjoining housing.**

Proposals will also be required to take account of the provisions of Policy S6: Development Principles.

Development Boundaries:

Generally provides a definition between built-up areas and the countryside, but may include peripheral areas of open space that are important to the setting of settlements.

Trees, Woodlands and Hedgerows

3.14 Trees, woodlands, hedgerows and treelines make valuable contributions to nature conservation and recreational activity and are integral to the landscape and townscape of Angus. Ancient woodland is of particular ecological value and is an irreplaceable resource. Such woodland requires special protection as once destroyed it cannot be recreated. Where appropriate, the Council will use Tree Preservation Orders to ensure the protection of an individual tree or group of trees considered important to the amenity value of the surrounding area. In addition and wherever possible the opportunity should be taken to strengthen woodland cover with local native species, either as part of a development proposal, or through the establishment of urban forestry and community woodland initiatives. Angus Council has established the Angus Millennium Forest (AMF) which covers around 83 ha of Council land in the main towns. The AMF makes a significant contribution to biodiversity, urban wildlife conservation and the provision of green spaces in these towns and should be protected from development.

Treeline (lowland)

As defined in The Local Biodiversity Action Plan this is a row of standard trees growing in a hedgerow or as a separate avenue of trees.

Tree Preservation Order(TPO):

An order made by the Planning Authority to preserve trees or woodlands in their area which are considered to have a high amenity value.

Policy ER6 : Trees, Woodlands and Hedgerows

Trees, woodlands and hedgerows which have a landscape, amenity and/or nature conservation value will be protected from development. Development that would result in the loss of or damage to ancient or semi-natural woodlands will not be permitted. Tree Preservation Orders will be promoted to protect groups of trees or individual significant trees of importance to the amenity of a surrounding area where such trees and woodland are under threat. Management Agreements will be introduced, where appropriate, to ensure the establishment of new and replacement planting. Tree planting initiatives such as Community Woodland proposals and other amenity planting will continue to be supported and encouraged.

Trees on Development Sites

3.15 The importance of trees and treelines on development sites should not be underestimated. They can make a substantial contribution towards the overall amenity and integration of new development into the environment and the layout of development proposals should, wherever possible, accommodate trees and treelines worthy of retention.

3.16 A full tree survey may be required to accompany planning applications on sites with existing trees so that the impact of the development on existing trees can be fully assessed. Care should also be taken to avoid damage to trees on sites adjacent to the proposed development. Additional guidelines on this matter are contained in Angus Council Advice Note 22: The Survey of Trees on Development Sites.

Policy ER7 : Trees on Development Sites

Planning applications for development proposals affecting sites where existing trees and hedges occur and are considered by Angus Council to be of particular importance will normally be required to:

- (a) provide a full tree survey in order to identify the condition of those trees on site;**
- (b) where possible retain, protect and incorporate existing trees, hedges, and treelines within the design and layout;**
- (c) include appropriate new woodland and or tree planting within the development proposals to create diversity and additional screening, including preserving existing treelines, planting hedgerow trees or gapping up/ enhancing existing treelines.**

In addition developers may be required to provide an Arboricultural Methods Statement, a Performance Bond and/or enter into Section 75 Agreements.

Gapping up

Planting up gaps in hedgerows. This ensures that the hedgerow will retain both its ecological and historical value.

LISTED BUILDINGS

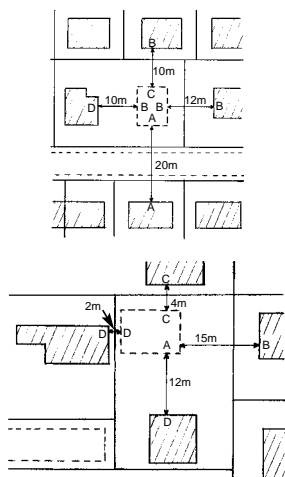
3.34 The relationship of a listed building with the buildings, landscape and spaces around it is an essential part of its character. The setting of a listed building is, therefore, worth preserving and may extend to encompass land or buildings some distance away. Insensitive development can erode or destroy the character and/or setting of a listed building. Consequently planning permission will not be granted for development which adversely affects the setting of a Listed Building. Trees and landscaping, boundary walls and important elevations may be particularly sensitive to the effects of development.

Policy ER16 : Development Affecting the Setting of a Listed Building

Development proposals will only be permitted where they do not adversely affect the setting of a listed building. New development should avoid building in front of important elevations, felling mature trees and breaching boundary walls.

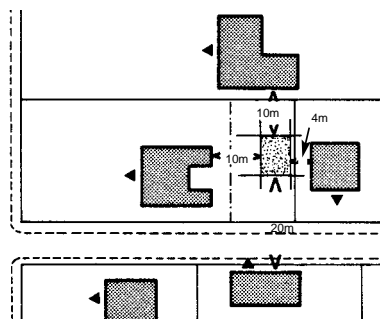
In the diagrams below, which illustrate the application of most of the above rules, the following notation has been used:-

A - Main Living Room Window B - Other Habitable Room Window
C - Non-Habitable Room Window D - Blank Wall



Note: Where the relevant windows are at an angle to each other, the distances may be reduced commensurately. As a guideline, the distance may be halved where the centre point of the two windows are at 45° to each other.

Conditions will often be imposed upon outlined planning applications to ensure that these standards are met. This will often define the site area available within which the house must be located and in rare instances it may prove too small for the desired house style or, indeed, any style. If the applicant cannot meet the conditions then obviously the proposal is an impractical one.

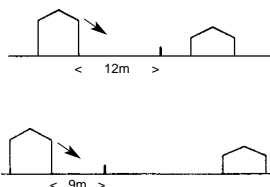


Building on a boundary will not be acceptable, at least a one metre gap must be provided to allow for maintenance etc. Exceptions might be made for lock-up garages where it is not practical to leave a gap.

Overlooking of private amenity space, particularly of existing houses should also be taken into consideration in designing the layout. As a general rule no window to a habitable room should be closer than four metres to a boundary. For first floor windows in two storey houses, significantly greater distances will be required (see below).

Screening: Most of the above distances can, if desired, be further alleviated on the part of the affected property, by the erection of screening and in certain circumstances this may be specified by the

Planning authority. Even with the erection of screen fences, distances should not be so reduced as to create an overly-cramped environment. For instance a two metre fence or wall erected closer than two metres to an existing neighbouring window, is unlikely to be acceptable as a means of overcoming a deficient window to window distance. Of course, screening cannot be effective where a second floor is concerned and this is the cause of much discontent amongst existing proprietors affected by such proposals. Accordingly, where a second and overlooking storey is involved, the distance between the main windows of the proposed house and the mutual boundary should be at least 12 metres. In higher density areas or where the adjacent rear garden is particularly generous this could be relaxed to a minimum of nine metres.



GARAGES

Too often garages are an afterthought in the design process. Problems can occur when endeavouring to fit the garage into a pre-developed site. Therefore, even if a garage is not to be built at the outset, the layout should allow for their later erection. For instance, 30% plot coverage should not be the objective of a new house with no garage accommodation; avoid a situation where the garage would have to be built on the boundary or, worse still, in front of the house.

On the subject of garages in front of houses, it is strongly recommended that this be avoided. Developments visually dominated by garages sited in front of the residential accommodation will rarely be acceptable.

ADDITIONAL NOTES

It is the intention of the District Council to implement this advice in a FLEXIBLE fashion. This, however, is likely to result in demands in excess of the minimum standards being more common than their relaxation. The guidance is not intended to produce a "planning by numbers" approach to housing layouts and even where the guideline figures have been attained, the planning authority reserves the right to insist on more stringent standards to, for instance, further mitigate the impact on neighbours or to produce a better quality development.

In designing a layout care should be taken not to prejudice future development in adjoining areas (for instance by building too close to boundaries or poor positioning of windows). In some instances this may not be possible but where this has occurred, the planning authority will not necessarily be tied to the guidance indicated in this Advice Note when dealing with future development proposals.

This Advice Note does not apply to sites defined as "backland", i.e. sites without a road frontage, for which applicants should refer to Advice Note 6 - Backland Housing Development.

For further information and advice contact:

Planning & Transport
Angus Council
St James House
St James Road
FORFAR DD8 2ZP
Telephone (01307) 461460

August 2002

Angus Council



ADVICE NOTE 14

SMALL HOUSING SITES

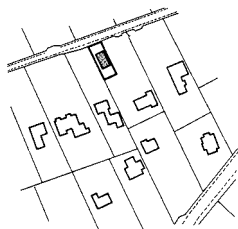
Director of Planning & Transport
Angus Council
St James House
St James Road
FORFAR

INTRODUCTION

This Advice Note has been prepared to provide guidance for applicants, developers and their agents designing layouts for small housing sites (comprising between one and four detached houses) WITHIN EXISTING BUILT-UP AREAS. For houses in the open countryside refer to Schedule 1 in the Housing Section of the Angus Local Plan. Although much of the guidance is relevant to semi-detached, terraced, linked or special needs housing, the requirements, particularly in respect of plot sizes, amenity space, etc. will be interpreted flexibly. The Advice Note does not concern itself with the visual appearance of the individual houses. Compliance with this guidance will be required in order to secure a planning consent.

PLOT SIZE

The plot area of a proposal must bear some affinity with the surrounding plots, the Council will be reluctant to permit developments THAT DO NOT RESPECT THE CHARACTER OF THE AREA, for instance the insertion of a small house plot in a medium density area, if that development is likely to look out of place or "squeezed in".



As a general guide only, a MINIMUM plot area of 400 square metres is suggested. In areas of especially high density and where small plots are a characteristic or for some semi-detached houses, a lower MINIMUM of 350 square metres may be acceptable, dependent upon any unduly adverse effect that the proposal may have upon neighbours. Conversely, in low density areas, a minimum considerably in excess of 400 square metres will be required. 400 square metres will probably be too small to provide sufficiently useable garden space where awkward shaped sites are involved. Similarly, where existing trees have to be retained or new planting is required as part of a planning consent, a larger plot area will be necessary.

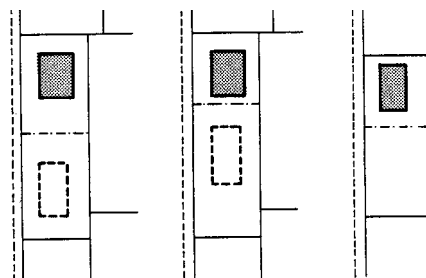


Regular shaped site of 1,200sm can accommodate 3 plots of 400sm, houses covering 30% of the plot and still provide at least 100sm of amenity space.

Awkward shaped site of 1,200sm. Fails to provide 100sm useable/private amenity space for each plot of 400sm.

This minimum plot area requirement will not only apply to the proposal but, where applicable (e.g. subdivision of an existing house plot), TO THE EXISTING HOUSE AND ITS CURTLAGE ALSO.

For clarification purposes, long driveways required to gain access to the plot proper or fingers of useless land will not count as part of the plot area.



Total Area = 820 s.m.
Acceptable Sub-Division

Total Area 820 s.m.
Unacceptable Sub-Division

Total Area = 750 s.m.
Incapable of Meeting Standard

PLOT COVERAGE

The character or spaciousness of a development is not solely determined by the size of the plot but also by the proportion of the plot that is covered by the building. Specifying a minimum plot size is of little relevance if the proposed house then fully occupies the curtilage, providing minimal living space around the dwelling.

In order to leave sufficient open space around a new house for outdoor activity, for the setting of the house and possible future extensions, the proposed house should not cover more than 30% of the plot. Again where it would be more in keeping with the character of a high density neighbourhood, this might be increased.



Plot Size = 420 s.m.
House = 118 s.m.
Coverage 28%
Acceptable

Plot Size = 420 s.m.
House 180 s.m.
Coverage = 43%
Not Acceptable

By the application of this standard, proposed developments on small plot areas in practical terms may be restricted to one and a half or two storeys, as these have a lesser ground floor area than bungalows. If the Council also feels it correct and proper to impose a bungalow only condition, then the proposed development of the site may not be feasible or could be restricted to a very small bungalow.

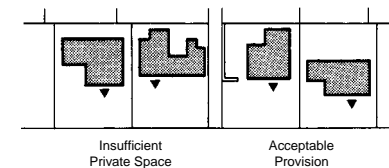
Consideration will also be given to the size of the proposed house. It may for instance, be inappropriate to site a large executive house on a small plot which just achieves the 30% plot coverage. As a general rule, large executive style houses should be sited on large plots producing considerably less than the 30% coverage. Similarly, a lower coverage might also be appropriate when an awkward shaped plot is involved in order to provide useful areas of garden ground.

PRIVATE AMENITY SPACE

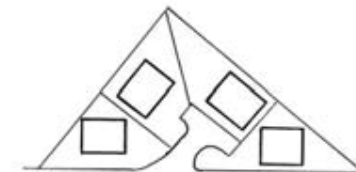
Applying the above standard to a new house development should ensure that around 70% of the plot remains open but all of this could be taken up by front garden, car space, drive etc., leaving none for the long list of private activities that gardens are required to cater for, such as sitting in the sun, playing with the children, eating out-of-doors on a nice day, drying clothes or even parking the kids bicycles.

To meet this requirement for modern day living, the Council will require a MINIMUM area of 100 SQUARE METRES to be allocated for PRIVATE amenity space. Where a good case can be made out, e.g. in character with the surrounding area, this may be reduced to 70 SQUARE METRES or in the difficult case of a corner plot with two road frontages, a reduction to 50 SQUARE METRES might be acceptable. These standards will require to be met where appropriate (e.g. subdivision of an existing house curtilage) by the existing house also.

Normally to qualify as private amenity space, the area will be out of public view, i.e. a BACK garden or well screened area at the side. It must also be a usable area, ten small leftover corners or strips of 10 square metres each will not be acceptable.



The diagram below illustrates the difficulties in achieving the minimum standards indicated above for private amenity space, plot coverage and plot size when an awkward shaped development site is involved. The scheme illustrated still produces plots of 400 square metres but lacks adequate usable private amenity areas and the development is overly congested producing a poor quality environment. One house is forced to breach the building line.



DISTANCE BETWEEN BUILDINGS

Perhaps the greatest bone of contention with objectors to new house proposals, concerns the distance between the proposed dwelling and their own. It is also valid that the planning authority should aim for reasonable distances even in the case where there are no objections, for instance, where only the applicant's house is affected (in the case of existing curtilage subdivision) or to ensure a reasonable level of amenity within and between the new houses on the development.

In fact the distances regarded by residents as being most critical are where windows are involved, therefore, the following guideline MINIMUM distances are based on windows. While these guideline figures should ensure a reasonable degree of amenity and privacy, there will be instances where they may not be acceptable for townscape reasons e.g. out of character with the surrounding area, the presence of trees, etc. and conversely, in higher density, older areas, it may even be possible to reduce some of the distances specified.

Main Living Room Window to:-

Main Living Room Window	- 20 metres
Other Habitable Room window	- 15 metres
Non-Habitable Room Window	- 12 metres
Blank Wall	- 12 metres

Other Habitable Room Window to:-

Other Habitable Room Window	- 12 metres
Non-Habitable Room Window	- 10 metres
Blank Wall	- 10 metres

Non-Habitable Room Window to:-

Non-Habitable Room Window	- 4 metres
Blank Wall	- 4 metres

Blank Wall to Blank Wall - 2 metres

Definitions:

Habitable Room includes Kitchen
Non-Habitable room includes bathrooms, utility rooms, staircases, halls, landings, stores, workshops, etc.

LeslielA

From: Claire.Herbert@aberdeenshire.gov.uk
Sent: 19 May 2014 11:36
To: PLNProcessing
Cc: KellyR
Subject: Planning application 14/00298/PPPL - archaeology comments
Plan App No: 14/00298/PPPL
Planning Officer: Ruari Kelly
Proposal: Proposed Housing
Address: Land Between 14 And 16 Airlie Drive Monifieth
Post Code:
Grid Reference: NO 4892 3285

Having considered the above application, which lies within the archaeology site NO43SE0027, the site of a medieval grange, where masonry remains have previously been noted in proximity to the category C Listed gatepiers (thought to date to 1760), I can advise that in this instance the following condition should be applied:

“Negative Suspensive Condition – Programme of Archaeological Works (PAN 2/2011, SPP, SHEP)

No works shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the Aberdeenshire Council Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the Aberdeenshire Council Archaeology Service.

Reason: to safeguard and record the archaeological potential of the area.”

This should, in the first instance, take the form of an archaeological walkover survey to assess whether any structural remains survive within the proposed development area, and to photographically record the gatepiers. The results of this survey will be used to inform whether additional archaeological mitigation, perhaps in the form of some small archaeological test pits, is warranted.

Should you have any comments or queries regarding the above then please do not hesitate to contact me.

Kind regards,
Claire

Claire Herbert MA(Hons) MA AIFA

Archaeologist
Archaeology Service
Infrastructure Services
Aberdeenshire Council
Woodhill House
Westburn Road
Aberdeen
AB16 5GB

19/05/2014

01224 665185
07825356913

claire.herbert@aberdeenshire.gov.uk

Archaeology Service for Aberdeenshire, Moray & Angus Councils

<http://www.aberdeenshire.gov.uk/archaeology>

<http://www.aberdeenshire.gov.uk/smrpub>

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www.aberdeenshire.gov.uk



Memorandum

Communities
(Roads)

TO: HEAD OF PLANNING & PLACE

FROM: HEAD OF TECHNICAL & PROPERTY SERVICES

YOUR REF:

OUR REF: GH/AGG/SC TD1.3

DATE: 12 MAY 2014

SUBJECT: PLANNING APPLICATION REF. NO.14/00298/PPPL – PROPOSED
HOUSING ON LAND AT 16 AIRLIE DRIVE, MONIFIETH
FOR MR & MRS ROBERTSON

I refer to the above planning application.

The site is situated on a vacant land between Grange Lane and Airlie Drive both of which are on the list of public roads and subject to a 30mph speed limit.

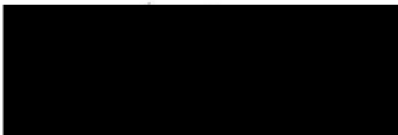
I have considered the application in terms of the traffic likely to be generated by it, and its impact on the public road network. As a result, I do not object to the application but would recommend that any consent granted shall be subject to the following conditions:

- 1 That, prior to the commencement of development, visibility splays shall be provided at the junction of the proposed access with Airlie Drive, giving a minimum sight distance of 43 metres in each direction, at a point 2.4 metres from the nearside channel line of Airlie Drive.
Reason: to ensure a safe and suitable access, in the interests of road safety.
- 2 That, within the above visibility splays nothing shall be erected, or planting permitted to grow to a height in excess of 1050mm above the adjacent road channel / 875mm above the adjacent footway level.
Reason: to provide and maintain adequate sightlines, in the interests of road safety.
- 3 That, prior to the occupation or use of either dwelling house on plot 1 or plot 2, the footway crossing at the proposed access shall be formed and constructed in accordance with the Angus Council Road Standards (Type B Junction).
Reason: to provide a safe and satisfactory access in a timely manner.

- 4 That, prior to the occupation or use of the dwelling house on plot 3, the footway crossing at the proposed access shall be formed and constructed in accordance with the Angus Council Road Standards (Type A Junction).
Reason: to provide a safe and satisfactory access in a timely manner.
- 5 That, prior to the use or occupation of the dwelling house on Plot 3, a footway shall be provided over the entire length of the site frontage on the south side of Grange Lane. The footway shall be formed and constructed in accordance with the Angus Council Road Standards.
Reason: in order to provide adequate infrastructure, the interests of pedestrian safety.
- 6 That, prior to the occupation or use of the dwelling houses, a minimum of 2 car parking spaces shall be provided within the each plot curtilage, in accordance with the Angus Council Road Standards.
Reason: to maintain the free traffic flow of traffic, in the interests of road safety.
- 7 That, prior to the occupation or use of the dwelling houses, turning space shall be provided within the site curtilage to allow vehicles to enter and leave in a forward gear.
Reason: in the interests of road safety.

It should be noted that compliance with conditions 1 and 2 above, may result in the loss of mature trees and could also affect land not under the control of the applicant. If the loss of trees is not acceptable to you, then, I would recommend refusal of the application due to the sub-standard access arrangements that would result and the ensuing, detrimental effect on road safety.

I trust the above comments are of assistance but should you have any further queries, please contact Adrian Gwynne on extension 3393.



4 Grange Lane,
MONIFETH,
ANGUS.

Service Manager,
Angus Council
Communities
Planning & Place,
County Buildings,
Market Street.
Forfar
DD8 3LG.

14/1/14

1/5/14

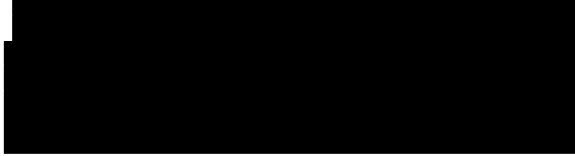
Dear Sir,
Planning application reference: 14/00298/pppl

Would like to submit an objection to the above application on the following grounds.

- 1. I have lived in Grange lane since 1997 and the only maintenance on this piece of land was the building of no.14. The rest of the land has been left to go wild and we now have a haven for the local wildlife. As the grange area is rather short of places that is not disturbed by people it would be nice if the area was left in peace.***
- 2. The trees in this wood many of which are listed are nice to look at and admire if one is passing. In nice weather many of the Grange nursing home clients are to be seen being wheeled into grange Lane to enjoy the trees and bushes and listen to the birds, and of course to view Grange house itself, enhancing the pleasure of their day out.***
- 3. The history of this piece of ground , I think, would be destroyed by building on it. Documented history goes back to the pre thirteenth century when it was a grange of Arbroath Abbey then into the Durham family who's coat of arms are on the wall of the gatehouse at the entrance to Grange Lane.***

A gateway associated with the Marquis of Montrose is also on this site. So building here would destroy a piece of local history forever.

May I again suggest that this small piece of history rich land be left in peace to the flora and fauna and of course all the wee beasties that call it home.



William Hall.

Head of Planning & Transport Division
County Buildings,
Market Street,
Forfar,
DD8 3LG.

RECEIVED
03 MAY 2014
ILKU

Mr. & Mrs. Sawers
8 Grange Lane
Monifieth
Angus
DD5 4NB

2.5.14

Re.: Planning application 14/00298/PPPL: Proposed Housing, land between 14 and 16 Airlie Drive, Monifieth

We are writing to object to the above planning application on the following grounds:

1. Loss of historic and established trees and woodland which form an integral part of the setting of the listed Grange House.
 2. Further detrimental impact to the setting of Grange House by moving listed gateposts.
 3. Negative impact on the existing properties in Grange Lane by altering the streetscape; increasing traffic and placing further pressure on parking.
1. Loss of trees and building on historic, established woodland which forms an integral part of the setting of the listed Grange House:
 - o The proposal involves felling three large historic trees and building on woodland which forms the southern border of Grange Lane. This woodland is integral to the setting of the listed Grange House. The applicant's tree survey report states that these large trees can be maintained, and in accordance with Monifieth's tree preservation policy, they should be (*Policy ER6: Trees, Woodlands and Hedgerows*). The building work will also result in the loss of many smaller trees and shrubs.
 - *Policy ER6 : Trees, Woodlands and Hedgerows*
Trees, woodlands and hedgerows which have a landscape, amenity and/or nature conservation value will be protected from development. Development that would result in the loss of or damage to ancient or semi-natural woodlands will not be permitted. Tree Preservation Orders will be promoted to protect groups of trees or individual significant trees of importance to the amenity of a surrounding area where such trees and woodland are under threat.
 - o This woodland is part of the natural and historic setting of Grange House. The trees are widely visible around Monifieth, and contribute to the setting of the surrounding properties. The woodland is also a haven for wildlife and nesting birds: owls and woodpeckers are regularly seen and heard in the woodland proposed for development.
 - o It will be very difficult not to damage other large, historic trees and their root systems given their proximity to the proposed housing (particularly the property accessed via Grange Lane) during any building works.
 - o Any remaining historic trees will lose their context as part of the setting of Grange House, and will instead become part of a new residential development.
 - o The need to protect this area of woodland has been cited in previous planning applications, including No. 01/01120/FUL, and is subject to a *Section 75 agreement for landscape management*.
 - o Concerns have been raised in the past regarding the adverse effect further development would have to the character and appearance of the setting of this listed building *and its adjacent woodland* (No. 01/01120/FUL; 4.1; 5.1; 5.4).
 2. Further detrimental impact to the setting of Grange House:
 - o Relocating the listed gate posts to Airlie Drive to form a driveway entrance for two of the proposed properties will disassociate them from the listed Grange House, of which they are an integral part. In report No. 395/06, when refusing planning permission on the land directly south of Grange House, the importance of the relationship between the house and the gateposts was emphasised (6.5). This report

has relevance here – the concerns it raises and reasons for refusal could also apply in this case.

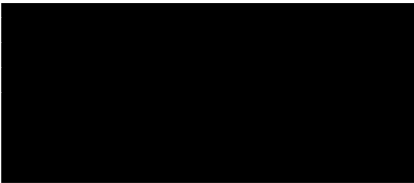
3. Negative Impact on the existing properties on Grange Lane:

- The planning statement argues that the proposed plan will “do little to alter the streetscape of Airlie Drive”. It will, however, considerably alter the streetscape of Grange Lane and the setting of Grange House.
- The proposed property accessed via Grange Lane will increase traffic and put further pressure on parking in an already busy, narrow lane. A previous planning application to build on the garden ground immediately south of Grange House was repeatedly refused, with increased road traffic cited as part of the reason. Building work *will* cause disruption in the form of road blockages to the residents of the (narrow) Grange Lane.
- The building of further property(s) in the already developed grounds of Grange House will impact negatively on the listed building’s setting and the setting of the existing properties.

With regard to the planning statement:

- Littering from Airlie Drive, or from surrounding properties in the form of garden waste should be reported to the relevant authorities and the site should be maintained. Building on the woodland will not stop this.

Monifieth is increasingly losing limited green areas and woodland to development. Historic woodland which forms an integral part of the setting of a listed building should be protected and maintained.



Mr. & Mrs. Sawers

Comments for Planning Application 14/00298/PPPL

Application Summary

Application Number: 14/00298/PPPL

Address: Land Between 14 And 16 Airlie Drive Monifieth

Proposal: Proposed Housing

Case Officer: Ruari Kelly

Customer Details

Name: Mr Michael Rankin

Address: Flat 4 The Grange, 12 Grange Lane, Monifieth

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear sir/madam,

Planning permission has been refused previously for housing on the land immediately in front of Grange House. I see no difference between that and this current application and, therefore, the same criteria must surely apply.

My family and I purchased our flat owing to the outstanding amenity offered by the house and it's surroundings. This proposal would compromise the listed status of Grange House - and the historic entrance pillars located within the zoned development area - by creating a precedent which would surely lead to over-intensive development. Also, there is already considerable traffic movement on the lane without the addition of construction vehicles causing an obstruction. Parking is already limited in the lane and in front of the house without further adding to that.

Had there been housing to the front of the building then we would not have chosen to live here. We have no desire to live in a goldfish bowl.

For these reasons, we wish to object in the strongest possible terms to this proposal.

Yours,

Mr and Mrs J.M. Rankin,

Flat 4,

Grange House.

Comments for Planning Application 14/00298/PPPL

Application Summary

Application Number: 14/00298/PPPL

Address: Land Between 14 And 16 Airlie Drive Monifieth

Proposal: Proposed Housing

Case Officer: Ruari Kelly

Customer Details

Name: MR DAVID PYE

Address: FLAT C, THE GRANGE 12 GRANGE LANE MONIFIETH

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I write in connection with the above planning application. I have examined the plans and I know the site well. I wish to object strongly to the development of these houses in this location.

After recently purchasing my property at the above address which is a listed C building, I feel there are many factors that should be considered to support my objection.

I believe that planning permission has already been denied for building on the land directly in front of The Grange due to it being a listed building, the plans for the three properties on Airlie Drive is only just in front of where this was first denied and could create a precedent for more of the same. Also although there has been a tree survey carried out, I am still unsure as to what impact removing the trees will have, and how it will effect the visual appearance of the Grange, or how compatible the new properties would be.

The privacy I have in my ground floor property would almost subject to me being in a goldfish bowl, the privacy was one of the main reasons for me purchasing this property.

Grange Lane is not the widest of access roads and the unrest and disruption to our lives whilst they build would be stressful to both the wife and I, almost definitely causing parking problems and creating safety issues.

After serving 23 years in the military myself, and my wife 15 years, numerous moves supporting conflict, we thought we had finally found our dream home where we could settle for the rest of our lives. Unfortunately this may not now be the case, the build of properties opposite us would almost definitely cause us to move again creating stress all over again to both the wife and I.

Unsure about how complex we should make this objection initially, I am submitting this one due to the short time between receiving and having to reply. I will however be seeking some help with the next objection as to how to word it.

Thank you for your time

Mr & Mrs Pye

Comments for Planning Application 14/00298/PPPL

Application Summary

Application Number: 14/00298/PPPL

Address: Land Between 14 And 16 Airlie Drive Monifieth

Proposal: Proposed Housing

Case Officer: Ruari Kelly

Customer Details

Name: Mr John Murray

Address: 10 Grange Lane Monifieth

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We are writing to strongly object to the above proposal.

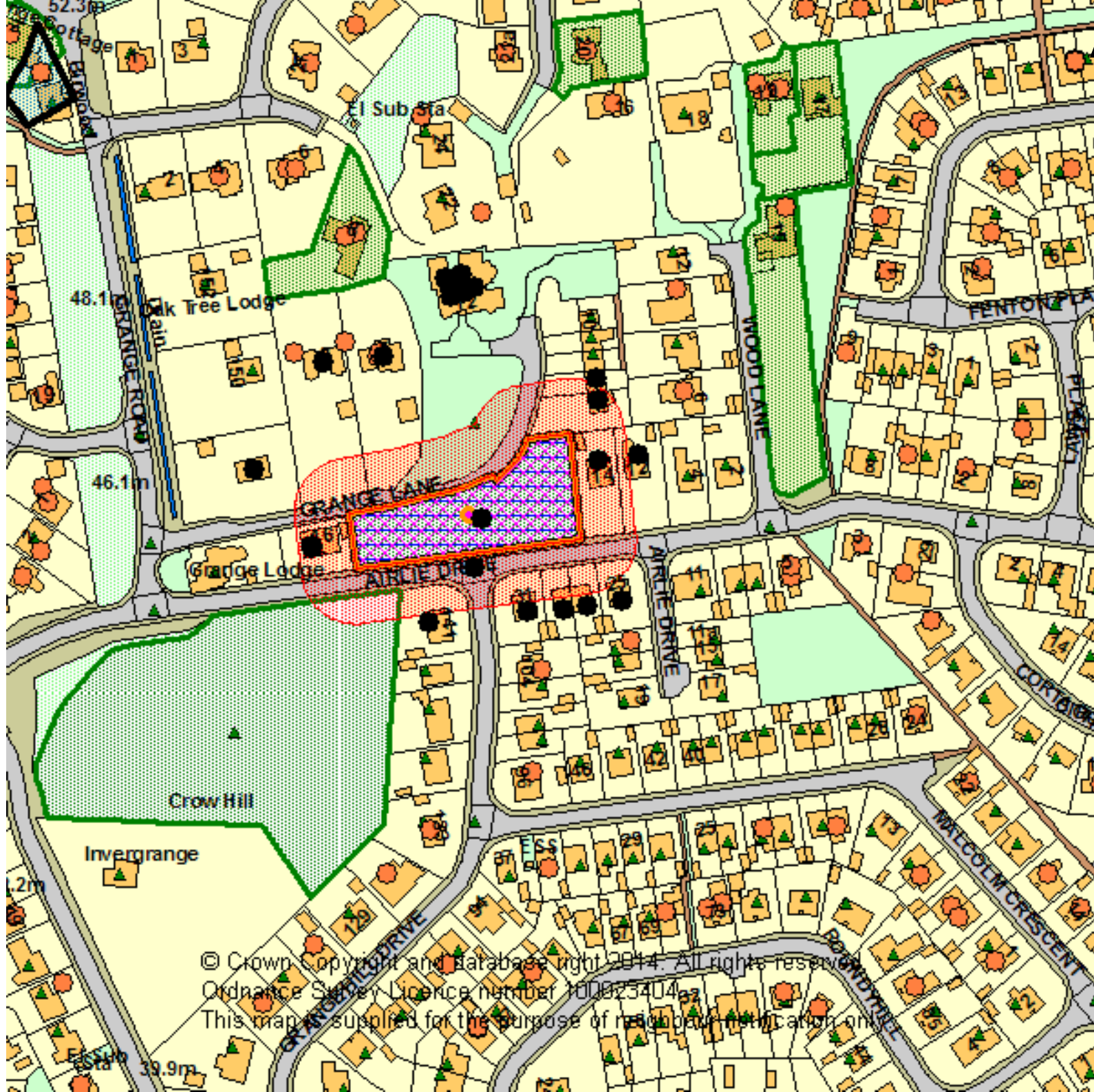
We cannot believe that it would even be suggested that it is in any way acceptable to remove the front gate pillars, which are part of the listed building status of Grange House, and move them to become the gate post of a new modern building.

Although it states in the application above that the development would not have any significant detrimental effect on Airlie Drive, the same cannot be said for the impact it would have in Grange Lane. Although two of the three houses only back onto Grange Lane they would still have a large impact on it.

The new large villa which is to gain access to Grange Lane will have an impact on pavement/pedestrian access along the lane, close to the narrowest part of the lane, and will also reduce the amount of on-street parking available.

We are also dismayed at the removal of three large mature trees and numerous smaller trees from one of the few green areas left on the local vicinity, and would be greatly concerned that other mature trees would be accidentally lost during the development, as once lost could not be replaced.

Mr & Mrs J Murray



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Algo Business Centre
Glenam Road
Plyth
PH2 0NJ
01738 450470 Tel

mail@rda-architects.com
Construction Line Reg. No. 61521
VAT Registration No. 270424873

**CLIENT**

Robertson

PROJECT16 Airrie Drive
Monifieth**DRAWING**

Proposed Density Plan

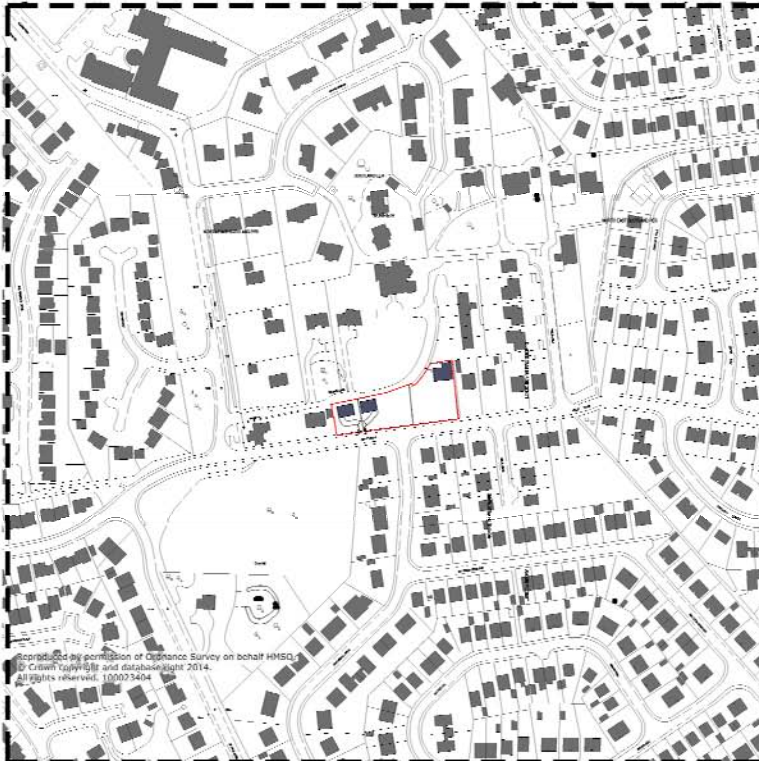
SCALE 1:2500@ A3
DATE 30.08.15
PROJECT NO. 130256
DRAWING NO. 05/0093 C
STATUS PLANNING

REV.	DATE	DESCRIPTION
A	10/09/15	Revised To Suit Town
B	16/09/15	General Update
C	25/02/16	Planning Update

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REFUSED



Cross-hatched Area. 25 Hectares

REFUSED





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Construction Line Reg. No. 51521
VAT Registration No. 270424873



CLIENT
Robertson

PROJECT
16 Airile Drive
Monifieth

DRAWING
Existing Site Plan

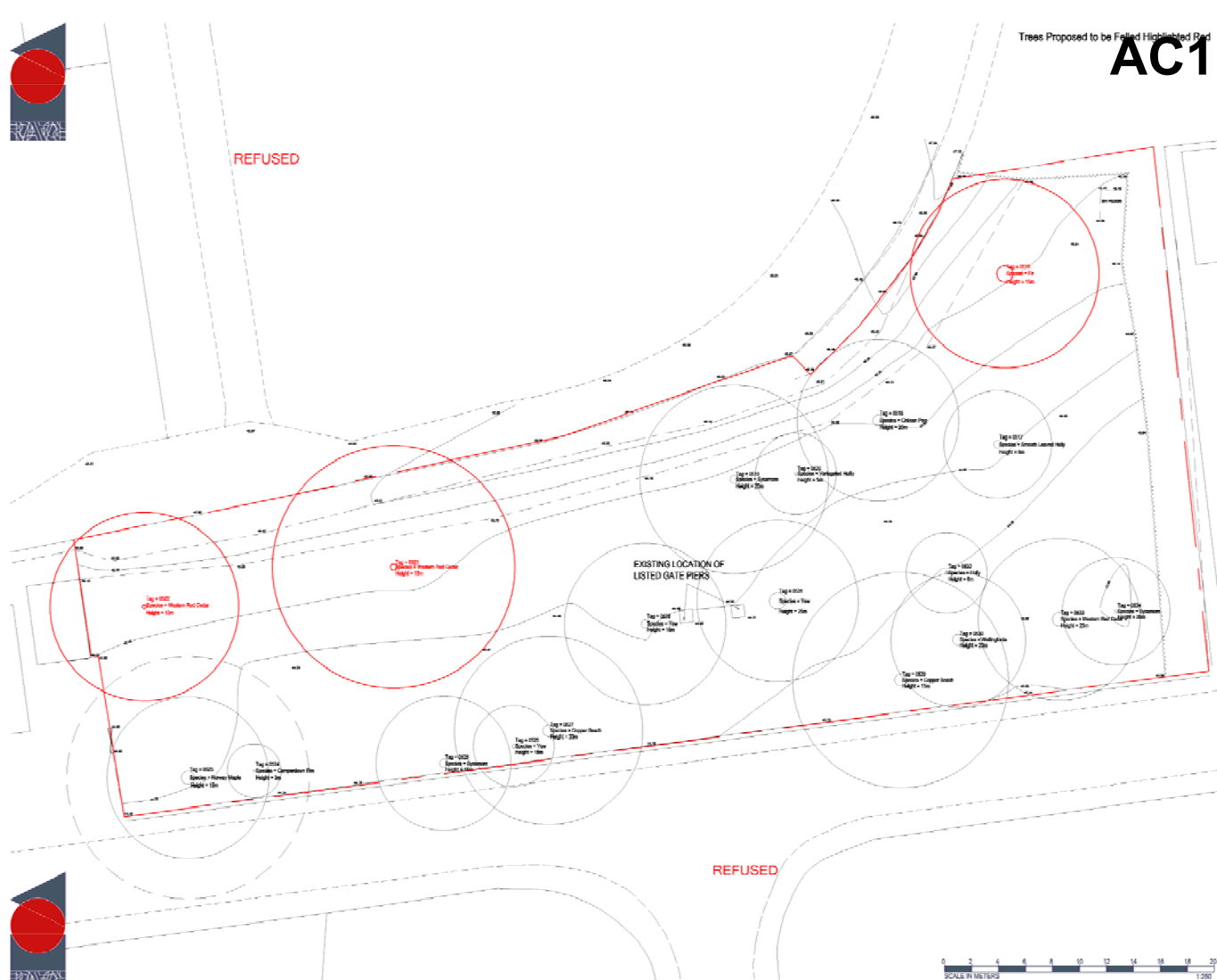
SCALE 1:250@ A3
DATE 30.06.13
PROJECT NO. 130256
DRAWING NO. CS/00/02 C
STATUS PLANNING

REV.	DATE	DESCRIPTION
A	28/02/13	Issued to Tree Identifiers
B	02/03/13	Final Site Update
C	28/05/14	Planning Update

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CLIENT
Robertson

PROJECT
16 Airlie Drive
Monifieth

DRAWING
Location Plan

SCALE 1:1250 @ A4
DATE 30.08.13
PROJECT NO. 13035d
DRAWING NO. OS(00)01A
STATUS PLANNING

REV. DATE	DESCRIPTION
A	25.03.14 Planning Update

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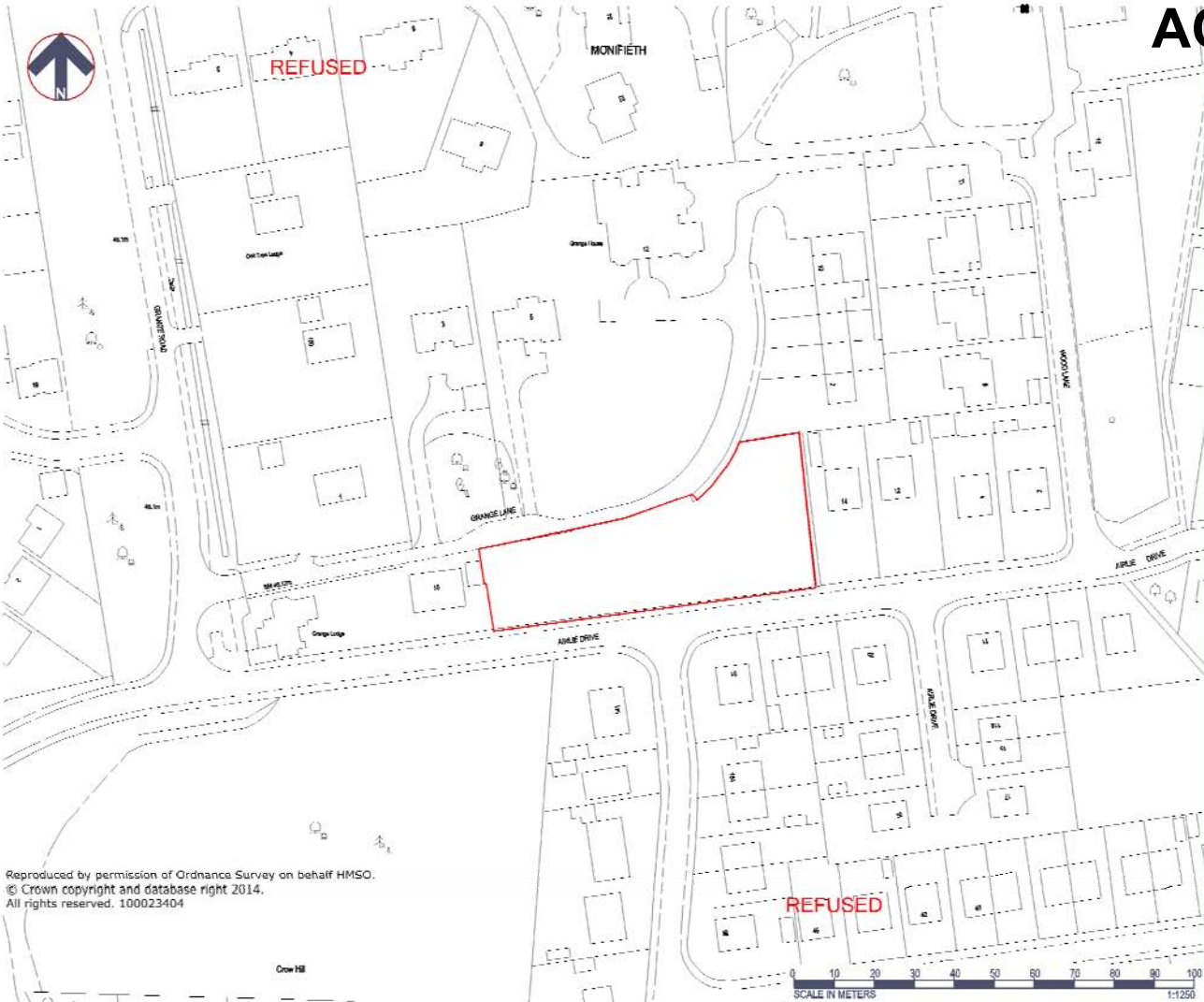
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Crow Hill



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VAT Registration No. Z70424873



CLIENT

Robertson

PROJECT

16 Airrie Drive
Monifieth

DRAWING

Proposed Site Plan
Indicating Usable Garden
Ground Areas

SCALE 1:200@ A3
DATE 30.08.13
PROJECT NO. 13025d
DRAWING NO. SK/0001 F
STATUS PLANNING

REV.	DATE	DESCRIPTION
A	03/03/13	General Update
B	19/03/13	Revised To Suit Trees
C	04/04/13	Tree Varieties
D	03/05/13	General Update
E	03/05/13	General Update

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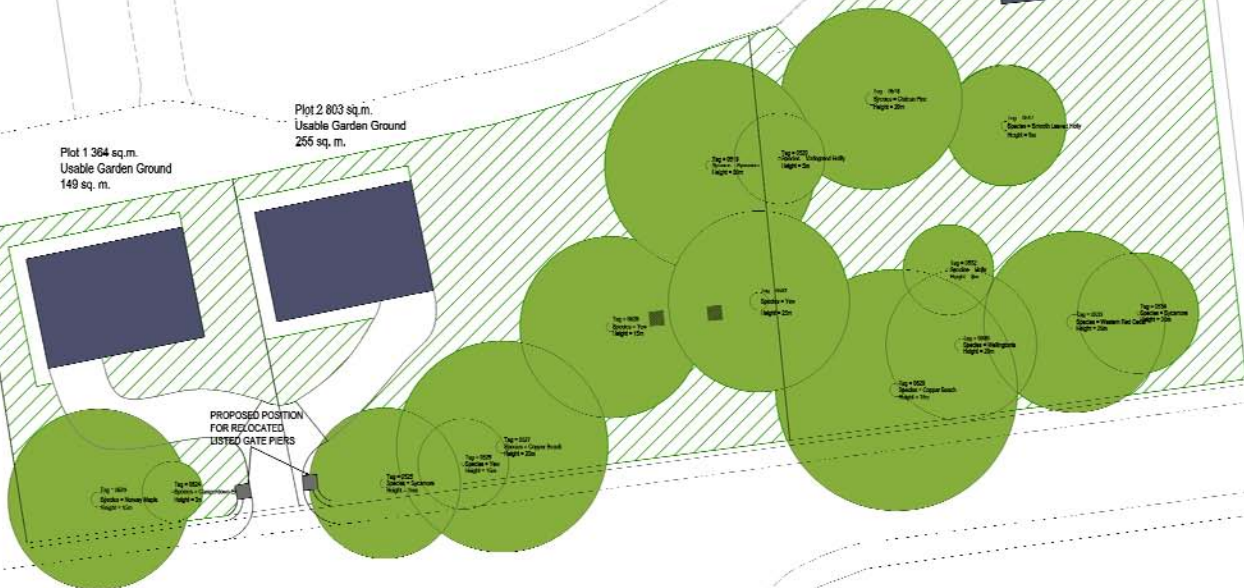
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REFUSED

Plot 3 1045 sq. m.
Usable Garden Ground
387 sq. m.

Plot 2 803 sq. m.
Usable Garden Ground
255 sq. m.

Plot 1 364 sq. m.
Usable Garden Ground
149 sq. m.



PROPOSED POSITION
FOR RELOCATED
LISTED GATE PIERS

REFUSED

Suite Two
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Kingsway East
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01382 450770 Tel

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01738 450470 Tel

mail@rda-architects.com
Construction Line Reg. No. 51521
VAT Registration No. 270424873



CLIENT

Robertson

PROJECT

16 Airlie Drive
Monifieth

DRAWING

Root Protection Area
Plan

SCALE 1:250@ A3
DATE 06.03.14
PROJECT NO. 13035d
DRAWING NO. SK(00)03
STATUS PLANNING

REV.	DATE	DESCRIPTION

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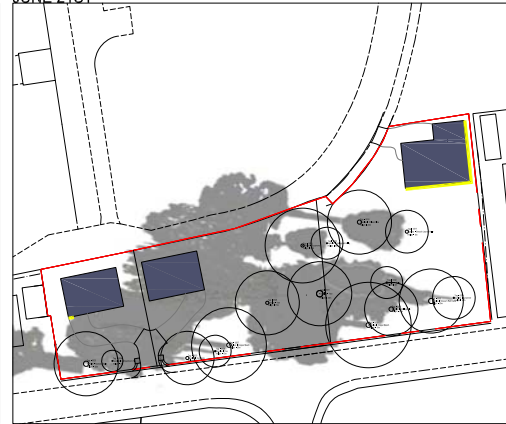


SPRING EQUINOX



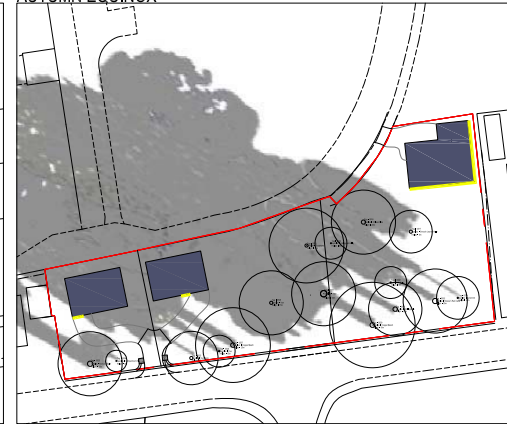
9AM
Plot 1- 20% of South Elevation in direct sunlight
Plot 2- 17% of South Elevation in direct sunlight
Plot 3- 100% of South Elevation & 100% of East Elevation in direct sunlight

JUNE 21ST



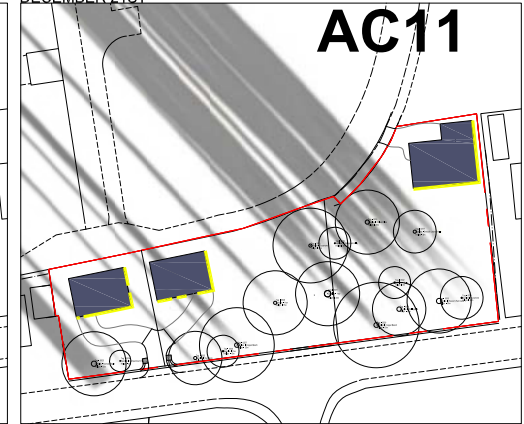
9AM
Plot 1- 9% of South Elevation in direct sunlight
Plot 2- Not in direct sunlight
Plot 3- 100% of South Elevation & 100% of East Elevation in direct sunlight

AUTUMN EQUINOX



9AM
Plot 1- 20% of South Elevation in direct sunlight
Plot 2- 17% of South Elevation in direct sunlight
Plot 3- 100% of South Elevation & 100% of East Elevation in direct sunlight

DECEMBER 21ST



9AM
Plot 1- 94% of South Elevation & 62% of East Elevation in direct sunlight
Plot 2- 73% of South Elevation & 100% of East Elevation in direct sunlight
Plot 3- 100% of South Elevation & 100% of East Elevation in direct sunlight

Refused



NOON
Plot 1- 69% of South Elevation & 100% of East in direct sunlight
Plot 2- Not in direct sunlight
Plot 3- 33% of South Elevation & 100% of East Elevation in direct sunlight



NOON
Plot 1- 66% of South Elevation & 100% of East in direct sunlight
Plot 2- 55% of East Elevation in direct sunlight
Plot 3- 100% of South Elevation & 100% of East Elevation in direct sunlight



NOON
Plot 1- 69% of South Elevation & 100% of East in direct sunlight
Plot 2- Not in direct sunlight
Plot 3- 33% of South Elevation & 100% of East Elevation in direct sunlight



NOON
Plot 1- 34% of South Elevation & 100% of West in direct sunlight
Plot 2- 81% of South Elevation & 100% of West Elevation in direct sunlight
Plot 3- 43% of South Elevation in direct sunlight



3PM
Plot 1- 100% of South Elevation & 100% of West Elevation in direct sunlight
Plot 2- 60% of South Elevation in direct sunlight
Plot 3- Not in direct sunlight



3PM
Plot 1- 73% of South Elevation & 100% of West Elevation in direct sunlight
Plot 2- 94% of South Elevation & 63% of West Elevation in direct sunlight
Plot 3- 50% of South Elevation in direct sunlight



3PM
Plot 1- 100% of South Elevation & 100% of West Elevation in direct sunlight
Plot 2- 60% of South Elevation in direct sunlight
Plot 3- Not in direct sunlight



3PM
Plot 1- 89% of South Elevation & 100% of West Elevation in direct sunlight
Plot 2- 48% of South Elevation & 25% of West Elevation in direct sunlight
Plot 3- 24% of South Elevation & 10% of West Elevation in direct sunlight



Sub Two
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Dunfermline
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VAT Registration No. 27042673

CLIENT
Robertson

PROJECT
16 Albu Drive
Monifeth

DRAWING
Sunpath Diagrams

SCALE 1:1000 @ A1
DATE 18/03/19
PROJECT NO. 190054
DRAWING NO. 940000E
STATUS: PLANNING

REV. DATE DESCRIPTION
1 18/03/19 Initial Design
2 18/03/19 Final Design
3 18/03/19 Final Design
4 18/03/19 Final Design

























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ANGUS COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
(AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (SCOTLAND)
REGULATIONS 2013

PLANNING PERMISSION IN PRINCIPLE REFUSAL
REFERENCE 14/00298/PPPL



To Mr & Mrs P Robertson
c/o Ritchie Dagen & Allan
Suite 2
Stewarts House
Kingsway East
DUNDEE
DD4 7LE

With reference to your application dated 24 April 2014 for Planning Permission in Principle under the above mentioned Acts and Regulations for the following development, viz:-

Proposed Housing at Land Between 14 And 16 Airlie Drive Monifieth for Mr & Mrs P Robertson

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby Refuse Planning Permission in Principle (Delegated Decision) for the said development in accordance with the particulars given in the application and plans docqueted as relative hereto in paper or identified as refused on the Public Access portal.

The reasons for the Council's decision are:-

- 1 The proposed development would be located in front of the principal elevation of a listed building and would have a detrimental impact on the setting of the listed building. As such the proposal fails to accord with Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Policy ER16 of the adopted Angus Local Plan Review 2009.
- 2 That the proposed development would result in the unnecessary loss of trees from an established wooded area which has a significant landscape value and which is subject of a Tree Preservation Order. As such the proposal is contrary to Policies S1, S6 (Criterion h), ER6 and Policy SC2 of the adopted Angus Local Plan Review 2009.
- 3 That the application site is not considered capable of providing an acceptable level of residential amenity for likely occupants due to the proximity of buildings to existing trees and is contrary to Policy S6 (Criterion a) and Policy SC2 of the adopted Angus Local Plan Review 2009.
- 4 That the proposal would fail Policy S6 (Criterion d) as an access from the site onto Airlie Drive would lead to the creation of a sub-standard access which would compromise road traffic and pedestrian safety. The applicant cannot provide the necessary visibility sightlines of 2.4 x 43 metres in accordance with Angus Council's Roads Standards because the land required to provide the sightlines is not in the control of the applicant and would require removal of trees that are subject of a Tree Preservation Order. As such the proposal is also contrary to Policy SC2 of the Angus Local Plan Review.

The application has not been subject of variation.

Dated this 23 June 2014

Iain Mitchell
Service Manager
Angus Council
Communities
Planning
County Buildings
Market Street
FORFAR
DD8 3LG

LIST 'C' - RECOMMENDED APPROVALS

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

**Subject: Planning Application No. 01/98/0621
Erection of Two Dwellinghouses
for
Interbild Homes
at
Grange House Grounds, Grange Lane, Monfieith**

1. INTRODUCTION

- 1.1 This application seeks consent for 2 two storey, four bedroom houses to be built in the garden grounds of Grange House, a category C(S) listed building.
- 1.2 The houses are situated to the south west of Grange House and are to be accessed off Grange Lane which serves Grange House itself (now converted to flats), six terraced houses and two detached houses.

2. APPLICANT'S CASE

- 2.1 The applicant has submitted a tree survey and 10 year management plan for all the trees within the Grange House curtilage which are all subject to a Tree Preservation Order.
- 2.2 In a letter of 2 September 1998 the applicant agreed to enter into a Section 75 Agreement with regard to the tree management scheme for the trees in the vicinity of the Grange in association with the application. They were of the opinion, that logically the trees around the squash courts should be in the maintenance responsibility of that building and not part of this application consideration.
- 2.3 In a letter of 12 October 1998 the applicant submitted a plan illustrating the land in their ownership and control. The applicant agreed that he would be willing to agree a legal clause regarding tree protection.
- 2.4 The applicant has now agreed that he would be willing to have all the areas within his ownership subject to a Section 75 Agreement including the trees around the squash courts.

3. CONSULTATIONS

- 3.1 The Roads Department have no objection to the proposal.
- 3.2 The North of Scotland Water Authority have indicated that there is foul drainage capacity but that surface water flows may need to go to a soakaway.

4. LETTERS OF REPRESENTATION

4.1 Two letters of objection have been received, copies of which are appended to this report. The concerns raised are:

- the proposed houses do not reflect the development pattern in the area;
- there will be a loss of visual amenity;
- there will be a loss of privacy;
- loss of parkland;
- the proposal is contrary to the "Memorandum of Guidance on Listed Buildings and Conservation Areas";
- there will be a loss of trees covered by a Tree Preservation Order;
- there will be an adverse impact on wildlife;
- there will be a loss of light to objectors' properties;
- the site is rural in character;
- a previous application was refused by Dundee District Council.

4.2 I shall consider these concerns in Planning Considerations but would state here that the area is no longer rural in character but is distinctly urban.

5. PLANNING CONSIDERATIONS

5.1 The property lies within a residential area as identified by both the adopted West Ferry/Monifieth Local Plan 1984 and the Angus Local Plan Consultative Draft 1998. Both plans contain policies which seek to ensure the preservation of existing residential amenity.

5.2 Policy ENV39 of the draft Local Plan notes that developments adversely affecting the setting of listed buildings will not be considered favourably. The felling of mature trees is also not favoured.

5.3 "The Memorandum of Guidance on Listed Buildings and Conservation Areas 1998" also states that listed buildings should remain the focus of their setting. In that I do concur with the objectors.

5.4 Normally this is the type of development I would not recommend for approval as it does impinge upon the remaining landscaped setting of Grange House. However in this case there are two major mitigating factors which lead me to consider the development favourably.

5.5 Essentially, the landscaped setting of the house has already been severely encroached upon by development of large houses in sizeable gardens. The setting of the house has largely been destroyed by this and by a row of terraced houses to the south east of the house. Yet this by itself might not normally allow me to consider the development favourably.

- 5.6 The trees in the surrounding area, and under the applicants control, have suffered from neglect and are in need of positive management. They are covered by a Tree Preservation Order and they represent one of the significant features in this part of Monifieth. In this instance I consider the protection and long term future of the trees to be more important than the setting of the listed building. Without the trees there would be no "setting".
- 5.7 The proposed development would lead to the removal of a Horse ^{Chestnut} ~~Chestnut~~ which is suffering very extensive butt rot. Its condition is dangerous. The only other major tree to be affected could be a Sycamore which is suffering from extensive dyback. I am therefore prepared to allow the removal of the Horse Chestnut in this case. ✓
dieback?
- 5.8 As regards the impact of the proposed houses on neighbours I do not feel that this would be significant. In terms of privacy I do not feel that there will be any significant loss by the introduction of two more houses into the area. No significant windows will be close to the property boundaries. There is a small rise in the height of the land between the application site and the objector's properties. However, I do not consider that to be significant.
- 5.9 In terms of the possible loss of light to a kitchen window, I do not feel that this would be the case given the orientation of the house. The objector's window faces north east rather than due east. However, it would be possible to impose a condition to move the position of the house further away from the boundaries of the site to help assuage the objector's concerns. This would not need to be very far (1.5m) as there is already 9 metres shown between the windows of the objector's property and the proposed windowless gable end of house number one.
- 5.10 Thus, while I agree to some extent with the objectors over the loss of yet more garden ground, I see benefits in setting aside some normal policy considerations. However my acceptance of the proposal is very much bound up with acceptable and new landscaping and the protection of existing landscaping.
- 5.11 Accordingly, if the application is approved I recommend that it be not released until a Section 75 Agreement is concluded. This agreement should address the need for a permanent landscape management plan to be submitted for the written approval of the Council, indicating who shall be responsible for the maintenance and carrying out of the plan. Evidence will need to be provided to ensure all the parties involved or with an interest in the land can be bound to the terms of the Section 75. No construction works should be carried out until this plan is approved. I further feel that the Section 75 should seek to preclude any further housing development to the front of Grange House thus ensuring retention of the lawned setting.. Any landscaping plan should be implemented once consent is released.

6. RECOMMENDATION

CONDITIONAL APPROVAL

1. That no construction works commence until a scheme of landscaping is presented for the written approval of the Director of Planning & Transport and that this scheme shall allow for significant screening to the east of the application site. An indication of all existing trees and hedgerows on the land and details of these to be retained and cleared, together with the measures for their protection in course of development.

2. That all planting comprised in the approved details of landscaping be carried out in the first planting season following the completion of the development or at earlier stages and any plants or trees which within a period of 10 years from the commencement of the use die; are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.
3. That none of the existing trees within the site be felled, topped, lopped or otherwise interfered with without advance discussion with and without the prior written consent of the Director of Planning & Transport.
4. That before development commences protective fencing in accordance with BS 5837: 1991, Section 8.2.2. shall be erected around all trees to be retained, to enclose at least the protected rooting zones hatched on the approved plans. This fencing should remain in situ until development is completed and there shall be no passage of vehicles; excavations; storage of soil, plant, vehicles or other materials within the protective fencing.
5. That the route of any public utilities or other excavations that may affect the trees to be retained or planted, be agreed with the Director of Planning & Transport prior to any excavations being undertaken.
6. That no works shall commence on site until accurate indication of the floor level and any underbuilding requirements relative to the existing and proposed ground levels is provided for the written approval of the Director of Planning and Transport.
7. That the wall finishes and roof covering match those houses already built and/or previously approved within the development.
8. That screen fences/walls be provided as designated in consultation with the Director of Planning & Transport.
9. That notwithstanding the approved plans house one shall be relocated within the application site to a location farther away from the boundary of the existing houses to the west all to be agreed in writing with the Director of Planning & Transport.
10. That the proposed new vehicle crossing shall be formed and constructed in accordance with the standards of Angus Council

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AGREEMENT

between

ANGUS COUNCIL

and

T DOCHERTY LTD

1999
PHS/SME

Town and Country Planning (Scotland) 1997,
(Section 75)
Subjects: Grounds at Grange House, Monifieth,
Angus

Director of Law and Administration
Angus Council
St James House
Forfar

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, SECTION 75

AGREEMENT

between

ANGUS COUNCIL, constituted under the Local Government etc (Scotland) Act 1994 and having their principal place of business at Seven, The Cross, Forfar, Angus (who and whose successors are hereinafter referred to as "the First Party")

and

T DOCHERTY LIMITED, a Company registered under the Companies Acts (Company Number) and having its Registered Office at

(who and whose successors and assignees in right, title and interest to the subjects hereinafter described or to any part or parts of them are hereinafter referred to as "the Second Party")

WHEREAS the First Party is the planning authority for the district of Angus in terms of Section 172 of the Local Government (Scotland) Act 1973 as amended AND WHEREAS the Second Party is heritable proprietor of ALL and WHOLE that area of ground forming part of the grounds of Grange House, Grange Lane, Monifieth in the County of Angus, and shown delineated in black and marked "(1) Area C", "(2) Grange House", "(3) Area A" and "(4) Area B" on the plan annexed and signed as relative hereto (hereinafter referred to as the "planning permission subjects") which planning permission subjects hereinbefore described form part and portion of ALL and WHOLE (ONE) ALL and WHOLE that piece of ground extending to six acres and three hundred and nine decimal or one thousandth parts of an acre or thereby Imperial Measure lying in the Parish of Monifieth and County of Angus and being the subjects more particularly described in, disposed by and delineated in red and coloured pink on the plan annexed and signed as relative to Disposition by the Trustees of the late Roderick Robertson in favour of Mrs Christine Isobel Syme Arnott or Christie dated Twenty fifth and Thirtieth of October and Second November and recorded in the Division of the General Register of Sasines applicable to the County of Angus on Fourteenth of November all in the year Nineteen hundred and fifty six; (TWO) ALL and WHOLE that right of free ish and entry in and to the North Avenue of the Grange of Monifieth in the Burgh and Parish of Monifieth and County of Angus and being the subjects more particularly described in and disposed by and shown coloured red on the plan annexed and executed as relative to Disposition by Woolwich Equitable Building Society, with consents therein mentioned in favour of the Second Party dated Third January and subsequent dates and recorded in the said Division of the General Register of Sasines on Nineteenth February all in the year Nineteen

hundred and seventy three; (THREE) ALL and WHOLE that right of free ish and entry in and to the North Avenue of the Grange of Monifieth in the said Burgh, Parish and County and being the subjects more particularly described in and disposed by and shown coloured red on the plan annexed and executed as relative to Disposition by James Stables in favour of the Second Party dated Third January and subsequent date and recorded in the said Division of the General Register of Sasines on Nineteenth February all in the year Nineteen hundred and seventy three; (FOUR) ALL and WHOLE that right of free ish and entry in and to the North Avenue of the Grange of Monifieth in the said Burgh, Parish and County and being the subjects more particularly described in and disposed by and shown coloured red on the plan annexed and executed as relative to Disposition by Leeds Permanent Building Society with consents therein mentioned in favour of the Second Party dated Third January and subsequent dates and recorded in the said Division of the General Register of Sasines on Nineteenth February all in the year Nineteen hundred and seventy three; (FIVE) ALL and WHOLE that right of free ish and entry in and to the North Avenue of the Grange of Monifieth in the said Burgh, Parish and County and being the subjects more particularly described in and disposed by and shown coloured red on the plan annexed and executed as relative to Disposition by John Hendry Buttinshaw Gardiner Black with consents therein mentioned in favour of the Second Party dated Ninth July and subsequent date and recorded in the said Division of the General Register of Sasines on Fourteenth August all in the year Nineteen hundred and seventy three; (SIX) ALL and WHOLE that triangular shaped piece of ground in the said Parish and County extending to two square yards and eight square feet or thereby and being the subjects more particularly described in and disposed by and as delineated and coloured blue on the plan annexed and signed as relative to Disposition by James Stables in favour of the Second Party dated Sixth and recorded in the said Division of the General Register of Sasines on the Twenty fourth both days of September Nineteen hundred and seventy nine; (SEVEN) ALL and WHOLE that piece of ground in the said Parish and County extending to four acres and fourth tenths of an acre or thereby Imperial Measure being the subjects (First) described in and disposed by and being the larger of the two areas of ground delineated in red and coloured pink on the plan annexed and signed as relative to Disposition by the Trustees of Roderick Robertson in favour of Charles Scott and Another dated Twenty fifth and Thirtieth of October and Second November and recorded in the said Division of the General Register of Sasines on Tenth November all in the year Nineteen hundred and fifty six; and (EIGHT) ALL and WHOLE that plot or area of ground extending to one hundred and eleven square poles and twenty square yards or thereby Imperial Measure lying in the said Parish and County and being the subjects more particularly described in and disposed by and as delineated and shown coloured pink on the plan or sketch thereof annexed and signed as relative to Disposition by Mrs Isabella Cargill Swan or Howison and Others as Executors therein mentioned in favour of the Second Party dated Second February and subsequent dates and recorded in the said Division of the General Register of Sasines on Eighteenth May all in the year Nineteen hundred and seventy three; BUT EXCEPTING ALWAYS THEREFROM all subjects previously conveyed by The Second Party;

AND WHEREAS application has been made to the First Party by planning application dated Twenty third July Nineteen hundred and ninety eight (the First Party's reference number being 01/98/0621) for planning consent for the erection of two dwellinghouses and relative garages upon that part of the planning permission subjects marked "(3) Area A" on the said plan;

AND WHEREAS the said application for planning permission was approved subject inter alia to the Second Party entering into this agreement;

NOW THEREFORE the parties, in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 have agreed and do hereby agree, with the consent and concurrence of The Governor and Company of the Bank of Scotland, having their Head office at The Mound, Edinburgh, Standard Security holders over inter alia the planning permission subjects in terms of the Standard Security granted by the Second Party in their favour recorded in the said Division of the General Register of Sasines on Eleventh June Nineteen hundred and eighty two, as is evidenced by their subscription hereof, as follows, videlicet:-

FIRST The said planning permission shall not take effect unless and until these presents are recorded in the said Division of the General Register of Sasines.

SECOND Prior to any construction works commencing on the Planning Permission Subjects, the Second Party must submit to the First Party, for their written approval, a permanent Landscape Management Plan indicating the responsibilities to be borne by inter alia the Second Party and its successors whomsoever as proprietors from time to time of the Planning Permission subjects for the upkeep of all trees lying on the planning permission subjects. For the avoidance of doubt, the subjects shown outlined in black and hatched on the said plan are excluded from the terms of this Agreement and the said Landscape Management Plan.

THIRD Except as above provided, no further dwellinghouses are to be erected on the areas marked "(2) Grange House" and "(3) Area A" on the said plan.

FOURTH This Agreement shall be construed in accordance with the Law of Scotland and in the event of there being any dispute or disagreement between the parties or their respective representatives concerning these presents whether the construction or application thereof of any clause or thing contained therein or with regard to any matters arising therefrom or the rights, duties or liabilities

of either party under these presents the same shall be referred to an arbiter to be appointed by the Sheriff Principal of Tayside Central and Fife at Forfar.

FIFTH

The Second Party shall pay to the First Party the whole legal and other expenses and outlays incurred by the First Party connected with the preparation and execution of these presents including, without prejudice to the foregoing generality, any Stamp Duty or recording dues hereon.

SIXTH

The Second Party shall not assign, burden, dispo, lease, convey or otherwise dispose of their interest in the planning permission subjects prior to the recording of these presents in the said Division of the General Register of Sasines.

SEVENTH

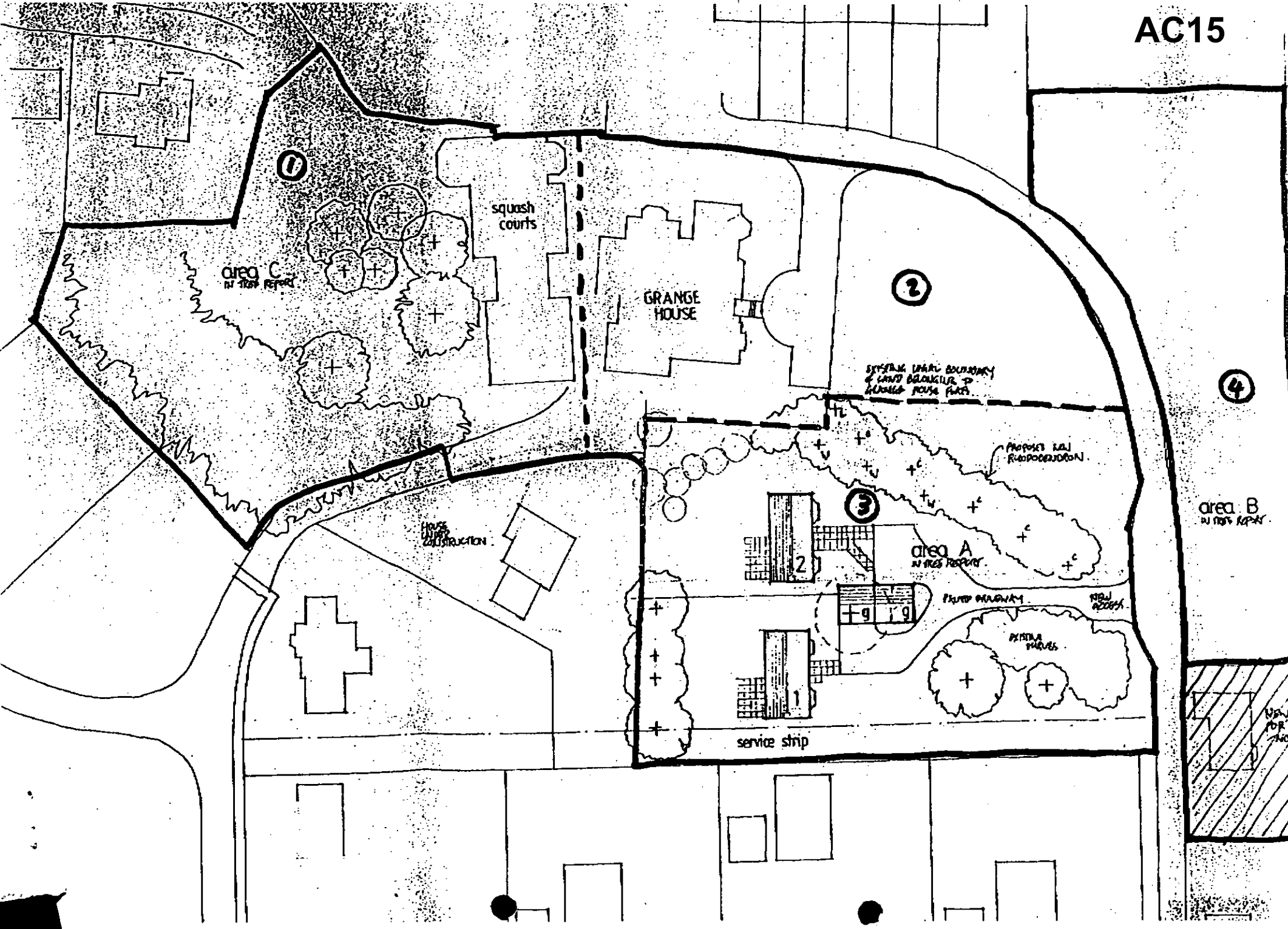
The parties hereto consent to the registration hereof for preservation and execution as well as for publication: IN WITNESS WHEREOF

REGISTER on behalf of the within named ANGUS COUNCIL for preservation and execution as well as for publication in the REGISTER of the COUNTY of ANGUS.

Solicitor, Forfar
Agent

REGISTER on behalf of the within named T DOCHERTY LIMITED for preservation and execution as well as for publication in the REGISTER of the COUNTY of ANGUS.

Solicitor, Dundee
Agent



4

2

3

1

Area B
in trees report

Area A
in trees report

Area C
in trees report

GRANGE HOUSE

squash courts

house under construction

service strip

system lawn boundary & lawn drainage to grange house flat

proposed new subdivision

fluid driveway

new access

existing trees

used for...

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

16 MARCH 2006

PLANNING APPLICATION – LAND AT THE GRANGE, MONIFIETH

REPORT BY THE DIRECTOR OF PLANNING AND TRANSPORT

Abstract: This report deals with planning application No. 06/00109/FUL for the erection of two dwellinghouses for Mr K Nicoll on land at The Grange, Monifieth. This application is recommended for refusal.

1 INTRODUCTION

- 1.1 Full planning permission is sought for the erection of two new build dwellinghouses on land at The Grange Monifieth.
- 1.2 The site is located within the development boundary of Monifieth to the north of the town and currently forms the garden ground immediately to the south of The Grange, a Category C(S) listed building. To the north of the site lies the aforementioned listed building. To the west and east of the site lies residential properties. To the south of the site lies a small woodland strip and the original gate piers to The Grange. Further residential properties can be found further to the south. The site measures approximately 1000 square metres.
- 1.3 The development proposed is for the erection of two dwellinghouses of a contemporary design. The houses appear to have been designed to replicate the gate post feature to the south of the site which would serve as access features to the listed 'Grange'. The proposed roof material is slate with proposed wall materials of render with a stone basecourse. Accommodation proposed includes two bedrooms, an open plan kitchen and lounge and a bathroom and hall. Foul drainage and surface water are both proposed to be dealt with via the public sewer. The existing access to the site would be utilised.
- 1.4 The application has been advertised as being potentially contrary to Policies H5 and ENV 43 of the Adopted Angus Local Plan (2000).

2 RELEVANT PLANNING HISTORY

- 2.1 There is no formal planning history which is relevant to the consideration of this application. However, pre application discussions have previously suggested development should be resisted on the site in question given it forms the garden ground and affects the setting of The Grange, a Category C(S) listed building.

3 APPLICANT'S CASE

- 3.1 No information has been submitted in support of the application.

4 CONSULTATIONS

- 4.1 The Director of Roads has viewed the plans and has offered the following comment:-

The dwellinghouse proposed for plot 2 as indicated on drawing number 409:500:01 encroaches within the 2 metre wide road verge of Grange Lane. Grange Lane is a public road therefore this is unacceptable to me.

The proposed new houses should have a minimum of two off street parking spaces per dwelling.

From the submitted plans it is unclear where the parking for the houses is to be provided whilst the proposal appears to remove the parking for the adjacent flats within Grange House.

As such while I have no objection in principle to the development of this area for housing I cannot support the application as lodged.

I therefore recommend refusal of the application in the interest of traffic safety and to maintain the satisfactory standard of the public road.

- 4.2 Monifieth Community Council has objected to the proposal on the basis that permitting dwellinghouses in this location would be harmful to the setting of the listed building.

5 LETTERS OF REPRESENTATION

- 5.1 Five letters of representation has been received and are copied at the end of this report. The main issues raised are identified below and are addressed under Planning Considerations:-

- Affects on setting of listed building – discussed in Section 6.
- Road and traffic safety - discussed in Section 6.
- Destruction of green area – the area proposed for development is not a recognised piece of public open space and as such cannot be protected as such. However, it is accepted that the development of this green area would be harmful to the setting of the listed building and a discussion in section five of this report explores this issue.
- Disruption during construction – this is not a material planning consideration. Notwithstanding that, I have no reason to believe the development of two new build dwellinghouses in an existing built up area would lead to an unreasonable level of disruption to adjacent householders.
- Impact on trees – the application form indicates that no trees are to be felled or lopped.

6 PLANNING CONSIDERATIONS

- 6.1 Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 also requires the Council to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

-
- 6.2 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.
- 6.3 In terms of the Town and Country Planning (Scotland) Act 1997, the development plan in this case comprises:-
- Dundee and Angus Structure Plan (Approved 2002);
 - Angus Local Plan (Adopted 2000)
- 6.4 Although the Development Plan is current and up-to-date, Angus Council has been undertaking a review and roll forward of the adopted Angus Local Plan (2000) and the Finalised Angus Local Plan Review was approved by Angus Council at their meeting on 15 December 2004. The Finalised Plan establishes policies and proposals for the period to 2011, (taking into account the guidance from the Dundee & Angus Structure Plan 2002) and although not yet part of the legal Development Plan the Finalised Plan has reached the stage where it is a material consideration to be taken into account in the determination of this planning application. In this report policies of the Finalised Plan have been referred to when the said policy is materially different to the Adopted Angus Local Plan to the extent that, as a consequence the recommendation contained within this report has been substantially influenced.
- 6.5 In assessing the application against Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the planning authority must have special regard to the desirability of preserving a listed building or its setting. The area of ground proposed for development sits immediately south of The Grange, a Category C(S) listed building. The areas to the north, east and west adjacent to this mansion house building have all previously been developed and this parcel of ground has remained undeveloped. This area of ground sits immediately south of the principal elevation of the listed building which contains some architectural and historic interest. This area of ground has remained undeveloped because it sits south of the principal elevation and is key to its setting, sitting between the original gateposts (to the south of the site) and the mansion house building. The Memorandum of Guidance on Listed Buildings and Conservation Areas clearly states 'the principal elevations of the main subject of listing should remain visible in their entirety from all principal viewpoints following construction of the new build' and 'any close formal relationship which exists between the main subject of the listing and its offices, stables, gates, lodges and formal approaches should not be broken by new build'. The relationship between the gate posts of the Mansion House and the house itself would clearly be compromised by the scheme proposed. The proposal would also be inconsistent with the principals of the Memorandum which also states 'development in the front garden of a large suburban house which would destroy the relationship of the house to the street should not be permitted' The proposal would be clearly inconsistent with this policy approach. Indeed, it is considered that the development proposed would have a substantial detrimental impact of the setting of the mansion house and as such I do not consider the scheme to accord with Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- 6.6 In terms of development plan policy considerations, Environmental Resources Policy 5A 'Historic Environment' of the Dundee and Angus Structure Plan (2002) is relevant to the consideration of the development proposal. This policy states:-

Environmental Resources Policy 5A 'Historic Environment'

Local Plans will establish a policy framework to safeguard and enhance important features of the area's historic environment as a means of conserving the diverse and distinctive qualities of Dundee and Angus.

The historic environment of Dundee and Angus is a valuable, non-renewable resource which must be protected, conserved and enhanced. Local Plans shall identify these assets and include policies which:-

- Protect the site and setting of listed buildings and ancient scheduled monuments;
- Protect other archaeological sites and sensitive areas. Where this is not feasible, proper recording and analysis shall take place;
- Protect and enhance conservation areas and historic gardens and designed landscapes.

6.7 This policy provides a clear steer on the context for dealing with applications which affect listed buildings and their setting. The policy states the site and setting of a listed building should be protected. The application proposes development which would have a detrimental impact on the setting of The Grange and as such the proposal is considered to be inconsistent with the aims of Policy 5A. Further discussion on this is provided below.

6.8 In terms of the Adopted Angus Local Plan (2000), the area proposed for development is within the existing built up area of Monifieth and is therefore covered by Policy ENV5 'Development in the Existing Built Up Areas' which states:-

Policy ENV 5: Development in Existing Built-Up Areas

Within defined development boundaries planning applications for new development on sites not identified on the inset Proposals Maps will only be permitted where the proposals accord with the Development Strategy and other policies of the Local Plan. Proposals leading to significant loss of amenity and character of the surrounding area will not be permitted.

6.9 The development proposed is directly in front of (to the south of) the principle south facing elevation of The Grange (a listed building). As such, Policy ENV 43 requires to be considered in assessing this proposal.

Policy ENV 43: Curtilage Development

Within the curtilage of a Listed Building development proposals will not be permitted which adversely affect the setting of the building, in terms of scale, massing, form, siting, design and materials of construction. New development should avoid building in front of important elevations, felling mature trees and breaching boundary walls to provide access.

6.10 The application is for two new build houses within a development boundary and is therefore required to be assessed against Policy H5 'Small Housing Sites'. Policy H5 states:-

Policy H5: Small Housing Sites

Development proposals for residential development on small infill, backland or redevelopment sites will be assessed on their individual merits taking into account:-

- (a) compatibility with surrounding land uses;*
- (b) provision of a satisfactory residential amenity;*
- (c) plot size should be compatible with those in the general area with a minimum plot size of 400m²;*
- (d) provision of at least 100m² private garden ground;*
- (e) provision of satisfactory and safe access and parking arrangements;*
- (f) maintain residential amenity and privacy of adjoining housing;*
- (g) development designed to respect the scale, form and use of materials of adjacent housing;*
- (h) provision of acceptable means of foul effluent and surface water disposal.*

Criteria (c) and (d) would not be applicable in considering proposals for flatted developments.

- 6.11 In assessing the application against Policy ENV5, this policy requires proposals to accord with other policies of the local plan, which will be discussed later in the context of Policies ENV43 and H5. In terms of impacts on the character and amenity of the area, the area is primarily residential in nature with residential property surrounding the application site in each direction. A discussion on the effects of the development on the character and setting of the listed building will follow under the Policy ENV43 assessment.
- 6.12 Policy ENV 43 deals with proposals for development within the curtilage of a listed building. The site proposed for development sits immediately to the south of the listed 'The Grange' – a Category C(S) listed mansion house. The area of ground proposed for development appears to be the garden ground associated with this mansion house. Development has previously taken place to the north, east and west of the Grange and as such this parcel of land is the only remaining substantial body of ground associated with this building. The list description of The Grange provides the following narrative in respect of the property:-

'James Black, 1829, early 20th century sympathetic addition. 2-storey, irregular 6-bay rectangular plan with additions, classically detailed mansion house. Harled with painted ashlar dressings and V-section channelled quoins, piended slate roof, corniced, panelled stacks; 2-pane sash and case windows, smaller to top throughout, some uPVC replacements in different style.

S ELEVATION: original 3-bay section: base course, central doorway with channelled pilasters and square Doric piered portico with entablature; 2-storey canted bay at W, window with moulded architraves above door, similar at E ground floor but set within large channelled pilasters with moulded cill and cornice, simple pilastered window at 1st floor; cill course at 1st floor on S and E elevations, modillion cornice and blocking course at S, E and W elevations. Addition at E with large canted ground floor window, 3 single symmetrical windows at 1st floor with architraves.

E AND W ELEVATIONS: asymmetrical windows with bracketed cills; large light bow on E.

Gatepiers to S of main drive: possibly reusing late 17th century stone, squat ashlar with moulded bases and ogival caps; remains of side scrolls.

- 6.13 It is clear from the detail provided which accompanies the listing, the southern elevation of the building is important to its character. Indeed I consider this elevation to be the principal elevation of the building. The scheme proposes to erect two single storey dwellinghouses on the land associated with this Mansion House. Policy ENV 43 clearly states that '*proposals will not be permitted which adversely affect the setting of the building*' and that '*new development should avoid building in front of important elevations*'. I do not consider the development of two dwellinghouses in this location would be sympathetic to the setting of the mansion house. To the contrary, I consider that permitting the two dwellinghouses proposed would be harmful to the setting of the building. The proposed houses would be constructed in front of an important elevation of the listed building. The proposal is therefore considered to fail the test of Policy ENV 43.
- 6.14 Policy H5 provides a range of criteria for the assessment of small housing sites within defined development boundaries such as this. I consider the proposal to pass criteria (a) to (d), (f) and (h) of this policy. Criterion (e) requires provision of satisfactory and safe access and parking arrangements. The Director of Roads has expressed concern in respect of the development proposed as detailed earlier in this report and has objected to the proposal. The proposal is therefore considered to fail criterion (e). I do not consider the scheme proposed respects the scale, form and use of material of adjacent housing. As detailed earlier in this report, it is considered that that scheme would have a detrimental impact on adjacent The Grange because it would adversely impact on the setting of this property and as such the scheme is not considered to respect the scale and form of the adjacent property (criterion g). The proposal therefore fails Policy H 5, specifically criteria (e) and (g).
- 6.15 A number of points are raised in the letters of representation received. I consider that the discussion associated with Policy ENV 43 to tackle concerns in respect of the listed building sufficiently and the recommendation attached to this report reflects this. In terms of road safety issues, the Director of Roads has expressed some concern in respect of the proposal and this is also reflected in the recommendation attached to this report.
- 6.16 The proposal is considered to have a detrimental impact on the setting of a listed building and as such is not consistent with Section 59 of the Planning (Listed Building and Conservation Areas (Scotland) Act 1997. The proposal is for development which is contrary to policies of the development plan, namely Policy 5A of the DASP (2002), as well as policies ENV 43 and H 5 (criterion e and g) of the Adopted Angus Local Plan (2000) and as such is also contrary to Policy ENV 5. There are no material considerations which would justify a departure from the established policy and as such a recommendation of refusal is made.
- 6.17 This application is for a development that is contrary to a policy or policies of the Development Plan. Should the Committee determine to approve the application contrary to the Development Plan, reasons will require to be specified at the meeting for so doing.

7 HUMAN RIGHTS IMPLICATIONS

- 7.1 The recommendation in this report for refusal of this application has potential implications for the applicant in terms of his entitlement to peaceful enjoyment of his

possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying the present recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. Any interference with the applicant's right to peaceful enjoyment of his possessions by refusal of the present application is in compliance with the Council's legal duties to determine this planning application under the Planning Acts and such refusal constitutes a justified and proportionate control of the use of property in accordance with the general interest and is necessary in the public interest with reference to the Development Plan and other material planning considerations as referred to in the report.

8 RECOMMENDATION

8.1 It is recommended that the applications be refused.

Reasons:

1. That the proposed development fails to accord with Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in that it would have a harmful and significant detrimental impact on the setting of The Grange, a Category C(S) listed building.
2. That the proposal fails Environmental Resources Policy 5A 'Historic Environment' of the Dundee and Angus Structure Plan (2002) and Policy ENV 43 of the Adopted Angus Local Plan (2000) in that the development proposed would be located in front of the principal elevation of a listed building and would have a detrimental impact on the setting of the listed building.
3. That the proposal fails to accord with Policy H5 'Small Housing Sites' of the Adopted Angus Local Plan (2000), specifically criteria (e) and (g) which requires satisfactory and safe access and parking arrangements and development to respect the scale and form of adjacent housing.
4. That the proposal fails Policy ENV 5 of the Adopted Angus Local Plan (2000) which suggests proposals 'should accord with the Development Strategy and other policies of the Local Plan', which this scheme does not (the scheme fails policies ENV 43 and H 5 (criterion e and g)).

NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/ET/IAL
8 March 2006

Alex Anderson
Director of Planning and Transport

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

19 APRIL 2007

PLANNING APPLICATION – LAND ADJACENT TO GRANGE HOUSE, GRANGE GARDENS, MONIFIETH

REPORT BY THE DIRECTOR OF INFRASTRUCTURE SERVICES

Abstract: This report deals with planning application No. 07/00075/FUL for the erection of a dwellinghouse and garage for Mr K Nicoll on land at The Grange, Monifieth. This application is recommended for refusal.

1 INTRODUCTION

- 1.1 Full planning permission is sought for the erection of a dwellinghouse and garage on land at The Grange Monifieth.
- 1.2 The site is located within the development boundary of Monifieth to the north of the town and currently forms the garden ground immediately to the south of The Grange, a Category C(S) listed building. To the west and east of the site lies residential properties. To the south of the site lies a small woodland strip and the original gate piers to The Grange. Further residential properties can be found further to the south. The site measures approximately 1000 square metres.
- 1.3 The development proposed is for the erection of a single storey dwellinghouse and garage. The proposed roof material is slate with rendered walls with Ashlar feature quoins. Accommodation proposed includes three bedrooms, a kitchen, lounge, dining room, utility, bathroom and hall. Foul drainage and surface water are both proposed to be dealt with via the public sewer. The existing access to the site would be utilised.
- 1.4 The application has been advertised as being potentially contrary to the development plan.

2 RELEVANT PLANNING HISTORY

- 2.1 A planning application (ref. 06/00109/FUL) for the erection of two dwellinghouses on this site was submitted in 2006. The application was refused by the Development Control Committee of 16 March 2006 for the following reasons:-
 1. *That the proposal fails Environmental Resources Policy 5A 'Historic Environment' of the Dundee and Angus Structure Plan (2002) in that the development proposed would be located in front of the principal elevation of a listed building and would have a detrimental impact on the setting of the listed building.*
 2. *That the proposed development fails to accord with Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in that it would have a harmful and significant detrimental impact on the setting of The Grange, a Category C(S) listed building.*

3. *That the proposal fails Policy ENV 43 of the Adopted Angus Local Plan (2000) in that the development proposed would be located in front of the principal elevation of a listed building and would have a detrimental impact on the setting of the listed building.*
 4. *That the proposal fails to accord with Policy H 5 'Small Housing Sites' of the Adopted Angus Local Plan (2000), specifically criteria (e) and (g) which requires satisfactory and safe access and parking arrangements and development to respect the scale and form of adjacent housing which the proposal does not.*
 5. *That the proposal fails Policy ENV 5 of the Adopted Angus Local Plan (2000) which suggests proposals 'should accord with the Development Strategy and other policies of the Local Plan', which this scheme does not (the scheme fails policies ENV 43 and H 5 (criterion e and g)).*
- 2.2 Prior to that application being made, pre-application discussions had previously suggested development would be resisted on the application site given it forms the garden ground of and affects the setting of The Grange, a Category C(S) listed building.

3 APPLICANT'S CASE

- 3.1 No information has been submitted in support of the application.

4 CONSULTATIONS

- 4.1 The Head of Roads has viewed the plans and has offered the following comment:-

The double garage and visitor parking provided with the proposed dwellinghouse is located on an area currently used as parking space for Grange House. It would appear that all parking for the existing residents at Grange House would be lost as a result of the proposed development. In view of the above I would recommend refusal of the application in the interest of traffic safety and free traffic flow.

- 4.2 A watching brief has been requested by Aberdeenshire Council should the proposal be approved.
- 4.3 Monifieth Community Council has objected to the proposal on the basis that permitting a dwellinghouse in this location would be harmful to the setting of the listed building and would have a significant effect on the residential amenity of adjacent households.

5 LETTERS OF REPRESENTATION

- 5.1 Eight letters of representation have been received and are copied at the end of this report. The main issues raised are identified below and are addressed under Planning Considerations:-
- Affects on setting of listed building – discussed in Section 6.
 - Road and traffic safety - discussed in Section 6.

- Impact on residential amenity – discussed in Section 6.
- Loss of green area – discussed in Section 6.
- Ownership of land – the applicant re-notified the owner of the woodland strip to the south of the site and I am satisfied they have had the opportunity to comment on the application.

6 PLANNING CONSIDERATIONS

- 6.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 also requires the Council to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
- 6.3 In terms of the Town and Country Planning (Scotland) Act 1997, the development plan in this case comprises:-
- Dundee and Angus Structure Plan (Approved 2002) (DASP);
 - Angus Local Plan (Adopted 2000) (ALP).
- 6.4 Although the Development Plan is current and up-to-date, Angus Council has been undertaking a review and roll forward of the ALP and the Finalised Angus Local Plan Review (2005) (FALPR) was approved by Angus Council at their meeting on 15 December 2004. The FALPR establishes policies and proposals for the period to 2011, taking into account the guidance from the DASP. Although not yet part of the statutory Development Plan the FALPR (including Committee approved modifications) has reached the stage where it is a material consideration to be taken into account in the determination of this planning application. In this report policies of the FALPR have been referred to when the said policy is materially different to the ALP to the extent that, as a consequence the recommendation contained within this report has been substantially influenced.
- 6.5 The determining issues in this case are whether:-
- the development proposed preserves the setting of the listed building;
 - the proposal complies with development plan policy;
 - there are any other material considerations which justify a departure from policy.
- 6.6 In assessing the application against Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the planning authority must have special regard to the desirability of preserving a listed building or its setting. Environmental Resources Policy 5A of the DASP and Policy ENV 43 of the ALP also provide tests for this type of proposal in order to protect the historic interest of the area. These policies state:-

Environmental Resources Policy 5A 'Historic Environment'

Local Plans will establish a policy framework to safeguard and enhance important features of the area's historic environment as a means of conserving the diverse and distinctive qualities of Dundee and Angus.

The historic environment of Dundee and Angus is a valuable, non-renewable resource which must be protected, conserved and enhanced. Local Plans shall identify these assets and include policies which:-

- *Protect the site and setting of listed buildings and ancient scheduled monuments;*
- *Protect other archaeological sites and sensitive areas. Where this is not feasible, proper recording and analysis shall take place;*
- *Protect and enhance conservation areas and historic gardens and designed landscapes.*

Policy ENV 43: Curtilage Development

Within the curtilage of a Listed Building development proposals will not be permitted which adversely affect the setting of the building, in terms of scale, massing, form, siting, design and materials of construction. New development should avoid building in front of important elevations, felling mature trees and breaching boundary walls to provide access.

- 6.7 The area of ground proposed for development sits immediately south of The Grange, a Category C(S) listed building. The south elevation of this building is clearly the most important elevation of the building containing most of the architectural detailing. The areas to the north, east and west adjacent to this mansion house building have all previously been developed and this parcel of ground has remained undeveloped. The development of this area of ground has been resisted previously because it sits south of the principal elevation of the building and provides the setting to the building. The relationship between the house and its formal garden is highlighted by the gateposts which sit south of the application site in the woodland. The Memorandum of Guidance on Listed Buildings and Conservation Areas (the 'Memorandum') provides guidance for planning authorities in assessing proposals which affect listed buildings and their setting. The Memorandum states 'the principal elevations of the main subject of listing should remain visible in their entirety from all principal viewpoints following construction of the new build' and 'any close formal relationship which exists between the main subject of the listing and its offices, stables, gates, lodges and formal approaches should not be broken by new build'. The inter visible relationship between the gate posts and the house itself would clearly be compromised by the erection of a new build house on the lawn of the mansion house. The Memorandum also states 'development in the front garden of a large suburban house which would destroy the relationship of the house to the street should not be permitted'. The proposal would be clearly inconsistent with this policy approach given that the application site sits directly between the house and the road. Indeed, it is considered that the development proposed would have a significant detrimental impact of the setting of the mansion house and as such I do not consider the scheme to accord with Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Environmental Resources Policy 5A of the DASP or Policy ENV 43 of the ALP.

- 6.8 In terms of the ALP, the area proposed for development is within the existing built up area of Monifieth and is therefore covered by Policy ENV5 'Development in the Existing Built Up Areas' which states:-

Policy ENV 5: Development in Existing Built-Up Areas

Within defined development boundaries planning applications for new development on sites not identified on the inset Proposals Maps will only be permitted where the proposals accord with the Development Strategy and other policies of the Local Plan. Proposals leading to significant loss of amenity and character of the surrounding area will not be permitted.

- 6.9 The application is for a new build house within a development boundary and therefore requires to be assessed against Policy H5 'Small Housing Sites'. Policy H5 states:-

Policy H5: Small Housing Sites

Development proposals for residential development on small infill, backland or redevelopment sites will be assessed on their individual merits taking into account:-

- (a) compatibility with surrounding land uses;*
- (b) provision of a satisfactory residential amenity;*
- (c) plot size should be compatible with those in the general area with a minimum plot size of 400m²;*
- (d) provision of at least 100m² private garden ground;*
- (e) provision of satisfactory and safe access and parking arrangements;*
- (f) maintain residential amenity and privacy of adjoining housing;*
- (g) development designed to respect the scale, form and use of materials of adjacent housing;*
- (h) provision of acceptable means of foul effluent and surface water disposal.*

Criteria (c) and (d) would not be applicable in considering proposals for flatted developments.

- 6.10 The application is for new residential development within the curtilage of substantial stone built villa property. Policy H25 therefore requires to be considered:-

Policy H25: Villa Property - New Development

Development proposals for residential development within the garden ground of stone built villa properties will only be acceptable where:-

- (a) proposed housing respects the density, scale, form, siting, orientation and materials of existing buildings;*
- (b) car parking and garaging are unobtrusively sited;*
- (c) development does not result in the unacceptable loss of important trees;*
- (d) any new or widened existing access does not damage the character and appearance of the villa or surrounding area;*

(e) the resulting built area (including roads and driveways) of the original site does not adversely affect the overall character of the property or surrounding area.

- 6.11 In assessing the application against Policy ENV5, this policy requires proposals to accord with the development strategy for Monifieth as well as other policies of the local plan. The proposal for a single house does not in itself conflict with the development strategy for Monifieth. I will return to the further tests provided by Policy ENV5 having considered other policies of the local plan.
- 6.12 Policy H5 provides a range of criteria for the assessment of small housing sites within defined development boundaries such as this. I consider the proposal to pass criteria (a) to (d), and (h) of this policy. Criterion (e) requires provision of satisfactory and safe access and parking arrangements. Criterion (f) requires proposals to maintain the residential amenity of adjacent property. The Director of Roads has expressed concern in respect of the development proposed as detailed earlier in this report and has objected to the proposal based on loss of car parking for the Mansion House. The proposal is therefore considered to fail criteria (e) and (f) as the proposal if permitted would result in the loss of parking for the existing residents at Grange House which would impact adversely on their amenity and also have a detrimental impact in terms of road safety and free traffic flow. I do not consider the scheme proposed respects the scale, form and use of materials of adjacent housing. As detailed earlier in this report, it is considered that that scheme would have a detrimental impact on adjacent The Grange because it would adversely impact on the setting of this property and as such the scheme is not considered to respect the scale and form of the adjacent property (criterion g). The proposal therefore fails Policy H5, specifically criteria (e) and (g).
- 6.13 The area surrounding The Grange has been substantially developed, particularly to the north, east and west. This type of substantial villa property would normally attract a large formal garden area. In this instance the large garden associated with the property is also the application site. I am concerned that the development of this area would undermine the character of both the villa property and the surrounding area by developing the only remaining area of ground associated with this property. I therefore consider the proposal to fail criterion (e) of Policy H25. The proposed new house would be consistent with the other criteria, namely (a) to (d) of Policy H25.
- 6.14 Returning to Policy ENV 5, as the proposal is considered to fail policies ENV 43 and H25 of the local plan, the proposal thus fails the test of Policy ENV 5, as it would not 'accord with other policies of the Local Plan'. In addition to this the proposal would undermine the historic character of this important green area associated with the mansion house and as such fails to be compatible with the general spirit of Policy ENV 5.
- 6.15 A number of points are raised in the letters of representation received. I consider that the discussion associated with Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Environmental Resources Policy 5A of the DASP and Policy ENV 43 of the ALP to tackle concerns in respect of the impact on the setting of the listed building sufficiently and the recommendation attached to this report reflects this. In terms of road safety issues and the impact of the proposal on residential amenity of adjacent property, the Head of Roads has expressed some

concern in respect of the proposal and this is also reflected in the recommendation attached to this report.

- 6.16 The proposal is for development which is contrary to policies of the development plan, namely Environmental Resources Policy 5A of the DASP (2002), as well as policies ENV 43, H5 and H25 of the ALP and as such is also contrary to Policy ENV 5. There are no material considerations which would justify a departure from the established policy and as such a recommendation of refusal is made.
- 6.17 This application is for a development that is contrary to a policy or policies of the Development Plan. Should the Committee determine to approve the application contrary to the Development Plan, reasons will require to be specified at the meeting for so doing.

7 HUMAN RIGHTS IMPLICATIONS

- 7.1 The recommendation in this report for refusal of this application has potential implications for the applicant in terms of his entitlement to peaceful enjoyment of his possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying the present recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. Any interference with the applicant's right to peaceful enjoyment of his possessions by refusal of the present application is in compliance with the Council's legal duties to determine this planning application under the Planning Acts and such refusal constitutes a justified and proportionate control of the use of property in accordance with the general interest and is necessary in the public interest with reference to the Development Plan and other material planning considerations as referred to in the report.

8 RECOMMENDATION

- 8.1 It is recommended that the application be refused for the following reasons.
1. *Reason:* That the proposal fails Environmental Resources Policy 5A 'Historic Environment' of the Dundee and Angus Structure Plan (2002) in that the development proposed would be located in front of the principal elevation of a listed building and would have a detrimental impact on the setting of the listed building.
 2. *Reason:* That the proposed development fails to accord with Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in that it would have a harmful and significant detrimental impact on the setting of The Grange, a Category C(S) listed building.
 3. *Reason:* That the proposal fails Policy ENV 43 of the Adopted Angus Local Plan (2000) in that the development proposed would be located in front of the principal elevation of a listed building and would have a detrimental impact on the setting of the listed building.

4. *Reason:* That the proposal fails to accord with Policy H5 'Small Housing Sites' of the Adopted Angus Local Plan (2000), specifically criteria (e) (f) and (g) which requires satisfactory and safe access and parking arrangements, development to maintain the residential amenity of adjoining housing and development to respect the scale and form of adjacent housing which the proposal does not.
5. *Reason:* That the proposal fails to accord with Policy H25 'Villa Property' of the Adopted Angus Local Plan (2000), specifically criterion (e) which requires the resulting built area following a development to not adversely affect the overall character of the property or surrounding area.
6. *Reason:* That the proposal fails Policy ENV 5 of the Adopted Angus Local Plan (2000) which suggests proposals 'should accord with the Development Strategy and other policies of the Local Plan', which this scheme does not (the scheme fails policies ENV 43, H5 and H25).

NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

P&T/ET/IAL
9 April 2007

Eric S. Lowson
Director of Infrastructure Services

Directorate for Planning and Environmental Appeals

Appeal Decision Notice

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Decision by Clive Christopherson, a Reporter appointed by the Scottish Ministers

- Planning Appeal reference: P/PPA/120/220
- Site Address: land adjacent to Grange House, Grange Gardens, Monifieth, DD5 4NB
- Appeal by Mr K. Nicoll against the decision by Angus Council
- Application for planning permission dated 21 January 2007 refused by notice dated 20 April 2007
- The development proposed is the erection of a dwelling house and garage
- Date of site visit by Reporter: 4 December 2007

Date of appeal decision: 7 January 2008

Decision

I dismiss the appeal and refuse planning permission.

Reasoning

1. The determining issues in this appeal are whether the proposal accords with the relevant policies of the Dundee and Angus Structure Plan (DASP) and the Angus Local Plan (ALP) with regard to the historic environment and development within the built up area and, notwithstanding, whether any material considerations indicate that permission should be granted or not. Additionally, since the proposal lies within close proximity of Grange House, a listed building, I am required in considering whether to grant planning permission to have special regard to the desirability of preserving the setting of the listed building.

2. There are houses immediately to the north, southeast and southwest of Grange House. These properties, together with a large open area to the south of the House, provide the setting to this early nineteenth century building. The undeveloped land to the south of the House comprises initially an open lawn (the appeal site), beyond which are trees on ground which backs onto Airlie Drive. This area provides the main aspect to the principal elevation of Grange House, which is fully visible across the lawn from the access drive (Grange Lane) to the House, and also to a lesser extent through the trees from Airlie Drive to the south.

3. The appeal house is single storey, and would occupy land at a lower level than Grange House. It would nevertheless compromise the setting of the listed building, closing off, in part, the view from Grange Lane of the principal elevation of the House. It would also occupy open land in the foreground of the House which is important to offset the listed



building's scale and prevent it from appearing unduly hemmed in. The siting of the proposed double garage some ten metres to the south and around six metres to the west of the principal elevation would result in an intrusive element also detracting from the setting to the House. As a consequence, I do not consider the proposed development preserves the setting of Grange House, or meets the requirements of Environmental Resources Policy 5A: Historic Environment of the DASP. Additionally, since the appeal proposal adversely affects the setting of a listed building and falls within the curtilage of a listed building, it fails to accord with the provisions of ALP policy ENV 43: Curtilage Development.

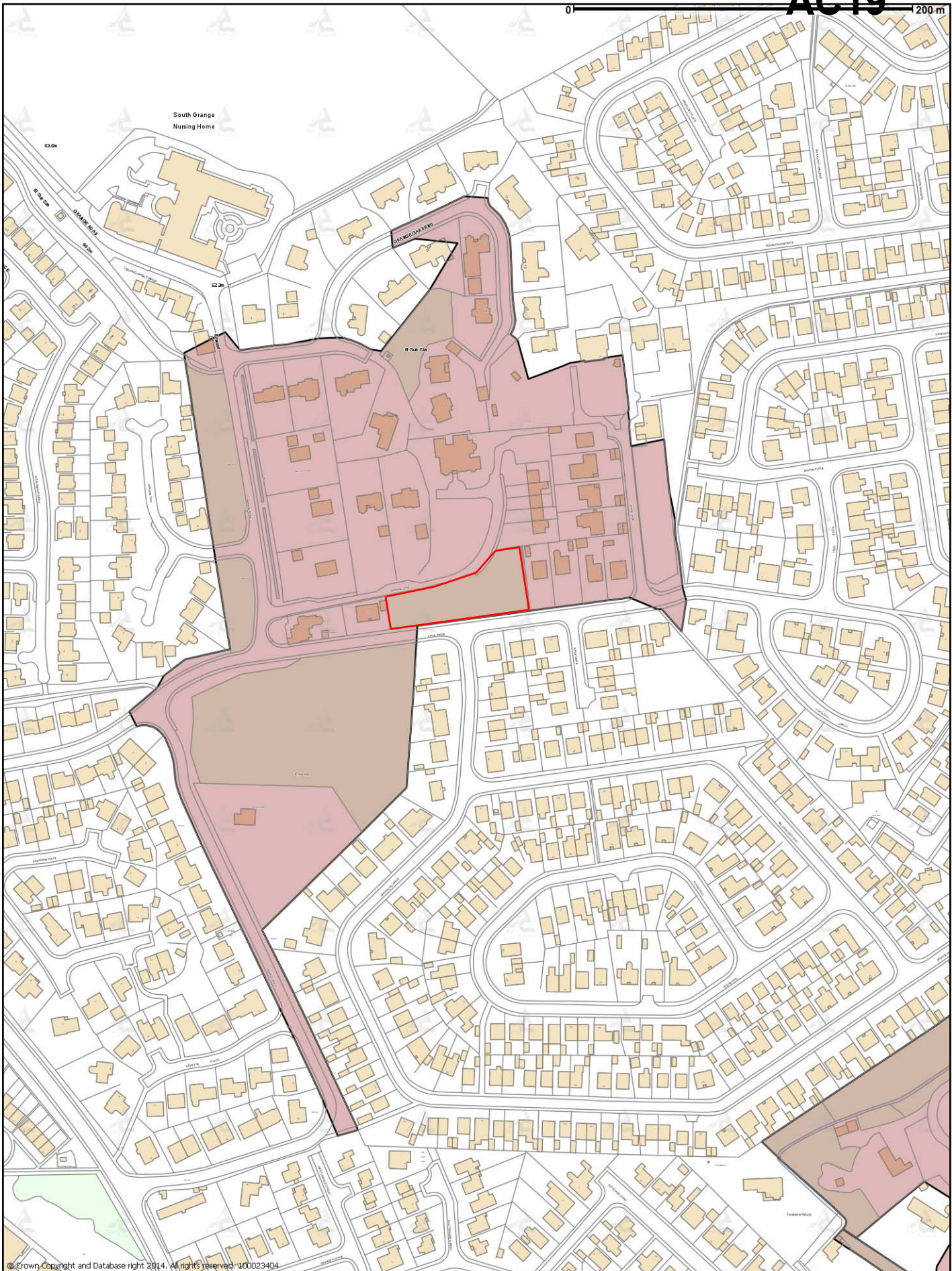
4. My reservations regarding the siting of both the appeal house and garage are relevant also to ALP policy H25: Villa Property – New Development. This policy requires that, among other criteria, the siting of residential development within the grounds of villas must respect the siting of the existing building and also that garages be unobtrusive. In both these respects I find the appeal proposal not to accord with this policy.

5. The appeal site provides a very attractive amenity space which is fronted by the terraced houses to the east of Grange Lane and overlooked by the flats in the sub-divided House. Together with the area of trees to the south it forms an important open space integral to the character of this residential area. Development as proposed would significantly diminish the value of the appeal site as an amenity space and its importance, in conjunction with the trees to the south, to the character of the locality. As such the proposal does not accord with ALP policies H5: Small housing Sites and ENV 5: Development in Existing Built-Up Areas.

6. I have taken account of all other matters raised in the submissions, but none carries sufficient weight to override my conclusions that the proposal is not in accordance with policy 5A of the DASP, and policies ENV5, EN43, H5 and H25 of the ALP.

This is the version issued to parties 7 January 2008

Clive Christopherson
Reporter



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Tree Preservation Order 1976 No. 2

The Grange, Monifieth.



Planning Statement

13035d – Proposed Scheme for 3 New Build Houses, Airlie Drive, Monifieth

The grounds of Grange House have been sub divided and developed since the 1970's to create housing of a variety of scales.

The site between Grange Lane and Airlie Drive has become increasingly over grown with many rogue shrubs and small trees growing up around the base of the historic trees on the site. The site contains two listed gate piers now detached in isolation and hidden from public view.

The site has become a regular fly tipping ground for neighbouring properties to dispose of lawn clippings and other garden waste to the detriment of the trees as noted within the Tree Survey Report. The site also gathers litter thrown over the boundary to Airlie Drive and cans/bottles disregarded by people loitering within the site after dark. More recently the site has become unmanageable with the increasing levels of waste material being dumped. The Tree Survey Report concludes the intense undergrowth of self-set trees and shrubs should be removed in the interests of good arboricultural practice.

By dividing the site into smaller areas of residential curtilage these can be managed effectively preventing the intense undergrowth recurring.

The Site is covered by the Tree Preservation Order known as W2 dating back to 1976 for The Grange. This particular TPO covers a large area to the North of Monifieth in relation to Grange House.

The site is not highlighted as an area of 'open Space protection' of Inset Map 6 of the Angus Local Plan Review (Adopted 2009).

The potential of this site has evolved through working closely with an Arboricultural Consultant to ascertain accurate information regarding the trees, their health and likely long term future. The purpose of the tree survey was first and foremost to ascertain condition and ensure the long term future of as many significant trees as possible.

The proposal includes for the removal of three trees to the North of the site on account of their questionable amenity value and potential short lifespan.

It is proposed that all other trees to the South and East of the site are retained. The proposal, as a result, will see little alteration to the streetscape of Airlie Drive.

This has presented the opportunity to create three individual plots for detached houses. These plots will be laid out to minimise the impact on the existing trees whilst maximising natural daylight to the proposals and the value of the trees as a feature of the houses. The houses will be individually designed and of a style and scale to reflect the nature of the surrounding developments.

The layout (SK(00)01) has been designed with the trees as a central design focus and as such reflects a density far lower than the surrounding developments to the East. The proposals have been designed to avoid tree root protection areas and where possible any invasive landscaping will be avoided within these areas, the development will be undertaken in strict accordance to *BS 5837.2005 Trees in relation to construction*.

The Norway Maple to the South West of the site suffered major storm damage in late 2013 and rather than remove the tree the proposal seeks to pollard the tree to ensure its long term future.



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The canopy spreads have been based on detailed topographical survey information from 29th August 2013. The root protection areas (SK(00)03) have been based on information from the Arboricultural Consultants report of 20th March 2014.

It is accepted that the trees will cast shadows over the dwellings to varying extents throughout the year. In the absence of current regulation to quantify sunlight requirements for new housing developments the method and requirements as laid out in the previously administered 'Ministry of Housing and Local Government – Flats and Houses Design and Economy' have been applied and exceeded throughout the design.

Using a Standard Sunlight Indicator, the daily hours of sunlight over a ten month period reaching the South elevation of each dwelling have been assessed (Appendix A). It has been calculated that the south facing elevation of each plot will have the ability to receive in excess of one hours sunlight every day for a ten month period. This demonstrates a more than acceptable level of direct sunlight and given the uninterrupted North elevations, there is clearly no issue over the amount and quality of daylight to each dwelling. This method was adopted to demonstrate the proposal would achieve in excess of the latest known regulations. Appendix B shows the method used indicating the worst case scenario of the three plots.

Whilst the above method provides a quantifiable result, and proves the last used regulation is exceeded, the method is based on assuming solid objects for all obstructions, including trees. Actual tree profiles and resultant shadows cast are not solid and therefore the results are improved further.

To show how the actual tree shadows would likely affect the proposals a computer generated model was set up. Shadow Plans (SK(00)02) are included as part of the application as an overview throughout the year.

The Shadow Plans indicate the likely shadowing caused by the trees at three times of the day over four times of year, Spring Equinox, 21st June, Autumn Equinox and 21st December. The proposals have been designed to sit within the trees, taking advantage of the relatively high crowns allowing light to penetrate well into the site. The percentage of the elevations in direct sunlight have been calculated and can be seen highlighted in yellow on the drawing for each extract.

Each plot has been carefully designed to reflect the surrounding densities to the North and West of the site. The plot sizes and usable garden ground areas have been laid out in SK(00)01 & SK(00)04. The proposal is on the border between established low and medium density residential areas and reflects this well. Block Plan OS(00)04 shows a 25 Hectare grid centred on the application site with a total of 374 dwellings, the addition of three further houses amount to an increase of 0.8% of the total which is insignificant. The average density is 14.96 dwellings per hectare. The addition of three houses would raise this to an average of 15.08 dwellings per hectare which again is an insignificant increase and still a very low density.

The driveways leading to the proposals are designed to complement the existing wall to Airlie Drive with one plot accessed via Grange Lane. The listed gate posts are proposed to be relocated to Airlie Drive to provide a joint access for the two Western plots making the gate posts visible to the passing public. Due to existing levels, the driveways will be built out of the ground rather than excavated to avoid any disruption to the existing roots, all in accordance with the British Standard. The driveway construction method and materials will be in line with BA 5837.2005

Further detail of how the individual house proposal will avoid conflict with the retained trees will be covered in the full detailed planning application.

It is expected that conditions will be applied to consents in relation to construction in close proximity to trees.



Appendix A

Results of Standard Sunlight Indicator Test

Plot	Minimum hours sunlight reaching single point centred on South elevation
1	1hr 24 mins
2	1hr 31 mins
3	2hr 15 mins

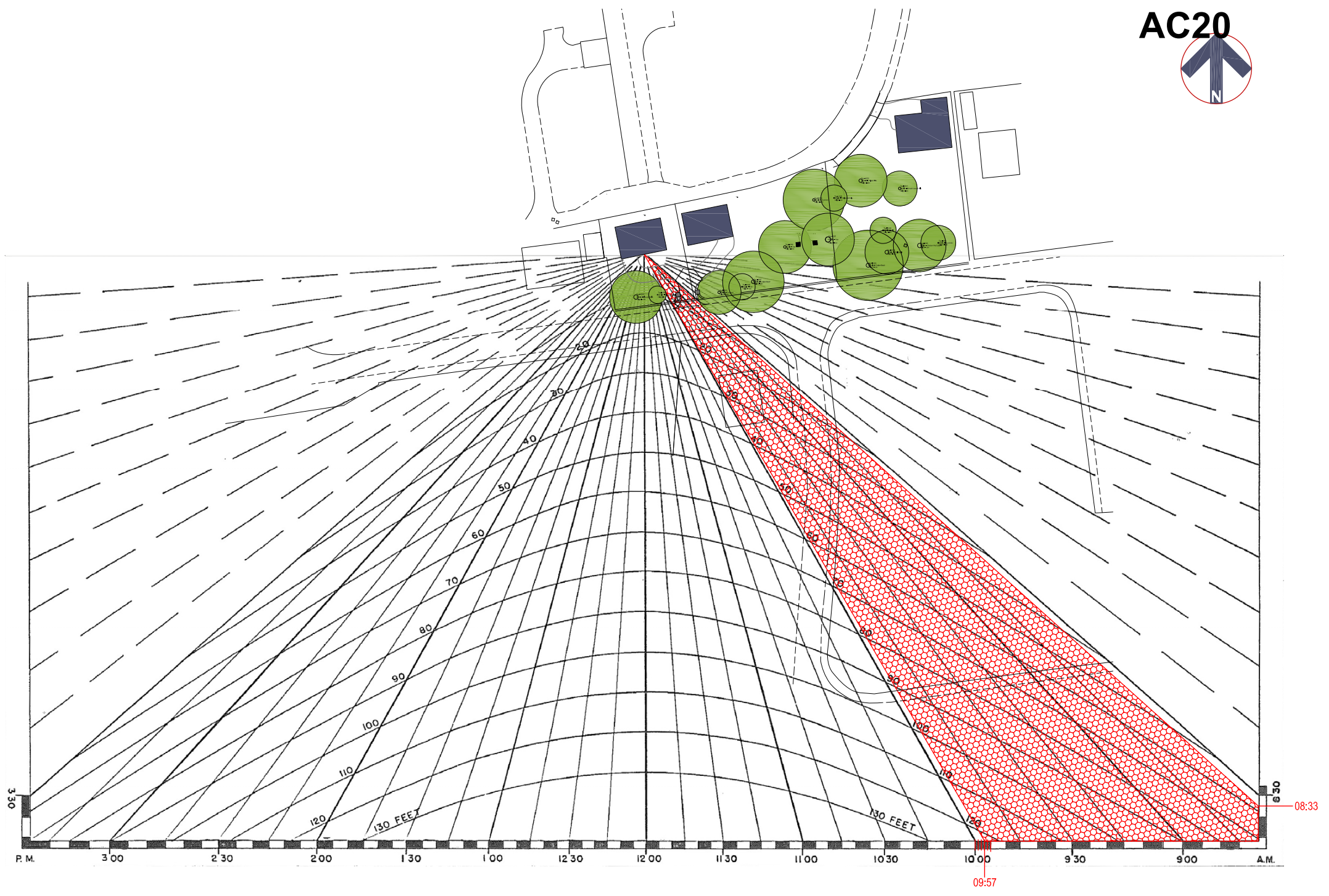


Appendix B

Standard Sunlight Indicator Test Methodology



AC20





Tree Survey at Airlie Drive, Monifieth



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Signed _____ 20th March 2014

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Site Plan

- Plan 1 Tree Survey and Constraints Plan
- Plan 2 Tree Protection Plan

INTRODUCTION

Instructions:

This tree survey and report was commissioned by Mr. Tim Heatherington of RDA Architects on behalf of the site owners Mr. and Mrs. Paul Robertson.

Terms of Reference:

- To inspect the significant trees in accordance with British Standard 5837:2012 'Trees in relation to design, demolition, and construction– Recommendations',
- Assess their suitability for retention in relation to the development of the site,
- Assess the impact of the proposed scheme on retained trees,
- Provide guidance on measures that should be taken to ensure the protection of retained trees and the successful integration of the proposed development.

Documents Supplied:

- Architectural drawing no. SK (00) 01 F, entitled 'Proposed Site Plan' – produced by RDA Architects dated 30.08.2013.

Part 1 TREE SURVEY

1 Scope and Limitations of Survey

- 1.1 The survey and this report are concerned with the arboricultural aspects of the site only.
- 1.2 This survey is restricted to trees within the site or those outside the site that may be affected by its re-development. No other trees were inspected.
- 1.3 The survey was carried out following guidelines detailed in British Standard 5837:2012 'Trees in relation to design, demolition, and construction—Recommendations' (BS5837).
- 1.4 It is based on a ground level tree assessment and examination of external features only – described as the 'Visual Tree Assessment' method expounded by Mattheck and Breloer (The Body Language of Trees, DoE booklet Research for Amenity Trees No. 4, 1994).
- 1.5 Only trees of significant stature were surveyed. In general, self-set trees with a stem diameter at 1.5m above ground level of less than 150mm have been excluded unless they have particular merit that warrants comment. Woody shrub species are not included.
- 1.6 No plant tissue samples were taken and no internal investigation of the trees was carried out. No soil samples were taken or soil analyses carried out.
- 1.7 The risk of tree-related subsidence to structures has not been assessed.
- 1.8 No specific assessment of wildlife habitats has been carried out.
- 1.9 It is assumed that there are no underground services within the curtilage of the site.
- 1.10 This report should be read in conjunction with the Tree Survey Plan (Plan 1); the plan includes the position of all significant trees and existing or proposed features, and is based on the plans provided by the client or other instructed professionals.

2 Survey Method

- 2.1 The stem diameters of single stemmed trees were measured in millimetres at 1.5m above ground level. Multi-stemmed trees were measured as separate stems also at 1.5m above ground level.
- 2.2 The height of each tree was estimated measured by using digital clinometer.
- 2.3 Crown radii were measured across the cardinal points.
- 2.4 Where access to trees was obstructed or obscured, measurements and dimensions have been estimated.

- 2.5 Each tree has been assessed in terms of its arboricultural, landscape, cultural and conservation values in accordance with BS 5837 and placed within one of the four following categories:

Category U: Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years.

Category A: Trees of high quality with an estimated remaining life expectancy of at least 40 years.

Category B: Trees of moderate quality with an estimated remaining life expectancy of at least 20 years

Category C: Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm.

- 2.6 Whilst the assessment of a tree's condition is a subjective process, Table 1 of BS5837 (see Appendix 2) gives clear guidance on the appropriate criteria for categorising trees and, in particular, the factors that would assist the arboriculturist in determining the suitability of a tree for retention. BS 5837 makes a clear distinction between trees on development sites and trees in other situations where the factors that determine the retention and management of trees may be different.

- 2.7 The survey was undertaken on the morning of 3rd March 2014, at that time the weather was cold but bright. The significant trees had previously been identified on site (in 2011) using round, aluminium tags stapled onto the tree stems at circa 2m above ground level, the numbers used run from 0516 to 0534 inclusively.

3 The Site

- 3.1 The site is located in the predominantly residential area of Monifieth within the administrative area of Angus Council. The site appears to have been part of the garden of an adjacent Victorian garden to the north historically and following the development of that property into apartments and the construction of other dwellings within the garden ground this site was retained as a small piece of amenity woodland. With regards to the planning application; Mr. Paul Robertson is the applicant for the site.
- 3.2 The site is accessed from Airlie Drive, a public highway on the southern boundary of the site. The site adjoins dwellings to the east, and west; and shares a boundary with public roads to the north and south. The site is becoming overgrown, with what appears to be the indiscriminate dumping of domestic green waste (grass and hedge cuttings) taking place regularly.
- 3.3 There are a number of individual mature trees within and adjacent to the site; with many self-set trees and shrubs of a relatively small size growing in groups, all competing for the available space, and all with a limited safe useful life expectancy, for the purposes of this survey it is assumed that the smaller trees are insignificant and that their removal will not be challenged.
- 3.4 The site falls gently from north to south and southwest towards Airlie drive.

- 3.5 Arboretum Internationale is not party to information regarding any underground services within the site.
- 3.6 The current owner believes that the trees on site are protected under a Tree Preservation Order, administered by Angus Council.

4 Existing Trees

- 4.1 Nineteen, significant, individual trees were identified in the survey. All of these are growing within the site and are included herein as they may, potentially, be affected by the proposals or their presence may have some other bearing on the development or appearance of the site.
- 4.2 NOTE: Full access to any trees located in adjoining properties was not available and this assessment is based upon observations made from within the site or other public places.
- 4.3 Trees nos. 0527, 0528, 0530, and 0531 are graded as Category A; that is they display significant individual merit and landscape significance with a safe useful life expectancy in excess of 40 years.
- 4.4 Trees nos. 0517 – 0520, 0524, 0536, 0529, 0532, 0533, and 0534 are graded as Category B. Category B trees may not have high individual merit however they do have some landscape significance and can be expected to thrive for 20 years or more.
- 4.5 The remaining individually numbered trees are graded as Category C; trees are of low quality, limited life expectancy, and low individual landscape value but with some screening value.
- 4.6 One tree no. 0523 has suffered the ravage of storms for many years to the extent that the canopy is very unbalanced and further branch failure, in even moderate storms, should be expected. The retention of the tree is both desirable and feasible with some dramatic canopy modification in the form of a significant crown reduction. The Root Protection Area (RPA) in the tree schedule below has been reduced to reflect the expected reduction in the tree's canopy and subsequent natural root die-back.
- 4.7 The trees not individually numbered are growing within groups and are small to the point of being individually insignificant, though collectively they do have a presence on site that makes some contribution to landscape and screening. These trees should not necessarily be of concern as replacement would be very easy and relatively inexpensive.
- 4.8 The surveyed trees are listed in the schedule at Appendix 1 which includes a key with explanatory notes. A tree location plan based on the existing topographical survey provided is included as Plan 1.

5 Recommended Tree Works

- 5.1 In accordance with recommendations in BS5837, the tree survey schedule (Appendix 1) includes preliminary recommendations for works that should be carried out in the interests of good arboricultural practice.
- 5.2 These recommendations are made in the knowledge that the site is the subject of development proposals and that the nature and extent of works would not perhaps be appropriate if the future use of the site were different. For example BS5837 recommends that any trees 'in such condition that their existing value would be lost within ten years' should be removed, this may not be appropriate in sites where development is not being considered.
- 5.3 It is emphasised that any recommendations for tree works are of a preliminary nature and are made without reference to specific development proposals. Further assessment of tree work requirements in relation to the development may be required. It appears feasible to adopt a construction method that is conducive to some tree retention.
- 5.4 Before authorising these, or any other tree works, the local planning authority should be consulted to ascertain the exact detail of the Tree Preservation Order, there may well be other planning restrictions relating to trees. As restrictions apply to tree works then any necessary consent should be obtained before works are carried out.
- 5.5 It is also essential that the ownership of any boundary trees is verified prior to proceeding with any recommended works.
- 5.6 All tree works should be carried out in accordance with British Standard 3998: 2011 'Tree work - Recommendations' and by a suitably qualified and insured tree contactor.

6 Tree Constraints

- 6.1 The data collected during the tree survey data provides the basis for identifying the above ground or below ground constraints that may imposed on the site by those trees worthy of retention.
- 6.2 Below ground constraints are indicated by the root protection area (RPA) for each tree which is calculated in accordance with guidance provided within paragraph 4.6 of BS5837. The RPA is the recommended area in square metres that should be left undisturbed around each tree to be retained to ensure that damage to its roots or rooting environment is avoided.
- 6.3 In the case of open grown trees with an even, radial root distribution it would normal for the boundaries of the RPA to be equidistant from the trunk of the tree. However, BS5837 acknowledges that the disposition of tree roots can be significantly affected by a number of factors and that the actual position of the RPA will be influenced by specific tree and site factors. These factors are to be assessed by the arboriculturist and appropriate adjustments to the siting of the RPA made.
- 6.4 The RPA for each individual tree is detailed in Appendix 1 and shown on the Tree Survey Plan (Plan 1) as circles coloured to reflect the descriptions in Table 2 of

BS5837:2012; where appropriate, root protection areas have been offset into the site where conditions are likely to be more conducive to root development.

- 6.5 Above ground constraints are indicated by the crown clearance height recorded in the tree schedule.
- 6.6 Potential damage to structures by the future growth of trees is not considered here. (See BS5837:2012 Annex A, and NHBC Standards Chapter 4.2)

Part 2 ARBORICULTURAL IMPLICATIONS ASSESSMENT

7 Development Appraisal

- 7.1 The proposed development involves the construction of three residential units in the form of detached houses over two levels; with access to be routed from Airlie Drive to the south.
- 7.2 The development may require the removal of a small number of trees to facilitate the construction phase of the project; however in the long term the remaining trees will acquire a defined ownership with a vested interest in the safety and visual amenity of those trees that should be beneficial in their ongoing care and maintenance.
- 7.3 There are no known existing underground services on the site.

8 Impact on Existing Trees

- 8.1 The primary objective, in arboricultural terms, is the retention of as many appropriate trees as is practicable. Quite apart from the requirement to retain some of the existing character, the presence of trees is generally accepted as being beneficial to the environment. The following is an assessment of the effects of the proposed development on existing trees and the future landscape.

- 8.2 Tree removals and pruning to facilitate the development.

8.2.1 The proposed development of this site requires the removal of insignificant self-set trees and shrubs of a relatively small size growing in groups, which have a limited safe useful life expectancy.

8.2.2 There are three trees nos. 0521 and 0522, a pair of young, multi-stemmed, western red cedar, and a large fir 0516 that require removal to facilitate the development. Neither of the cedar trees could be considered hazardous in the short term however as they continue to grow the precarious nature of the multi-stemmed trunk unions is very likely to become hazardous as these compression forks become increasingly pre-disposed to failure; once failure commences it is inevitable that further stem failure will follow. The risk increases commensurately with increase in size and these trees under normal circumstances could attain 40m in height. It would be prudent even without the potential for housing development to consider the removal of these trees in the short term. As regards the mature fir it shows signs of significant cracking in the scaffold limbs and indeed there is visual evidence of significant historic limb failure. The remaining branches support a very dense, heavy, and unbalanced canopy. It is clear that this tree has not enjoyed appropriate maintenance for many years to its detriment. Its retention is not desirable though would be feasible if the necessary tree surgery work were undertaken at some considerable expense; in any event further branch loss should be expected in this tree in periods of high wind and after heavy snowfall.

8.2.3 The development will have an effect on the extent of tree cover within the site. In the main the removal of the trees nos. 0516, 0521 and 0522 will be the most significant issue, the retention of the other trees is feasible with the adoption of

appropriate engineering solutions to avoid root damage and soil compaction within the RPAs.

8.2.4 A schedule of all required tree works including those recommended in the interests of good arboricultural practice is included at Appendix 1.

8.3 Encroachment within Root Protection Areas

8.3.1 The tree survey and accompanying plan (drawing no. SK (00) 01 F) that form the first part of this report provide details of the extent and disposition of RPAs of all trees to be retained, including any offsetting that is considered appropriate in relation to specific site conditions.

8.3.2 Ground works to prepare the existing ground for construction within or close to RPAs could, potentially, cause damage to trees and it is essential that this is carried out in a manner that prevents materials spilling onto unprotected soils within RPAs and avoids excessive excavation or other forms of damage to underlying soils such as compaction.

8.3.3 The introduction of the proposed access routes from Airlie Drive to the south have the potential to cause damage to trees roots, the use of construction techniques to ensure that the access can be formed with a minimal amount of excavation will avoid damage being sustained by the trees. To minimise impact on trees these excavations should be carried out by hand and limited to the smallest possible dimensions.

8.3.4 The proposed location of the new property clearly indicates a conflict with the RPAs of significant trees nos. 0516, 0521 and 0522. It is not possible to take this development forward without the removal of these trees.

8.3.5 Access within the RPAs of several trees will be required during the construction process and in these areas it will be necessary to use ground protection to ensure that soils are protected against compaction or other disturbance.

8.4 Underground Services

8.4.1 No information has been provided regarding underground services however there is scope for any new services to be installed outside RPAs.

8.4.2 Should it be necessary however to install or upgrade underground services within RPAs it should be carried out in accordance with Volume 4 of the National Joint Utilities Group Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees, 2007 (NJUG Vol.4) and under the supervision of the arboriculturist.

Part 3 ARBORICULTURAL METHOD STATEMENT

9 Tree Protection - General Measures

- 9.1 BS5837 requires that the RPA of all retained trees are protected from the effects of development by the installation of protective barriers. It should be noted however, that the position of these barriers may also be influenced by the presence of any tree canopies that extend beyond the RPA and that could be damaged by construction works or where it is desirable to protect areas for future tree planting.
- 9.2 In addition to protecting retained trees, BS 5837 recommends that areas of the site in which new or replacement tree planting is proposed should also be protected from the effects of construction.
- 9.3 The protective barriers demarcate the 'Construction Exclusion Zone' (CEZ) and should be installed prior to the commencement of any construction works, including clearance or demolition. They should be maintained for the duration of the works. All weather notices should be erected on the barriers with words such as 'Construction exclusion zone – Keep out'. Protective barriers should be in accordance with Figure 2 of BS5837:2012 (or similar accepted), a copy is included as Appendix 3.
- 9.4 The position of protective barriers and the boundary of the CEZ are shown as a cerise coloured line in the Tree Protection Plan (TPP) included as Plan 2.
- 9.5 The area within the CEZ is to be regarded as sacrosanct and protective fences and barriers should not be taken down without the written approval of the Local Planning Authority, or where present, the supervising Arboricultural Consultant.
- 9.6 Ground Protection
- 9.6.1 Where it is necessary, for the construction operation, to permit vehicular or pedestrian access within the RPA, for example to erect scaffolding, retained trees should be further protected by a combination of barriers and ground protection.
- 9.6.2 Ground protection should be of sufficient strength and rigidity to prevent disturbance or compaction to the soil underneath. In areas of heavy and/or continued usage it is advised that the protection plates or mats are linked or connected and that they are placed over a bed of bark or wood chippings (100 to 150mm depth).
- 9.6.3 Contamination of the soil by any substances should be prevented by the use of geotextile fabric.
- 9.6.4 Do not raise or lower soil levels or strip topsoil around trees – even temporarily.
- 9.6.5 Avoid disturbing the natural water table level.
- 9.6.6 Do not light fires near trees.
- 9.6.7 Do not attach notice boards, telephone cables or other services to any part of a tree.

9.6.8 No construction materials should be stored within root protection areas. Toxins such as diesel, petrol, or cement should be suitably stored to prevent such substances leaching into the soil.

9.6.9 Particular care and planning is necessary to accommodate the operational arcs of excavation, unloading and lifting machinery, including their loads, especially large building components such as beams and roof trusses. Operations like these have the potential to cause incidental damage to trees and logistical planning is essential to avoid conflicts. Any movement of plant and materials in close proximity to trees should be conducted under the supervision of a banksman to ensure that adequate clearance from trees is maintained at all times.

10 Site Specific Tree Protection Measures

- 10.1 Prior to the commencement of any other works, any tree pruning or removal works specified in Appendix 1, should be carried out by an appropriately qualified and insured tree contractor and in accordance with British Standard 3998: 2010 'Tree work - Recommendations'.
- 10.2 Following all preparatory tree and vegetation clearance works, tree protection barriers and any ground protection in accordance with BS5837:2012, Figure 2 (Appendix 3) shall be installed in the permanent positions indicated in Plan 2, and shall remain in place for the duration of the construction works.
- 10.3 The position of any site huts, materials storage, and any on site car parking for contractors should be clearly identified. These should be outside root protection areas unless special arboricultural advice is obtained and any recommended additional tree protection measures implemented.
- 10.4 Whilst some works within RPAs may be necessary, great care shall be taken to remove just that length of protective fencing required to facilitate the works and to ensure that it is re-installed immediately upon completion. When new surfaces are completed these may be used for access purposes however precautions to prevent the spillage or leaching of materials into underlying soils shall be implemented. Under no circumstances shall vehicles travel across or materials be stored upon unprotected soils within RPAs.
- 10.5 Tree protection measures shall remain in place until completion of the development; they may only be removed to facilitate post development landscaping.

11 New Hard Surfaces Within RPAs

- 11.1 The construction of the new access and parking area to the north of the site shall be carried out by building above existing levels using a 'no dig' methodology that incorporates a cellular confinement system to provide stability. In addition, the use of permeable materials will allow the passage of moisture and essential gasses through to roots below.
- 11.2 Where access within RPAs may be required for construction purposes, these surfaces should either be formed at the beginning of the construction period or robust

ground protection installed that has sufficient strength and rigidity to withstand any expected loading without causing compaction or other damage to the ground below. Under no circumstances should construction traffic be permitted to travel across unprotected ground within RPAs.

- 11.3 The principles of 'no dig' construction close to trees are explained in Appendix 4 and in APN 12 'Through the Trees to Development' published by the Arboricultural Advisory and Information Service (APN 12). The final specification shall be determined by a suitably qualified engineer in conjunction with the arboriculturist.

12 Underground Services

- 12.1 Where possible all new underground services shall be routed to avoid passing through the RPAs of retained trees.
- 12.2 If the installation or upgrading of underground services within RPAs is unavoidable it shall be carried out in accordance with National Joint Utilities Group Guidelines (2007) Volume 4 'Guidance for the Planning, Installation and maintenance of Utility Apparatus in Proximity to Trees' (NJUG) and under the supervision of the Arboriculturist.

13 Arboricultural Supervision

- 13.1 The Arboricultural Consultant shall attend an initial site meeting with the Project Manager and the Site Manager prior to the commencement of **ANY** works on site. At this meeting the programme of works will be reviewed and an outline schedule of visits by the Arboriculturist will be determined and agreed.
- 13.2 Site visits by the Arboriculturist should coincide with key stages of the development and in particular:
- Any preliminary arboricultural works or site clearance
 - The installation of tree protection measures
 - Any works within CEZs such as the removal of hard surfaces or installation of underground services or new hard surfaces.
 - Any change in site or project manager personnel
- 13.3 This schedule may be subject to later review and may be influenced by unforeseen events or where there has been a failure in the maintenance of approved tree protection measures.
- 13.4 A copy of the outline schedule of visits by the Arboricultural Consultant will be submitted to the LPA for their records who will be informed by phone, email or in writing of any changes, variations or amendments.
- 13.5 Particular attention must be given to any works of any nature that have to be undertaken within CEZs. These must be carried out under the direct supervision of the Arboriculturist.
- 13.6 The Arboriculturist should be available to attend any site meetings at the request of the LPA.

- 13.7 In addition, the Arboriculturist should be available in the event that any unexpected conflicts with trees arise.
- 13.8 The Arboriculturist should keep a written log of the results of all site inspections and note any changes to the schedule of site visits. Any contraventions of the tree protection measures or other incident that may prejudice the well being of retained trees shall be brought to the attention of the site manager in the form of a written report. Copies of the inspection log and any contravention reports will be available at the site for inspection by the Local Planning Authority at all times.

14 CONCLUSION

- 14.1 These development proposals have been assessed in accordance with British Standard 5837: 2012 'Trees in relation to design, demolition, and construction—Recommendations' (BS5837).
- 14.2 The removal of various young self-set trees and shrubs is recommended in the interests of good arboricultural practice.
- 14.3 The proposed development requires the removal of three significant trees, nos. 0516, 0521 and 0522.
- 14.4 Retained trees will be protected from the effects of development by means of appropriate protective barriers and ground protection throughout the duration of the works.
- 14.5 The strict observance of the Arboricultural Method Statement, together with any additional guidance from the arboriculturist will ensure the successful integration of these proposals with retained trees.

15 RECOMMENDATIONS

- 15.1 The works specified in the schedule of tree works at Appendix 1 should be carried out in the interests of good arboricultural practice.
- 15.2 All tree works should be carried out in accordance with British Standard 3998: 2010 'Tree work - Recommendations' and by a suitably qualified and insured tree contactor.
- 15.3 The tree protection measures detailed in this report should be implemented and supervised by an appropriately experienced Arboriculturist.
- 15.4 The statements in this Report do not take account of the effects of extremes of climate, vandalism or accident, whether physical, chemical or fire. Arboretum Internationale Ltd. cannot therefore accept any liability in connection with these factors, nor where prescribed work is not carried out in a correct and professional manner in accordance with current good practice. The authority of this Report ceases at any stated time limit within it, or if none stated after two years from the date of the survey or when any site conditions change, or pruning or other works

unspecified in the Report are carried out to, or affecting, the subject tree(s), whichever is the sooner.

Appendix 1

Schedule of Trees

'Tree no.' Utilises nos. 0516 to 0534 inclusively to reflect the numbered tags affixed to the trees on site.

'Species' Trees are described with both botanical and common names where possible.

'Age Class' may have been recorded in the Tree Schedule in the following terms: **NP** (newly planted) – tree still supported by staking or other support, **Y** (young) - less than one-third life expectancy, **EM** (early-mature) – one-third to two-thirds life expectancy; **M** (mature) – more than two-thirds life expectancy, **OM** (over-mature) – beyond the normal life expectancy.

'Tree height' (Height) is given in metres; heights have been measured by laser device to the nearest 10cm where possible.

'Crown height' This figure recorded in metres reflects the average height of the tree canopy above ground level.

'Diameter at Breast Height' (single DBH): this measurement, recorded in millimetres, has been taken with a girthing tape at 1.5m above ground level except; where a measurement was taken a different height that height is recorded below the figure given for the DBH; where the DBH was estimated the measurement is preceded by the letter E; where more than one stem was measured this is denoted below the DBH as a number followed by the letter S e.g. 4S. Where an 'x' appears in this column the figures have not been calculated as the tree is identified for removal. Where parts of this column are 'greyed out' there is no requirement for any information.

'Diameter at Breast Height' (multiple DBH): these measurements, recorded in millimetres (in grey text), have been taken with a girthing tape at 1.5m above ground level; exceptions to this are noted in the in the column for single DBH (see conventions above). A squared average total is also noted in this column (in black text). Where parts of this column are 'greyed out' there is no requirement for any information.

'Crown Spreads' where included have been determined by measuring the longest horizontal distance, to the nearest half metre, from vertically beneath the edge of the canopy to the stem of the tree at the four significant compass points. Where an asterisk precedes the figure this indicates that it has been estimated.

'General observations': the 'health' or 'vitality' of the tree (assessed by comparison of the number, size and colour of the leaves and the length of annual twig extension growth with what would be expected for an average tree of equivalent age, of the same species) may be described as **Good** - Showing correct leaf colour / density and / or expected twig extension growth. Any wound wood present is seen to be forming well. Very few and minor pathogens and / or pests present (if any) which should only affect visual amenity. **Fair** - Meets the expected average in terms of leaf colour/density and/or twig extension growth. Host to more numerous minor pests and pathogens present; minor die back in areas of the canopy; a history of repeated and significant pruning; evidence of frequent, minor and moderate, naturally-occurring branch loss. **Poor** - Small and sparse leaf cover of an abnormal colour for the species; small increments in twig extension growth; host to significant pathogens and/or infestations of pests; significant crown die-back; a history of severe over-pruning with poor wound-wood development. Where technical terms are used to describe the cause of the defect, a definition, or further information will be found in the Glossary. Defects may be described as: **Minor** – Where the defect is small, shows no sign of instability and there is little concern with regard to safety or tree health and form; **Moderate** – Where the defect is likely to fail with some risk in relation to safety and/or tree health or form, or where the defect significantly affects tree form; **Major** – Where the defect is likely to fail with significant risk to persons and/or property. Severe damage, whole tree failure and/or tree death may occur, or where the defect dramatically affects tree form.

'Management Recommendations': generally, where practical tree-work operations are recommended, it is expected that these will be carried out to the British Standard BS 3998:2010 'Recommendations for tree work' as a minimum.

'Contribution': this is the estimated number of years for which the tree can be expected to make a safe, useful contribution to the tree cover on the site, before any remedial work is carried out. Where an '?' appears in this column further work is required to determine the retention category.

'Retention Category': the code letter in this column reflects the general desirability of the tree for retention on a development site, based on species, form, age, and condition. The definitions of these code letters are as follows: **A**: trees of high quality and value; **B**: trees of moderate quality and value; **C**: trees of low quality and value, which could be retained until replacement plantings have been established (the suffixed number after the code letter indicates the particular sub-category – 1 being mainly arboricultural values, 2: mainly landscape values, 3 Mainly cultural values, including conservation); **U**: trees which should be removed. Where an '?' appears in this column further work is required to determine the retention category.

'Root Protection Area Radius': This figure (recorded in metres) is that to be used to determine the correct location for the erection of protective fencing based on a circular Root Protection Area. Where an 'x' appears in this column the figures have not been calculated as the tree is identified for removal.

'Root Protection Area Calculations': these figures are derived from the BS 5837 2012 calculations and are included here for completeness. It is reasonable for a competent arborist to modify the shape of a tree Root Protection Area; in doing so the figure in **black text** should be applied as the minimum area in **square metres** that should be available for tree root development. Where an 'x' appears in this column the figures have not been calculated as the tree is identified for removal.

Tree schedule here

Tree no.	Species	Age class	Height	Crown height	DBH Single	DBH Multiple	Crown spread	General observations	Management Recommendations	Contribution	Retention category	Root protection area RPA Radius	Root protection area Calculations	
0516	<i>Abies sp.</i> Fir	M	19.4	1	Above 707m sq.		N	6.4	Two stems above 3m. Major cracking with exudations on North side to 10m. Minor dead wood throughout.	Crown clean and crown thin by circa 15%.	>20	C	15	707.00 15.00
							S	9.3						
							E	7.4						
							W	6.8						
0517	<i>Ilex x altaclarensis</i> Smooth leaved holly	M	10.3	GL		230 140 260 316600 330 5 260	N	7.1	Multi-stemmed from 0.25m.	No work required.	>20	B	6.6	563 143.23 6.71 Up to 5 stems
							S	4.6						
							E	4.6						
							W	5.4						
							N	6.4						
0518	<i>Araucaria araucana</i> Chilean pine	M	19.5	6	990		S	6.3	Minor dead wood throughout.	Crown clean	>20	B	12	443.39 11.87 Single stem
							E	6.3						
							W	6.7						
							N	6.6						
0519	<i>Acer pseudoplatanus</i> Sycamore	Y	17.3	GL	720		S	4.6	No significant defects.	No work required.	>20	B	8.7	234.52 8.60 Single stem
							E	4.4						
							W	6.7						
							N	2.7						
0520	<i>Ilex aquifolium</i> 'Golden King' Variegated holly	EM	5.7	0.5	200		S	2.7	No significant defects.	No work required.	>20	B	2.1	18.10 2.24 Single stem
							E	2.8						
							W	3.1						
							N	6.1						
0521	<i>Thuja plicata</i> Western red cedar	Y	19.7	0.5	Above 707m sq.		S	9.1	Seventeen stems from ground level.	No work required.	>10	C	15	707.00 15.00
							E	9.3						
							W	6.7						
							N	7.3						
0522	<i>Thuja plicata</i> Western red cedar	Y	16.1	0.5	Above 707m sq.		S	5.7	Minor die-back in canopy top, multi-stemmed from ground level.	No work required.	>10	C	15	707.00 15.00
							E	6.4						
							W	5.8						
							N	10						
0523	<i>Acer platanoides</i> Norway maple	M	19.2	2	Above 707m sq.		S	5.8	Recent storm damage has destroyed the symmetry of this tree and compromised the structural integrity of the remaining scaffold limbs and canopy branches.	Crown reduce to ca. 6m.	>10	C	6	707.00 15.00 See clause 4.6 above
							E	9.9						
							W	5.3						
							N	2.6						
0524	<i>Ulmus glabra</i> 'Camperdownii' Camperdown elm	M	3.7	0.5	210		S	2.5	Grafted at 1.5m.	No work required.	>20	B	2.4	19.95 2.45 Single stem
							E	1.9						
							W	2.4						
							N	3.8						
0525	<i>Acer pseudoplatanus</i> Sycamore	Y	15	1	590 no. 290 522200 300 3 no.		S	5.8	Four stems from ground level. Minor asymmetry to south.	No work required.	>10	C	8.7	723 236.24 8.66 Up to 5 stems
							E	2.7						
							W	6.8						
							N	2.2						
0526	<i>Taxus baccata</i> Yew	Y	4.6	1	310 @0.5m		S	2.6	No significant defects.	No work required.	>20	B	3.6	43.47 3.61 Single stem
							E	3.5						
							W	4.8						
							N	9.3						
0527	<i>Fagus sylvatica</i> 'Purpurea' Copper beech	M	17	3.3	880		S	7.1	No significant defects.	No work required.	>40	A	10.5	350.33 10.54 Single stem
							E	10.9						
							W	6.3						
							N	4.7						
0528	<i>Taxus baccata</i> Yew	Y	14.8	1	1120		S	7.2	No significant defects.	No work required.	>40	A	13.5	567.48 13.42 Single stem
							E	4.2						
							W	6.8						
							N	6.8						

Tree no.	Species	Age class	Height	Crown height	DBH		Crown spread	General observations	Management Recommendations	Contribution	Retention category	Root protection area RPA Radius	Root protection area Calculations	
					Single	Multiple								
0529	<i>Fagus sylvatica</i> 'Purpurea' Copper beech	M	19.3	3.7	880		N	6.1	Three stems from 4m, with minor compression forks and included bark unions.	No work required.	>20	B	10.5	350.33 10.54 Single stem
							S	8.7						
							E	7.6						
							W	9.4						
0530	<i>Sequoiadendron giganteum</i> Wellingtonia	Y	25	5.4	Above 707m sq.		N	4.9	No significant defects.	No work required.	>40	A	15	0.00 0.00 Single stem
							S	4.8						
							E	4.7						
							W	2.5						
0531	<i>Taxus baccata</i> Yew	Y	15.4	1	Above 707m sq.		N	7.5	No significant defects.	No work required.	>40	A	15	0.00 0.00 Single stem
							S	9.3						
							E	7.9						
							W	6.6						
0532	<i>Ilex aquifolium</i> Holly	EM	10.6	GL		210 no. 230 142200 140 4	N	5.6	Three stems from ground level.	No work required.	>20	B	4.5	377 64.33 4.47 Up to 5 stems
							S	4						
							E	4.8						
							W	5.1						
0533	<i>Thuja plicata</i> Western red cedar	Y	21.3	3.5		470 no. 950 1123400 no. 2	N	5.7	Three stems from 0.75m.	No work required.	>20	B	12.6	1060 508.21 12.69 Up to 5 stems
							S	4.7						
							E	4.4						
							W	5.5						
0534	<i>Ilex aquifolium</i> Holly	M	11.5	GL		170 no. 300 208900 300 3	N	3.7	No significant defects.	No work required.	>20	B	5.4	457 94.50 5.48 Up to 5 stems
							S	6.1						
							E	4.2						
							W	3.5						

Tree schedule here

Appendix 2

Cascade chart for tree quality assessment

Category and definition Criteria (including subcategories where appropriate) Identification on plan

Trees unsuitable for retention (see Note)

Category U

Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years. Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning). Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline. Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality.

NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve;

1 Mainly arboricultural qualities 2 Mainly landscape qualities 3 Mainly cultural values, including conservation.

Trees to be considered for retention

Category A

Trees of high quality with an estimated remaining life expectancy of at least 40 years. Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue). Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features. Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture).

Category B

Trees of moderate quality with an estimated remaining life expectancy of at least 20 years. Trees that might be included in category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects, including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation. Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality. Trees with material conservation or other cultural value.

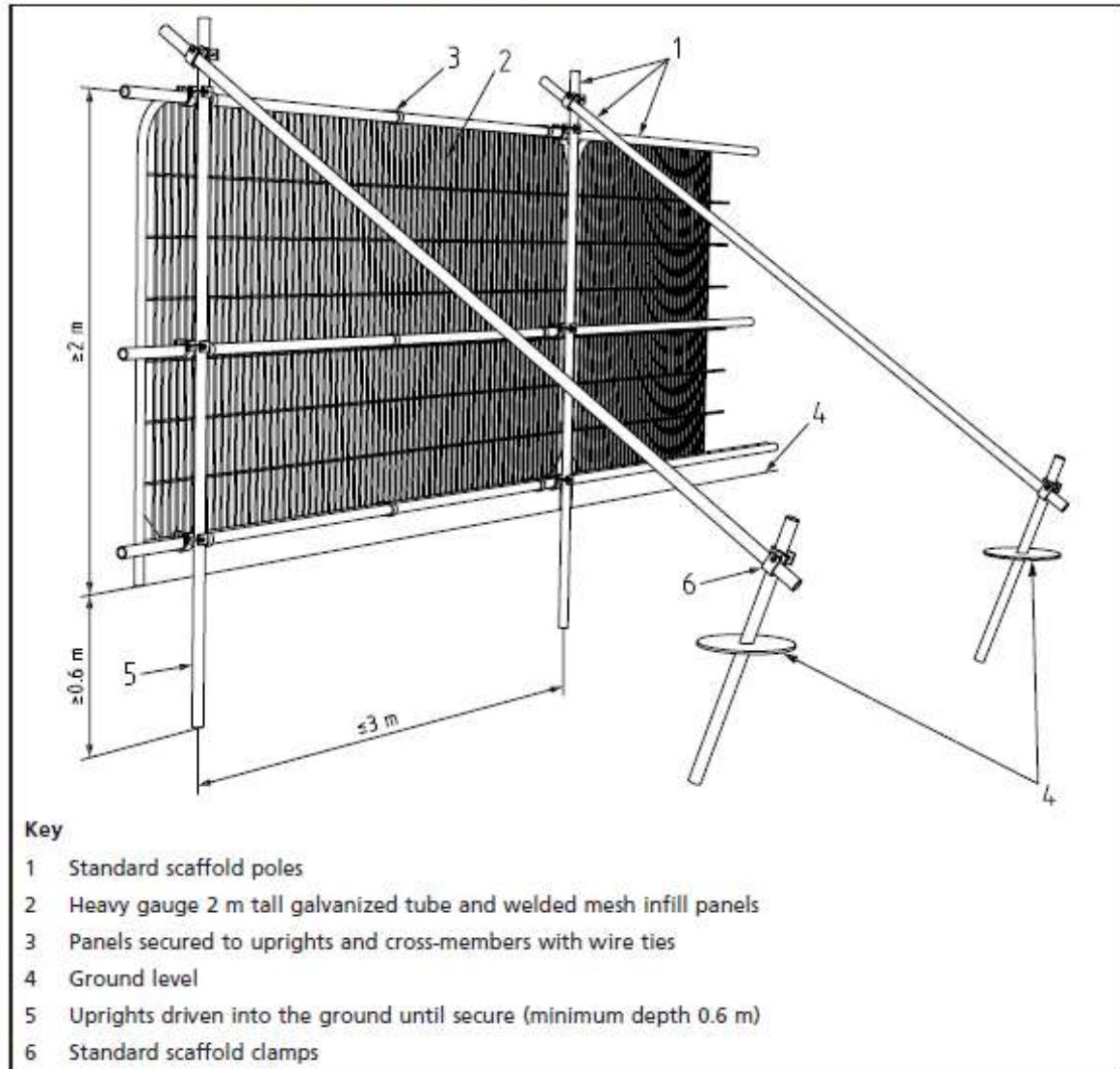
Category C

Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm. Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories. Trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value; and/or trees offering low or only temporary/transient landscape benefits. Trees with no material conservation or other cultural value.

Appendix 3

BS5837: 2012 Figure 2

Figure 2 Default specification for protective barrier



Appendix 4

Construction Principles of 'No Dig' Hard Surfaces Close to Trees

Special construction methods are required for hard surfaces within root protection areas [RPAs] of retained trees. Whilst the following information provides guidance in the principles of such construction, the final specification shall be determined in conjunction with a suitably qualified engineer and guidance from the manufacturers of the products used.

Important points to remember about tree roots:

- most tree roots are located in the top 600mm of soil, many are just below the surface,
- very fine, fibrous roots are just as important as large woody roots, they are easily damaged and prone to drying out,
- roots need moisture and oxygen to survive,
- soil compaction kills roots by reducing the soil's capacity to hold water and oxygen,
- 80% of compaction is caused by the first passage of a vehicle over soil,
- non permeable surfaces and damage to the soil surface such as smearing or panning prevents water penetration and gaseous exchange.

'No dig' hard surfaces near trees should:

- cause minimal disturbance to soils, both during construction and in the long term,
- provide a stable, permanent surface of sufficient strength and durability for its purpose,
- include a three dimensional cellular confinement system such as 'Geogrid' or 'Cellweb',
- be constructed using porous materials to enable percolation of water and gaseous exchange, e.g. gravel, porous tarmac or brick paviors with nibbed edges, joints should be filled with 6mm diameter washed aggregate to maintain porosity (not sand).

Construction principles:

- surface vegetation should be removed using an appropriate systemic herbicide that will not harm retained trees or manually, using hand tools,
- minor levelling of the existing surface can be carried out where necessary, but using hand tools only; hollows can be filled with sharp sand,
- any exposed roots should be covered with good quality top soil immediately to prevent them drying out; any damaged roots should be cut cleanly with a hand saw/ secateurs,
- tree stumps shall be removed using a stump grinder rather than by digging to minimise disturbance,
- no vehicles or machinery shall travel over unprotected soil surfaces near trees. Where it is necessary to move materials used in the construction of the surface they should be transported on the laid sub base as it is 'rolled out' through the RPA,
- the construction of the path or road should be carried out off an already completed section of the surface – not from bare ground,
- the completed surface may require protection if it will be used for access during the construction period, especially where it may see frequent use by heavy machinery.

Appendix 5

Removal of Debris Near Trees

1. The removal of any material should be carried out from outside the RPA whenever possible and from within the footprint of the existing building or surface where this is within the RPA of a tree.
2. The excavation of the material must not extend into the soil underneath. In practical terms the bucket of the excavator must be used so that the cutting edge is horizontal so that any disturbance of the underlying soil is kept to an absolute minimum. The cutting edge of the bucket should be flat and without 'teeth' to further reduce the risk of root damage. Where the surfacing is very thin and/or roots are very near the surface, the digging should be done manually.
3. Any exposed tree roots should be covered with good quality top soil immediately to prevent them drying out. Any damaged roots should be cut cleanly with a hand saw or secateurs.
4. Debris and rubble of any type must not be stockpiled within the RPA of the tree and must be exported without crossing the RPA.
5. Due care and planning must be taken to ensure that the operational arcs of excavators do not damage the crowns of retained trees.
6. Where new surfacing is to be installed, if the depth of the old surface is insufficient, the wearing surface may need to be higher than existing in order to accommodate the appropriate thickness. There may be a requirement for a geo-textile membrane to be laid on the soil surface, but this is an engineering matter dependent upon soil type. The separation is beneficial for root development.
7. Where the old surface is taken up and not replaced, the infill should be of good quality topsoil laid without compaction.

Appendix 6

Further Information

- Anon (2010) **British Standard Recommendations for Tree Work BS 3998: 2010**
British Standards Institution
2 Park Street, London W1A 2BS
- Anon (2012) **British Standard Recommendations for Trees in relation to design, demolition and construction BS 5837: 2012**
British Standards Institution
2 Park Street, London W1A 2BS
- Lonsdale D. **Principles of Tree Hazard Assessment & Management**
DETR, Elland House, Bressenden Place, London
- Mattheck C.
Breloer H. (1994) **The Body Language of Trees –A Handbook for Failure Analysis.**
DOE Arboricultural Advisory and Information Service
Alice Holt Lodge, Farnham, Surrey
- Mitchell A. (1989) **The Trees of Great Britain and Northern Europe**
Collins, Grafton Street, London
- Strouts R. G.
Winter T. G. (1994) **Diagnosis of Ill-Health in Trees**
DOE Arboricultural Advisory and Information Service
Alice Holt Lodge, Farnham, Surrey
- Anon (2007) **National Joint Utilities Group Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees**
One Castle Lane, London, SW1E 6DR
- Anon (2007) **Arboricultural Practice Note 12 ‘Through the Trees to Development**
Alice Holt Lodge, Wrecclesham, Farnham, Surrey, GU10 4LH

Appendix 7

Glossary

Terms used with specific arboricultural meaning.

AFAG	Arboriculture And Forestry Advisory Group – the body charged by the HSE with producing industry best practice guidance for the forestry and arboriculture industries.
Canopy/crown	The limbs and branches of a tree from above the stem or bole.
Compression fork	A non-shape optimised branch union, often associated with included bark, which is considered a structural defect.
Crown clean	The pruning out of dead, dying and defective branches, usually in association with a crown-thin.
Crown die – back	An accumulation of dead twigs and small branches at the periphery of the canopy, often associated with impaired root-function.
Crown Reduction	A pruning operation, which attempts to reduce the height and lateral spread of a tree's canopy by a given distance or percentage, by cutting long, terminal shoots back to shorter side shoots. The purpose is as for 'crown thinning' (see below), but is a more radical form of pruning.
Crown thin	The removal of a stipulated percentage of the small diameter shoots and branches throughout the canopy to provide a uniform reduction in the visual density. The operation is usually performed to reduce the wind-resistance of the canopy and thereby improve the stability of the tree/reduce the risk of branch breakage.
Grafted tree	One produced in the nursery by attaching a shoot from a particularly desirable form or species to a rooted stem ('rootstock'), often of a different species.
VTA	(Visual Tree Assessment) a ground-based investigation looking for tree defects based on the principle that a tree is a self-optimising structure, which attempts to maintain even stress over its entire surface by preferentially adding wood to overloaded areas (weak points). This additional wood shows up as abnormal bulges whose significance the VTA inspector is trained to determine through comparison with a normal (undamaged) tree.

Appendix 8

Paul Hanson

Ochil Cottage, Main Road, Guildtown, Perthshire, PH2 6BS, Scotland

Description of current role (from 1997)

Managing director of Arboretum Internationale Ltd., responsible for the day to day operations of the company, charged with maintaining high standards of quality and safety including that of any subcontractors. Duties include the pursuance of new business initiatives in the areas of arboricultural consultancy, training, and specialist contracting worldwide. Arboretum Internationale delivers a professional consultancy service addressing issues of tree safety, personal injury at work and the increasingly complicated field of trees within the planning system. Our team works as expert witnesses guiding legal counsel in matters relating to injuries and property damage where there is an arboricultural involvement. Since its inception in 2005 (revised in 2010) we have employed the guidance given in BS5837 'Recommendations for trees in relation to construction', liaising with architects, town planners, developers and home owners to achieve a maximum return financially and aesthetically allowing appropriate development in proximity to trees. Arboretum Internationale has extensive experience of working with clients to achieve sensible compromise solutions for trees located in Conservation Areas, or subject to Tree Preservation Orders and Planning Conditions throughout Scotland. Hazard tree and tree safety inspections are an integral part of our normal tree reporting systems, in addition to which we provide a bespoke dedicated tree assessment under the auspices of QTRA (Quantified Tree Risk Assessment). In recent years we have become one of the leading exponents of veteran tree management, striving to retain old, often defective trees with invaluable and dependant flora and fauna in locations with high public use. We regularly employ unusual management options to create effective solutions including the installation of propping and bracing systems, re-routing access, excluding under canopy areas (by fencing) and performing conservation pruning operations.

Previous experience

1995-97 Arboricultural Consultant, with the Scottish Agricultural College, delivering arboricultural consultancy and specialist training throughout Scotland. Responsible for the development of new business opportunities in the production and environmental sectors of the industry, liaising with other specialist advisors within SAC as required; participating in skills based and academic education programmes, accompanied by active pursuit of research and development.

1990-95 Arboricultural Manager, Continental Landscapes, Nottingham, responsible for the daily operation of a tree surgery team in the Midlands area; having a wider remit to supervise tree surgery in the northern area of the company's contracting field, ensuring work carried out to recognised national standards. 'In-house' company arboricultural trainer.

MEMBERSHIP OF PROFESSIONAL BODIES

Registered in the UK Register of Expert Witnesses (No. JSP/E3420)
Registered in the Law Society of Scotland, Directory of Expert Witnesses (No. 4362)
Registered with Expert Witness – Expert Consultant (No. EW4352-22-S)
Associate member of the Arboricultural Association (No. 200118)

COMMITTEE WORK & OTHER ACTIVITIES

Chairman of the Arboricultural Association's Scottish Branch (2008-)
Trustee of the Arboricultural Association (2001-2004)
Chairman of the Arboricultural Association's Scottish Branch (1997-2001)
Panel member of National Proficiency Tests Council 'Utility Arboriculture Standards Committee' (1999-2006)
Scottish representative on the Arboricultural Association's Commercial Committee (1996-98)

RELEVANT QUALIFICATIONS

AA Technicians Certificate
ISA Certified Arborist 1997 - 2009
RFS Certificate in Arboriculture
Licensed user of the Quantified Tree Risk Assessment System (no.1358)
Lantra Professional Tree Inspector

Site Plan 1

Tree Survey and Constraints Plan

Site Plan 2

Tree Protection Plan