AGENDA ITEM NO 6

REPORT NO 144/24

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 21 MAY 2024

BALGOWNIE FARM STEADING, EASSIE

REPORT BY THE DIRECTOR OF LEGAL, GOVERNANCE & CHANGE

1. ABSTRACT:

The Committee is asked to consider an application for a review in relation to the refusal of planning permission of application No. 21/00081/FULL for conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated work at Balgownie Farm Steading, Eassie.

2. ALIGNMENT TO THE COUNCIL PLAN AND COUNCIL POLICIES

This Report contributes to the following local outcomes contained within the Angus Council Plan 2023-2028:

- Caring for our people
- Caring for our place

3. RECOMMENDATIONS

It is recommended that the Committee:-

(i) consider and determine if further procedure is required as detailed in at Section 4;

(ii) if further procedure is required, the manner in which the review is to be conducted;

(iii) if no further procedure is required:

(a) review the case submitted by the Planning Authority **(Appendix 1)**;

(b) review the case submitted by the Applicant **(Appendix 2)**;

(c) consider the further lodged representations **(Appendix 3);** and

(d) consider the applicant's response to the further representations(**Appendix 4**).

4. CURRENT POSITION

The Development Management Review Committee is required to determine if they have sufficient information to determine the Review without further procedure. If members do not determine the review without further procedure, the Review Committee must determine the manner in which the review is to be conducted. The procedures available in terms of the regulations are: written submissions, hearing sessions or inspection of the land to which the review relates.

5. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from the recommendations of this Report.

6. RISK MANAGEMENT

There are no issues arising from the recommendations of this Report.

7. ENVIRONMENTAL IMPLICATIONS

There are no direct environmental implications arising from the recommendations of this Report.

8. EQUALITY IMPACT ASSESSMENT, HUMAN RIGHTS AND FAIRER SCOTLAND DUTY

An equality impact assessment is not required.

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.

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APPENDIX 1

ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL

APPLICATION NUMBER – 21/00081/FULL

APPLICANT – MR ROBERT MILLS AND MIRNA MELKI

PROPOSAL & ADDRESS – CONVERSION OF STEADING TO FORM SINGLE DWELLING HOUSE INCLUDING LANDSCAPING, BOUNDARY TREATMENTS, ERECTION OF A TREEHOUSE AND ASSOCIATED WORKS AT BALGOWNIE FARM STEADING EASSIE

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Angus Council

Application Number:	21/00081/FULL
Description of Development:	Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works
Site Address:	Balgownie Farm Steading Eassie
Grid Ref:	335502 : 746701
Applicant Name:	Mr Robert Mills and Mirna Melki

Report of Handling

Proposal

The proposal seeks planning permission for the conversion and alteration of a former steading to form a single dwellinghouse with an ancillary integral annex. The application site measures some 4600sqm. The proposal also includes refurbishment of an existing timber woodshed and the erection of a large tree house as well as landscaping and boundary treatments. The existing walls of the steading would be retained on the south and west elevations, along with a smaller section on the east elevation. The remains of the roof structure would be removed and replaced with corten steel cladding and timber cladding and these materials would also to be used on some of the walls along with significant areas of glazing. The overall height would be similar to the existing ridge height of the building. An area of ground would be excavated adjacent to the south elevation to allow for additional accommodation to be provided with additional openings being formed. Private drainage arrangements and SUDS are proposed, with a connection to the public water supply also being provided. Surface water and foul water soakaways are proposed to the north.

Amended Tree House Plan (drawing number 811P2-12a) submitted on the 08/06/21, Amended Location Plan (drawing number 811P2-01a) submitted on the 07/04/23; Amended Proposed First Floor Plans (drawing number 811P-08a), Amended Proposed Ground Floor plan (drawing number 811P2-07a) Amended Proposed Section Plans (drawing number 811P-10a), Amended Proposed Site plan (drawing number 811P2-11c); Amended Proposed Boundary Treatment and Sections at South Elevation Plan (drawing number 811P2-14) submitted on the 23/06/23; supersede the drawings previously submitted. These drawings show changes to the proposed design of the dwelling, identifies proposed passing places, identifies changes to drainage soakaways to accord with submitted drainage report, clarifies works to the south boundary and corrects errors.

Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 5 March 2021.

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

Planning History

07/00018/FUL for Conversion of Steading to Create Six Dwellinghouses was determined as "approved subject to conditions" on 13 May 2008.
20/00515/FULL for Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works was withdrawn on 18 November 2020.

Applicant's Case

Revised Design Statement - June 2023:
- Provides an introduction to the project and a policy framework
- States that as the development of the site will need to be phased
- Describes the architectural brief and the architectural design
- States the original building courtyard layout, form and size, as well as the north gabled features are to be recreated by a combination of restoration, extension and new buildings (to replace ruinous or collapsed buildings)
- Provides photos of buildings (existing) and 3D images of proposals
- Materials - The choice of external materials has been chosen to reflect those different (old and new) elements of the building; All new stonework will be built and coursed using salvaged stone
- Weathered Steel (also known as Corten), will be used as a replacement roof covering
- Details of the external grounds and landscaping are referred to
- Provides details of the approach / gateway and the tree house.

Planning Statement - Dated May 2023:
- States the proposals meet or exceed the policy requirements of the National Planning Framework and the Angus Local Development Plan. NPF4 policies - 1 (Climate & Nature Crisis); 2(Climate Mitigation); 3 (Biodiversity); 9 (Brownfield Land), 14 (Design, Quality and Place), 16 (Quality Homes) 17 (Rural Homes). Angus LDP policies - DS3 (Design Quality & Placemaking); DS4(Residential Amenity); TC2 (Residential Development); PV6 (Development in the Landscape); PV7 (Woodland, Trees and Hedges); PV11 (Energy Efficiency).
- States that a single-family dwelling will have less of an impact on highways safety, residential amenity and pressure on local services such as doctors, pharmacies and schools than the 6 houses previously approved.
- On balance, the applicants have made a strong case that all the Development Plan policy requirements have been met.

Hedge Pruning Statement - Dated August 2022:
- Method statement to establish an approach and document the applied method for installation of a new boundary retaining wall beside an existing Leylandii hedge within property boundary of neighbouring No.1 Balgownie Cottage and future home at Balgownie Steading.
- The Leyandii hedge appears to be planted approximately 0.5- 1m from the plot boundary and varies along its length.
- Describes boundary proposals and provides recommendations / mitigation including methodology for installing the retaining wall.
- Provides examples of integrated privacy fencing.

Flood Risk Report: Stage 1 Flood Risk Assessment - dated 22/06/23:
- Describes a site walkover on 14 June 2023 and concludes that:
- The site will not be at risk of flooding, provided the site is built in accordance with the

original scheme as set out in the current layout drawings; the minimum finished floor level will be set at approximately 69.0m AOD for the main range of buildings; Based on the estimated flood levels on adjacent ground, this will allow a freeboard of more than the minimum 600mm which is normally required. However, for the southern range, a slightly higher min FFL of 69.3m AOD is recommended.

- As ground levels along the access route from the main access track to the site entrance are typically at least 200mm higher than on the eastern site boundary (and levels beyond the boundary are likely to be lower), it is not anticipated that there will be a significant flooding long the access route at any time. Hence, pedestrian and vehicular access and egress will always be available.
- States that no new barriers to flow should be erected along the line of the anticipated overland flow as a result of flows in excess of culvert capacity. This includes not only new features such as boundary walls and buildings, but should also mean that the ruinous timber shed on the western boundary should not be replaced but simply demolished. Hence any new or replacement boundary features should be of an open type such as open-boarded fencing, post and wire fencing, or hedges.
- Similarly, no increase in ground level should be made along the overland flow route. Hence, any surfacing or drainage features should be at or below existing levels (to prevent any obstruction to flow). Any reduction in ground levels (however unlikely) should not be sufficient to alter the flow path of any flood-related overland flow.
- Although there is no anticipated risk of flooding, the proximity of potential overland flows to the building means that the use of flood resilient construction methods and materials is recommended.
- Provided these proposals are adhered to, the new building will not be at risk of flooding, and will not cause any increase in flooding to third party property. The report supports the proposed development.

Ground Assessment Report & Drainage Recommendations - dated 06/06/23:

- States that the purpose of the site visit was to carry out a ground investigation to determine the nature of the materials underlying the area of the site and to undertake the following: to carry out percolation testing to assess the suitability of the underground strata for the disposal of effluent from a sewage treatment system to the ground via a designed sub-surface soakaway system; to carry infiltration testing for the disposal design for surface waters from the proposed Development;
- Trail pits were undertaken.
- Recommended that it is proposed to discharge all the drainage from the proposed development within the site boundaries to ground.
- Concludes that the proposed drainage design and installations should not have an adverse effect on the development, neighbouring properties, or the water environment. Full details of the proposed sewage treatment system will be made available to the Building Standards Officer.
- SEPA - The installed sewage treatment system and discharge will require to be registered with SEPA under CAR.
- In terms of surface water disposal, the size of the proposed surface water infiltration trench is based on the impermeable surface areas of the development i.e. the house roof areas. Describes system maintenance and provides calculations.

Bat and nesting Bird Survey Report - dated 21.06.23:

- States that previous ecological survey work undertaken by Stone's Wildlife Management identified a small maternity roost of 34 soprano pipistrelle bats in 2020. A maternity roost was also present in the location in 2016 according to the 2020 report. On this basis an updated day survey and one nocturnal bat survey was considered to be sufficient update survey effort, undertaken in June 2023.

- States that not of all of the buildings could be surveyed internally due to access and health and safety constraints.
- The updated nocturnal bat survey confirmed the presence of a Natterer's bat roost within the building, with two bats recorded, as well as single common pipistrelle roost, and an unknown pipistrelle roost.
- The maternity roost was not recorded as present on the night of the survey.
- As the presence of roosting bats has been confirmed, it will be necessary to carry out works under a NatureScot derogation licence.
- States various recommendations to follow best practice guidance and ensure legal obligations are fulfilled;
- Also notes that Barn owl pellets, and active bird nests, including a wrens nest and a house martins nest were found during the day survey. A recommendation regarding the installation of bird boxes has been made including integral nest provision for barn owl and other bird species.
- Concludes that if the works commence more than 18 months from these surveys, update surveys should be undertaken.

Assessment of Structural Condition of Existing Buildings - dated 23 October 2020:
- Describes the condition of all buildings.
- States the buildings on the site are in varying conditions and have suffered to a lesser or greater extent as a result of exposure and weathering over a long period of time. Notes that the original survey was carried out in 2016 and there has been some deterioration since.
- However significant areas of the masonry that have remained largely protected are capable of retention and repair. Some of the walls need to be demolished and these are shown on a plan;
- States that repair and remedial works will be necessary to the majority of the remainder of the walls which are suitable for retention as structural elements for the new development.

Structural feasibility of proposal - dated 14 July 2021:
- Notes that as part of the project, it is necessary to lower the floor in one of the buildings and provide the necessary boundary treatment to enable protection of and access to the building close to the existing boundary.
- States that to enable lowering of the floor in the building, it is necessary to underpin the existing wall to form foundations at a lower level than the existing.
- The depth of underpinning required under the building varies along the length but is of a scale that is feasible for the works.
- Some of the trenching although not straightforward, this is technically feasible.
- The remainder of the works from sections 3 onwards are also structurally feasible. The method and details will need to be assessed by the contractor on site to suit specific working method preferences;
- From a review of the proposals, it is considered that the design principles of the proposal are technically feasible from an engineering perspective.

BS5837:2112 Tree Survey Balgownie Steading:
- An arboricultural survey has been carried out and this report prepared to support a full planning application to construct a new detached residential property at Balgownie Steading, Glamis.
- This report provides information in compliance with British Standard BS 5837:2012,
- Six trees are to be removed directly as a result of the proposal. One early mature birch and five small poorly formed rowans. Eight further trees have been recommended for removal due to condition.

- The focus of the report is on the small woodland accommodating the "Treehouse", the spruce at the proposed entrance and the line of trees found adjacent to the west of the steading. Works, although minor, are proposed within the root protection area of some of these trees and specialist methods of design and construction are to be employed to minimise the impact on these trees and to be acceptable to the local planning authority. The report contains a draft arboricultural method statement heads of terms in accordance with recommendations in Table B1 of BS 5837. It is recommended that a detailed arboricultural method statement is produced in response to a planning condition following planning consent.
- If the recommendations made within this report are followed, the development should be achievable in arboricultural terms and should be acceptable to the local planning authority.

The following Documents were submitted originally with the application but are now superseded due to the above additional information submitted and / or design changes:
- Construction and Roads Access Options (providing 2 different options)
- Surface Water Disposal Information - Dated May 2021
- Report on Owls by Stones Wildlife Management
- Ecological Mitigation for Balgownie Steading, Angus
- Species Protection Plan for Breeding birds - dated 03/02/21

Consultations

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

Angus Council Environmental Health - No objection. Notwithstanding this, due to the location of what appears to be a redundant fuel tank, a condition requiring a remediation statement is requested.

Aberdeenshire Council Archaeology Service - No objections. Requested a photographic survey condition being attached along with advisories on the decision notice.

Angus Council Roads (Traffic) - No objection subject to conditions requiring upgrade of the access track.

Angus Council Roads - Flooding - No objections subject to the following conditions/items being met: -
1. No new barriers to flow should be erected along the overland flow route for the culvert in perpetuity for the life of the development. Updated drawings will be required to demonstrate this.
a. Any new boundary treatments within this route should be of an open type which will allow water to pass freely.
b. No increase in ground levels along the overland flow route shall be made. Similarly any reductions in ground level must not result in any material change to location of the existing overland flow route.
c. The existing wood shed should be removed and no new or replacement structures erected within the overland flow route.
2. Freeboard must be provided as per the recommendations within the Flood Risk Assessment. Updated drawings will be required to demonstrate this.
3. Measures must be taken to adequately prevent flooding of the new package treatment plant for the development as this is shown to be sited within the overland flow route. Should this not be possible, the package treatment plant would require to be re-sited outwith the overland flow route. Updated drawings or information will be required to demonstrate this.

4. If an existing Mill Lade is uncovered during the construction or investigation stage then suitable mitigations must be proposed for approval of the local authority and subsequently undertaken.
5. Paving with the overland flow route must be of a permeable nature as cannot be drained by soakaway. Updated drawings will be required to demonstrate this.
6. Paving outwith the overland flow route must be of a permeable nature or suitable proposals for drainage of these areas must be incorporated into the site drainage plans. Updated drawings will be required to demonstrate this.

In subsequent discussion, it has indicated that the decision not to offer objection is based on it being demonstrated that the above requirements can be met, and on the understanding that the submitted drainage information, including the infiltration testing is accurate. It has been indicated that if the submitted information is not accurate, advice regarding drainage and flooding could change materially as this would affect understanding of issues in the area and as the submitted design relies upon this information.

Scottish Environment Protection Agency - No objections. In terms of Flood Risk, SEPA agree with the conclusion of the FRA that out of bank flood water will flow overland towards the access road for the site. States the design flows proposed in the FRA for this catchment, and the depth of overland flow, are in accordance with their assessment. Content that the main courtyard buildings are not at flood risk and the proposal is in accordance with NPF4 Policy 22. The issue of vehicular access through floodwater is for Angus Council to determine. In relation to off-site concerns, SEPA notes the septic tank associated with Cottage 4 is an existing tank, which is already at flood risk and that the proposed development is downstream of the ditch and therefore will not make the existing flood risk to this septic tank worse, unless grey/foul water was being discharged directly into the watercourse.

Community Council - Objects to the application. Highlighted that the track upgrade should be undertaken before any development of the steading. Requested a structural engineers report for works to the south wall of the steading be provided. Also raised concerns regarding amenity on neighbouring housing, inappropriate materials and unresolved surface water drainage issues.

Representations

24 letters of representation have been received raising objection. It should be noted that many objections have been received by the same households. In summary terms the following issues are raised: -

- Proposal does not comply with development plan policy and supplementary guidance.
- Poor residential environment for residents and adverse impact on amenity of existing residents.
- Contaminated land issues.
- Unacceptable design and materials inappropriate for the area.
- Materials proposed have an extremely high embodied carbon rating contributing to global warming potential.
- Impacts on trees and adverse impact on natural environment.
- Inappropriate access arrangements and associated impacts on neighbours and neighbouring land uses and issues regarding ability to implement improvements to track.
- Flood risk concerns, existing flooding issues in the area, impact on existing infrastructure, and unacceptable drainage and flood risk impacts, including information to question infiltration testing.
- Adequacy of supporting information.
- Accuracy of structural report relating to retaining walls, level changes and that building may

not have structural integrity to support roof finish and potential for damage to neighbouring property.
- Inaccurate application form (not ticking box that area is at risk of flooding) and inaccurate drawings (shed location, septic tank location, sections).
- Adequacy of infrastructure, specifically water pressure and electrical supply.
- Permitted development rights should be removed.
- Concern that studio is commercial use and annex is dwelling.

Development Plan Policies

NPF4 – national planning policies

Policy 1 Tackling the climate and nature crises
Policy 2 Climate mitigation and adaptation
Policy 3 Biodiversity
Policy 4 Natural places
Policy 5 Soils
Policy 6 Forestry, woodland and trees
Policy 9 Brownfield, vacant and derelict land and empty buildings
Policy 12 Zero waste
Policy 13 Sustainable transport
Policy 14 Design, quality and place
Policy 16 Quality homes
Policy 17 Rural homes
Policy 18 Infrastructure first
Policy 22 Flood risk and water management
Policy 23 Health and safety
Policy 29 Rural development

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities
Policy DS3 : Design Quality and Placemaking
Policy DS4 : Amenity
Policy TC2 : Residential Development
Policy PV5 : Protected Species
Policy PV6 : Development in the Landscape
Policy PV7 : Woodland, Trees and Hedges
Policy PV12 : Managing Flood Risk
Policy PV15 : Drainage Infrastructure
Policy PV18 : Waste Management in New Development
Policy PV20 : Soils and Geodiversity

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.

In this case the development plan comprises: -

- National Planning Framework 4 (NPF4) (Published 2023)
- Angus Local Development Plan (ALDP) (Adopted 2016)

The development plan policies relevant to the determination of the planning application are reproduced at Appendix 1 and have been taken into account in preparing this report.

The ALDP was adopted in September 2016 while NPF4 was adopted in February 2023. Planning legislation indicates that where there is any incompatibility between the provision of the national planning framework and the provision of a local development plan, whichever of them is the later in date is to prevail.

The site is located outwith a development boundary and is not allocated or otherwise identified for development in the ALDP. Policy DS1 of the Angus Local Development Plan (ALDP) indicates that proposals for development outwith development boundaries will be supported where they are of a scale and nature appropriate to the location and where they are in accordance with relevant policies of the ALDP. Both the ALDP and NPF4 encourage the reuse of brownfield land in preference to the use of greenfield land.

NPF4 and ALDP seek amongst other things, to maintain and protect the diversity and quality of the rural area and to promote rural revitalisation by encouraging sustainable development in rural areas, recognising the need to grow and support rural communities.

NPF4 Policy 17 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations. It indicates that development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area. Policy TC2 in the ALDP indicates that in countryside locations the council will support proposals for the development of dwellinghouses which fall into at least one of a number of categories which include conversion of non-residential buildings and redevelopment of brownfield sites. The site is in an area defined as a category 1 rural settlement unit (RSU).

Policy TC2 of the ALDP deals specifically with proposals for new residential development. The policy identifies the circumstances where the council will support new housing in the countryside. The policy is supported by adopted countryside housing supplementary guidance (CHSG).

The principle of redeveloping the vacant building and regenerating the site is broadly compatible with policy. While a structural survey indicates that not all of the building may be capable of retention, retaining what can be kept is consistent with policy and minuses waste.

Policy TC2 in the ALDP also indicates that all proposals for new residential development must be compatible in terms of land use; provide a satisfactory residential environment; not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and to include provision for affordable housing in accordance with Policy TC3 in the ALDP. National planning policies require consideration of similar issues. The ALDP also requires proposals for new residential development to be assessed in terms of the council's CHSG.

The surrounding area is predominantly characterised by a combination of agricultural land and dispersed or small groups of houses and agricultural buildings. It is not uncommon for houses in rural areas throughout Angus to be located in close proximity to agricultural land. The proposal would generally be compatible with the land uses in the surrounding area.

In terms of the residential environment to be provided, the plot would have a reasonable degree of privacy. There would be adequate private garden ground and space to provide vehicle parking and turning and bin and recycling storage. The environmental health service is satisfied that issues associated with potential contamination could be addressed by planning condition. There would be adequate separation between the proposed dwelling and existing dwellings when assessed against council guidance set out in council planning advice notes which provide guidance on safeguarding amenity, specifically advice note 14 and 1/2016 in so far as they are relevant. The design has been amended to reduce potential for direct overlooking of the closest neighbouring property and neighbouring property would continue to enjoy a high degree of privacy. While the provision of a new house would have some impact on the amenity of those that currently live nearby, that must be balanced against the benefit that would be derived from removing dereliction or the potential for reuse of the building for agricultural activity. In general terms the proposal would provide a good living environment and would not unacceptably impact the amenity of neighbouring property, although issues related to drainage and flood risk are addressed below.

In terms of the built environment, the existing building is not designated as being of special architectural or historic interest. There is some evidence of areas of archaeological interest in the surrounding area, but the council's archaeological advisor has offered no objection to the application. The proposal seeks to retain elements of the existing farm building structure while at the same time introducing contemporary design elements and new building materials. While weathered steel and timber roofing is not common in Angus, it is not uncommon to see traditional farm buildings or farm complexes throughout the rural area adapted with the addition of modern metal buildings or extensions and corrugated metal roofs can be seen as a feature on old farm buildings. In general terms, the proposal retains the basic scale and form of the existing traditional steading. The mix of materials is not inappropriate in the context of what was a farm building group and the more contemporary design features clearly differentiate the old and new sections of the building. There are some design features that would benefit from amendment, but those could be addressed by condition. Overall, the design and layout are broadly acceptable and do not give rise to significant conflict with the council's design and placemaking supplementary guidance.

The site is not subject of any designation for natural heritage reasons. Information submitted with the application confirms the presence of roosting bats and of nesting birds. In terms of the natural environment, an updated bat survey was undertaken. As the presence of roosting bats has been confirmed, it will be necessary to carry out works under a NatureScot derogation licence and the report provided various recommendations to follow best practice guidance and ensure legal obligations are fulfilled. However, if a purposeful use is not found for the building, its condition is likely to deteriorate reducing its value as a habitat and there is some public interest in seeing a redundant building brought back to purposeful use. The report recommends the installation of bird boxes, including integral nest provision for barn owl and other bird species. There are trees within the application site and a submitted report identifies that some tree felling would be necessary to facilitate the development, and some would be beneficial for management purposes. These matters could be addressed by planning condition.

In relation to access issues, it is relevant to note that this is an existing building, and it could be reused for agricultural purpose without any planning permission and without any planning requirement for upgrade of the track. Notwithstanding that, the council's advice note 17 generally seeks upgrade of tracks where they will serve a number of residential properties to ensure they are acceptable for increased use by vehicles that may typically serve residential property. In this case, the proposal has been amended to include provision of passing places and upgrade works to the track. The roads service has reviewed the proposal and has raised no

objections in relation to access and parking arrangements subject to conditions, including conditions that require the upgrade works to be completed. The track is outwith the application site and does not appear to be in the applicants control. In such circumstance a negative suspensive condition requiring the upgrading to be undertaken prior to the commencement of development could be used.

The application site is not located within an area where SEPA flood maps identify a significant risk of flooding from any source, but a small pocket of surface water flooding is identified to the east of the development site. The roads service has indicated that the SEPA flood maps do not account for smaller watercourses and there is a minor culverted watercourse which runs through/adjacent to the eastern side of the site from south to north. Flooding and ponding has been observed at the east side of the site and as such there may be a risk of flooding which is not shown on the maps.

NPF4 policy 18 requires that the impacts of development proposals on infrastructure should be mitigated.
It states that development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure and clarifies that this includes drainage systems and sewerage (including flood risk management). Policy 22 aims to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. It states that development proposals will not increase the risk of surface water flooding to others, or itself be at risk and also manage all rain and surface water through sustainable urban drainage systems SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. It states that all proposals should seek to minimise the area of impermeable surface. Policy PV12 of the ALDP also deals with flood risk and amongst other things, the policy states, there will be a general presumption against built development which materially increases the probability of flooding to existing or planned development.

A flood risk report was submitted, and it indicates that pedestrian and vehicular access would be available to/ from the site in a flood event. In addition, a ground assessment and drainage recommendations report has been submitted. That document provides information on infiltration testing and indicates it has been undertaken as per the Domestic Scottish Building Standards Technical Handbook and BRE Digest 365, and advises it is proposed to deal with surface water from the proposed development by means of discharge to soakaway.

Foul drainage for the development would be provided by means of a package treatment plan and the details of this would require building warrant approval. However, the roads service has highlighted that the foul drainage system is shown as being sited within the overland flow route for flooding. It has some concern that package treatment plants can be damaged by flooding and as such recommend that measures are taken to prevent flooding of the plant or that it is re-sited outwith the path of the overland flow route. Similarly, while precise details of the surface water soakaway would require building warrant approval, the roads service has indicated that hard surface is shown within the overland flow route, and, unless the surface is permeable, associated flows could overwhelm the soakaway.

The applicant was invited to provide information to demonstrate that the requirements identified by the roads service (as detailed in the consultation response section of this report) could be met. No response has been received to this request.

In addition, letters of representations query the accuracy of the information provided in relation to the infiltration testing. Specifically, photographic and documentary evidence has been submitted by an interested party which suggests the testing was not undertaken for the requisite

time period as claimed in the submitted report. The applicants were asked to comment on these matters and advised they will not respond to any correspondence relating to professional differences of opinion and will not comment on information submitted by other parties regarding inaccuracy of infiltration testing. The applicants suggest there is sufficient information to allow the application to be determined.

While the roads service has raised no objections in relation to flood risk and drainage matters, this is only on the basis that the matters identified in its consultation response can be met, and that the drainage report submitted is accurate. The applicant has not provided information to demonstrate that the conditions required by the roads service can be met, and it has failed to provide any information to dispute the third party information which questions the veracity of the drainage report and the information provided in relation to infiltration rates which has been relied upon in soakaway design. The roads service has advised that it would be concerned if the submitted information was found not to be accurate and it would affect its consultation response as this would materially affect understanding of drainage and flood risk in the area.

The council's expert advisor on flooding and drainage indicates that the accuracy of the submitted data is relevant to determination of the matter. Information submitted by an interested party raises reasonable doubt regarding the accuracy of the submitted information. The applicants have been invited to address this matter and provide information or evidence to confirm the veracity of their information or to rebut the claims made by the interested party but have declined to provide further information. In addition, no information has been provided to demonstrate that the conditions required by the roads service can be met. As matters stand, there is information which demonstrates some localised flood risk and there is information that raises reasonable doubt regarding information on drainage matters submitted in support of the application. In these circumstances and having regard to the advice from the roads service, it is concluded that there is insufficient information to demonstrate that matters regarding drainage and associated flood risk have been satisfactorily addressed such as to demonstrate compliance with policies 18 and 22 of NPF4 and policy PV12 of the ALDP.

A treehouse is proposed within a wooded area within the site, but this does not give rise to significant issue. The site is reasonably large and would benefit from extensive permitted development rights which could impact woodland and which could materially impact drainage and flood risk. However, a condition could be used to remove permitted development as necessary.

The proposal is not of a scale where it would require a developer contribution or affordable housing provision when assessed against the council's developer contributions and affordable housing supplementary guidance. There is no reason to consider that the proposal would result in a significant impact upon infrastructure beyond drainage and flooding issues discussed above.

The proposal does not give rise to any significant issues in terms of the appendix 3 requirements of the council's CHSG.

The proposal is generally compatible with topic specific policies and with the council's approach for housing in the rural area, but as detailed above, it has not been demonstrated that the proposal complies with relevant policies on flood risk and drainage. As with any proposal, the development attracts support from some policies and is not entirely compatible with others. However, when those matters are balanced and considered in the round, in circumstances where compliance with flood risk and drainage policies has not been demonstrated, the proposal is contrary to the development plan.

In relation to other material considerations, the site has previously been granted planning permission for six houses, but that permission has expired. The development plan has changed in the period since grant of that permission in 2008, and the historic permission is of limited materiality.

A number of representations have been made in relation to the proposal and those are material in so far as they raise relevant planning matters. Material issues have generally been discussed in the policy discussion above, but further comment is provided below.

Issues regarding compliance with planning policy are discussed above. While the principle of residential development on the site is broadly acceptable, the proposal does not comply with the development plan for reasons related to drainage and flood risk. Reference to Policy H12 Farm Building Conversions of the Angus Local Plan 2000 is irrelevant as it no longer forms part of the development plan.

As discussed above, the proposal would provide a good living environment and impacts on the amenity of occupants of neighbouring property would not be unacceptable having regard to proposed mitigation and the council's design guidance. The proposal has been amended to reduce impact on neighbouring property and mitigation of impact could be secured by planning condition. Matters regarding potential ground contamination could be addressed by planning condition.

The design does not give rise to significant conflict with relevant policies or with the council's design and placemaking supplementary guidance. It is considered generally acceptable for the reasons set out above. The proposal seeks to use steel which may not be regarded as a particularly sustainable material; however, it also seeks to reuse a derelict building and its embodied carbon. The use of steel does not make the proposal unsustainable or contrary to policy.

Impact on the natural environment would not be unacceptable for the reasons set out in the policy discussion above and matters could be addressed by condition as necessary.

The roads service has offered no objection to the proposal subject to upgrade of the track. While that may not be in the ownership or control of the applicants, a negative suspensive planning condition could be used to require upgrade of the track prior to the commencement of development. The willingness of those with an ownership interest to allow that work to progress and issues associated with future maintenance of the track are a civil matter.

For reasons set out in the policy discussion above, it is concluded that there is insufficient information to demonstrate that the proposal is compatible with relevant development plan policies that deal with drainage and flood risk. SEPA has advised that an existing specific tank is already at risk of flooding and the proposed works would not make the existing flood risk situation to this septic tank worse. Issues associated with existing pipework within the site and legal or other agreements between parties are civil matters.

Issues regarding the structural stability of the building, associated specification, and potential for subsidence in the area are matters that can more appropriately be addressed and regulated through building regulations and the building warrant process. Ultimately, it would be a matter for a structural engineer to certify works. Available information does not indicate that an engineering solution to these matters could not be secured. A mitigation scheme for boundary treatments and impacts on leylandii hedging has been provided and there is no reason to consider that this would not be acceptable.

Scottish Water has offered no objection in terms of water supply. Electrical supply to the property is a matter for the relevant utility provider.

As discussed above, it would be appropriate to remove certain permitted development rights if planning permission was granted and that could be done by planning condition.

The applicant has confirmed that the proposed studio would be for private use and that the annex accommodation would be ancillary to the main dwelling. This could be regulated by condition.

In conclusion, the principle of reuse of the redundant building for residential use attracts reasonably significant support from development plan policy. However, this is an area where information indicates that there is localised flood risk. While the applicants have provided information to demonstrate the proposal is acceptable in terms of drainage and flood risk considerations, third parties have provided information that questions the accuracy of that information. The applicants have been provided opportunity to address that matter but have provided no clarification or rebuttal. In such circumstance and having regard to the nature of the third-party evidence and advice from the council's roads service, there is reasonable doubt and insufficient information to demonstrate compliance with relevant development plan policies that deal with drainage and flood risk. The proposal is contrary to development plan policy as it has not been demonstrated that the proposal complies with drainage and flood risk policies. There are no material considerations that justify approval of planning permission contrary to the provisions of the development plan.

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.

Decision

The application is Refused

Reason(s) for Decision:

The proposal is contrary to policy PV12 of the Angus Local Development Plan (2016) and policies 18 and 22 of NPF4 because it has not been demonstrated that appropriate drainage provision can be made and that the development would not materially increase the probability of flooding to existing or planned development.

Case Officer: James Wright
Date: 31 October 2023

Appendix 1 - Development Plan Policies

NPF4 – national planning policies

Policy 1 Tackling the climate and nature crises
When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy 2 Climate mitigation and adaptation
a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Policy 3 Biodiversity
a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
ii. wherever feasible, nature-based solutions have been integrated and made best use of;
iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long- term retention and monitoring should be included, wherever appropriate; and
v. local community benefits of the biodiversity and/or nature networks have been considered.

c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.

d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing

nature networks and maximising the potential for restoration.

Policy 4 Natural places
a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.

b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an "appropriate assessment" of the implications for the conservation objectives.

c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:
i. The objectives of designation and the overall integrity of the areas will not be compromised; or
ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

All Ramsar sites are also European sites and/ or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.

d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:
i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or
ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.

f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:
i) will support meeting renewable energy targets; or,
ii) is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area.

All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.

Policy 5 Soils
a) Development proposals will only be supported if they are designed and constructed:
i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and

ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.

b) Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:
i. Essential infrastructure and there is a specific locational need and no other suitable site;
ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite;
iii. The development of production and processing facilities associated with the land produce where no other local site is suitable;
iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and

In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.

c) Development proposals on peatland, carbon- rich soils and priority peatland habitat will only be supported for:
i. Essential infrastructure and there is a specific locational need and no other suitable site;
ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets;
iii. Small-scale development directly linked to a rural business, farm or croft;
iv. Supporting a fragile community in a rural or island area; or
v. Restoration of peatland habitats.

d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:
i. the baseline depth, habitat condition, quality and stability of carbon rich soils;
ii. the likely effects of the development on peatland, including on soil disturbance; and
iii. the likely net effects of the development on climate emissions and loss of carbon.

This assessment should inform careful project design and ensure, in accordance with relevant guidance and the mitigation hierarchy, that adverse impacts are first avoided and then minimised through best practice. A peat management plan will be required to demonstrate that this approach has been followed, alongside other appropriate plans required for restoring and/ or enhancing the site into a functioning peatland system capable of achieving carbon sequestration.

e) Development proposals for new commercial peat extraction, including extensions to existing sites, will only be supported where:
i. the extracted peat is supporting the Scottish whisky industry;
ii. there is no reasonable substitute;
iii. the area of extraction is the minimum necessary and the proposal retains an in-situ residual depth of part of at least 1 metre across the whole site, including
iv. the time period for extraction is the minimum necessary; and
v. there is an agreed comprehensive site restoration plan which will progressively restore, over a reasonable timescale, the area of extraction to a functioning peatland system capable of achieving carbon sequestration.

Policy 6 Forestry, woodland and trees
a) Development proposals that enhance, expand and improve woodland and tree cover will be supported.

b) Development proposals will not be supported where they will result in:
i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;
ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;
iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;
iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.

c) Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.

d) Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design.

Policy 9 Brownfield, vacant and derelict land and empty buildings
a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.
b) Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.
c) Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.
d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

Policy 12 Zero waste
a) Development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.

b) Development proposals will be supported where they:
i. reuse existing buildings and infrastructure;
ii. minimise demolition and salvage materials for reuse;
iii. minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life;
iv. use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials;
v. use materials that are suitable for reuse with minimal reprocessing.

c) Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:

i. provision to maximise waste reduction and waste separation at source, and
ii. measures to minimise the cross- contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.

d) Development proposals for waste infrastructure and facilities (except landfill and energy from waste facilities) will be only supported where:
i. there are no unacceptable impacts (including cumulative) on the residential amenity of nearby dwellings, local communities; the transport network; and natural and historic environment assets;
ii. environmental (including cumulative) impacts relating to noise, dust, smells, pest control and pollution of land, air and water are acceptable;
iii. any greenhouse gas emissions resulting from the processing and transportation of waste to and from the facility are minimised;
iv. an adequate buffer zone between sites and sensitive uses such as homes is provided taking account of the various environmental effects likely to arise;
v. a restoration and aftercare scheme (including appropriate financial mechanisms) is provided and agreed to ensure the site is restored;
vi. consideration has been given to co-location with end users of outputs.

e) Development proposals for new or extended landfill sites will only be supported if:
i. there is demonstrable need for additional landfill capacity taking into account Scottish Government objectives on waste management; and
ii. waste heat and/or electricity generation is included. Where this is considered impractical, evidence and justification will require to be provided.

f) Proposals for the capture, distribution or use of gases captured from landfill sites or waste water treatment plant will be supported.

g) Development proposals for energy-from-waste facilities will not be supported except under limited circumstances where a national or local need has been sufficiently demonstrated (e.g. in terms of capacity need or carbon benefits) as part of a strategic approach to residual waste management and where the proposal:
i. is consistent with climate change mitigation targets and in line with circular economy principles;
ii. can demonstrate that a functional heat network can be created and provided within the site for appropriate infrastructure to allow a heat network to be developed and potential local consumers have been identified;
iii. is supported by a heat and power plan, which demonstrates how energy recovered from the development would be used to provide electricity and heat and where consideration is given to methods to reduce carbon emissions of the facility (for example through carbon capture and storage)
iv. complies with relevant guidelines published by Scottish Environment Protection Agency (SEPA); and
v. has supplied an acceptable decarbonisation strategy aligned with Scottish Government decarbonisation goals.

Policy 13 Sustainable transport
a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals:
i. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy.

ii. which support a mode shift of freight from road to more sustainable modes, including last-mile delivery.
iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).

b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:
i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
ii. Will be accessible by public transport, ideally supporting the use of existing services;
iii. Integrate transport modes;
iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
viii. Adequately mitigate any impact on local public access routes.

c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.

d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.

e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.

f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.

g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered by Transport Scotland where significant economic or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with relevant guidance and where there will be no adverse impact on road safety or operational

performance.

Policy 14 Design, quality and place

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Policy 16 Quality homes

a) Development proposals for new homes on land allocated for housing in LDPs will be supported.

b) Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:

i. meeting local housing requirements, including affordable homes;
ii. providing or enhancing local infrastructure, facilities and services; and
iii. improving the residential amenity of the surrounding area.

c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:

i. self-provided homes;
ii. accessible, adaptable and wheelchair accessible homes;
iii. build to rent;
iv. affordable homes;

v. a range of size of homes such as those for larger families;
vi. homes for older people, including supported accommodation, care homes and sheltered housing;
vii. homes for people undertaking further and higher education; and
viii. homes for other specialist groups such as service personnel.

d) Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.

e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:
i. a higher contribution is justified by evidence of need, or
ii. a lower contribution is justified, for example, by evidence of impact on viability,
where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes.

The contribution is to be provided in accordance with local policy or guidance.

f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:
i. the proposal is supported by an agreed timescale for build-out; and
ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
iii. and either:
o delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
o the proposal is consistent with policy on rural homes; or
o the proposal is for smaller scale opportunities within an existing settlement boundary; or
o the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

g) Householder development proposals will be supported where they:
i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

Policy 17 Rural homes
a) Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:
i. is on a site allocated for housing within the LDP;

ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention;
iii. reuses a redundant or unused building;
iv. is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
vi. is for a single home for the retirement succession of a viable farm holding;
vii. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
viii. reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.

b) Development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location.

c) Development proposals for new homes in remote rural areas will be supported where the proposal:
i. supports and sustains existing fragile communities;
ii. supports identified local housing outcomes; and
iii. is suitable in terms of location, access, and environmental impact.

d) Development proposals for new homes that support the resettlement of previously inhabited areas will be supported where the proposal:
i. is in an area identified in the LDP as suitable for resettlement;
ii. is designed to a high standard;
iii. responds to its rural location; and
iv. is designed to minimise greenhouse gas emissions as far as possible.

Policy 18 Infrastructure first
a) Development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes will be supported.

b) The impacts of development proposals on infrastructure should be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. Where planning conditions, planning obligations, or other legal agreements are to be used, the relevant tests will apply.

Where planning obligations are entered into, they should meet the following tests:
- be necessary to make the proposed development acceptable in planning terms
- serve a planning purpose
- relate to the impacts of the proposed development
- fairly and reasonably relate in scale and kind to the proposed development
- be reasonable in all other respects

Planning conditions should only be imposed where they meet all of the following tests. They should be:
- necessary
- relevant to planning
- relevant to the development to be permitted

- enforceable
- precise
- reasonable in all other respects

Policy 22 Flood risk and water management

a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:

i. essential infrastructure where the location is required for operational reasons;

ii. water compatible uses;

iii. redevelopment of an existing building or site for an equal or less vulnerable use; or.

iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long- term safety and resilience can be secured in accordance with relevant SEPA advice.

The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk.

In such cases, it will be demonstrated by the applicant that:

o all risks of flooding are understood and addressed;

o there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;

o the development remains safe and operational during floods;

o flood resistant and resilient materials and construction methods are used; and

o future adaptations can be made to accommodate the effects of climate change.

Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require:

o the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and

o that the proposal does not create an island of development and that safe access/ egress can be achieved.

b) Small scale extensions and alterations to existing buildings will only be supported where they will not significantly increase flood risk.

c) Development proposals will:

i. not increase the risk of surface water flooding to others, or itself be at risk.

ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue- green infrastructure. All proposals should presume no surface water connection to the combined sewer;

iii. seek to minimise the area of impermeable surface.

d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.

e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.

Policy 23 Health and safety

a) Development proposals that will have positive effects on health will be supported. This could include, for example, proposals that incorporate opportunities for exercise, community

food growing or allotments.

b) Development proposals which are likely to have a significant adverse effect on health will not be supported. A Health Impact Assessment may be required.

c) Development proposals for health and social care facilities and infrastructure will be supported.

d) Development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely.

e) Development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.

f) Development proposals will be designed to take into account suicide risk.

g) Development proposals within the vicinity of a major accident hazard site or major accident hazard pipeline (because of the presence of toxic, highly reactive, explosive or inflammable substances) will consider the associated risks and potential impacts of the proposal and the major accident hazard site/pipeline of being located in proximity to one another.

h) Applications for hazardous substances consent will consider the likely potential impacts on surrounding populations and the environment.

i) Any advice from Health and Safety Executive, the Office of Nuclear Regulation or the Scottish Environment Protection Agency that planning permission or hazardous substances consent should be refused, or conditions to be attached to a grant of consent, should not be overridden by the decision maker without the most careful consideration.

j) Similar considerations apply in respect of development proposals either for or near licensed explosive sites (including military explosive storage sites).

Policy 29 Rural development

a) Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including:

i. farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected;
ii. diversification of existing businesses;
iii. production and processing facilities for local produce and materials, for example sawmills, or local food production;
iv. essential community services;
v. essential infrastructure;
vi. reuse of a redundant or unused building;
vii. appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
viii. reuse of brownfield land where a return to a natural state has not or will not happen without intervention;
ix. small scale developments that support new ways of working such as remote working, homeworking and community hubs; or

x. improvement or restoration of the natural environment.

b) Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.

c) Development proposals in remote rural areas, where new development can often help to sustain fragile communities, will be supported where the proposal:
i. will support local employment;
ii. supports and sustains existing communities, for example through provision of digital infrastructure; and
iii. is suitable in terms of location, access, siting, design and environmental impact.

d) Development proposals that support the resettlement of previously inhabited areas will be supported where the proposal:
i. is in an area identified in the LDP as suitable for resettlement;
ii. is designed to a high standard;
iii. responds to their rural location; and
iv. is designed to minimise greenhouse gas emissions as far as possible.

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities
All proposals will be expected to support delivery of the Development Strategy.

The focus of development will be sites allocated or otherwise identified for development within the Angus Local Development Plan, which will be safeguarded for the use(s) set out. Proposals for alternative uses will only be acceptable if they do not undermine the provision of a range of sites to meet the development needs of the plan area.

Proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.

Proposals for sites outwith but contiguous* with a development boundary will only be acceptable where it is in the public interest and social, economic, environmental or operational considerations confirm there is a need for the proposed development that cannot be met within a development boundary.

Outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP.

In all locations, proposals that re-use or make better use of vacant, derelict or under-used brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.

Development of greenfield sites (with the exception of sites allocated, identified or considered appropriate for development by policies in the ALDP) will only be supported where there are no suitable and available brownfield sites capable of accommodating the proposed development.

Development proposals should not result in adverse impacts, either alone or in combination with other proposals or projects, on the integrity of any European designated site, in accordance with Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value.

*Sharing an edge or boundary, neighbouring or adjacent

Policy DS3 : Design Quality and Placemaking
Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

o Distinct in Character and Identity: Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.
o Safe and Pleasant: Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.
o Well Connected: Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in 'Designing Streets' are addressed.
o Adaptable: Where development is designed to support a mix of compatible uses and accommodate changing needs.
o Resource Efficient: Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform.

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

Policy DS4 : Amenity
All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.
Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate

mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

Policy TC2 : Residential Development
All proposals for new residential development*, including the conversion of non-residential buildings must:

- be compatible with current and proposed land uses in the surrounding area;
- provide a satisfactory residential environment for the proposed dwelling(s);
- not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and
- include as appropriate a mix of house sizes, types and tenures and provision for affordable housing in accordance with Policy TC3 Affordable Housing.

Within development boundaries Angus Council will support proposals for new residential development where:

- the site is not allocated or protected for another use; and
- the proposal is consistent with the character and pattern of development in the surrounding area.

In countryside locations Angus Council will support proposals for the development of houses which fall into at least one of the following categories:

- retention, renovation or acceptable replacement of existing houses;
- conversion of non-residential buildings;
- regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use;
- single new houses where development would:
- round off an established building group of 3 or more existing dwellings; or
- meet an essential worker requirement for the management of land or other rural business.
- in Rural Settlement Units (RSUs)**, fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility; and
- in Category 2 Rural Settlement Units (RSUs), as shown on the Proposals Map, gap sites (as defined in the Glossary) may be developed for up to two houses.

Further information and guidance on the detailed application of the policy on new residential development in countryside locations will be provided in supplementary planning guidance, and will address:

- the types of other buildings which could be considered suitable in identifying appropriate gap sites for the development of single houses in Category 1 Rural Settlement Units, or for the development of up to two houses in Category 2 Rural Settlement Units.
- the restoration or replacement of traditional buildings.

- the development of new large country houses.

*includes houses in multiple occupation, non-mainstream housing for people with particular needs, such as specialist housing for the elderly, people with disabilities, supported housing care and nursing homes.
**Rural Settlement Units are defined in the Glossary and their role is further explained on Page 9.

Policy PV5 : Protected Species
Angus Council will work with partner agencies and developers to protect and enhance all wildlife including its habitats, important roost or nesting places. Development proposals which are likely to affect protected species will be assessed to ensure compatibility with the appropriate regulatory regime.

European Protected Species
Development proposals that would, either individually or cumulatively, be likely to have an unacceptable adverse impact on European protected species as defined by Annex 1V of the Habitats Directive (Directive 92/24/EEC) will only be permitted where it can be demonstrated to the satisfaction of Angus Council as planning authority that:

- there is no satisfactory alternative; and
- there are imperative reasons of overriding public health and/or safety, nature, social or economic interest and beneficial consequences for the environment, and
- the development would not be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range

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Other Protected Species
Development proposals that would be likely to have an unacceptable adverse effect on protected species unless justified in accordance with relevant species legislation (Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992) subject to any consequent amendment or replacement.

Further information on protected sites and species and their influence on proposed development will be set out in a Planning Advice Note.

Policy PV6 : Development in the Landscape
Angus Council will seek to protect and enhance the quality of the landscape in Angus, its diversity (including coastal, agricultural lowlands, the foothills and mountains), its distinctive local characteristics, and its important views and landmarks.

Capacity to accept new development will be considered within the context of the Tayside Landscape Character Assessment, relevant landscape capacity studies, any formal designations and special landscape areas to be identified within Angus. Within the areas shown on the proposals map as being part of 'wild land', as identified in maps published by Scottish Natural Heritage in 2014, development proposals will be considered in the context of Scottish Planning Policy's provisions in relation to safeguarding the character of wild land.

Development which has an adverse effect on landscape will only be permitted where:

- the site selected is capable of accommodating the proposed development;
- the siting and design integrate with the landscape context and minimise adverse impacts on the local landscape;
- potential cumulative effects with any other relevant proposal are considered to be

acceptable; and
- mitigation measures and/or reinstatement are proposed where appropriate.

Landscape impact of specific types of development is addressed in more detail in other policies in this plan and work involving development which is required for the maintenance of strategic transport and communications infrastructure should avoid, minimise or mitigate any adverse impact on the landscape.

Further information on development in the landscape, including identification of special landscape and conservation areas in Angus will be set out in a Planning Advice Note.

Policy PV7 : Woodland, Trees and Hedges
Ancient semi-natural woodland is an irreplaceable resource and should be protected from removal and potential adverse impacts of development. The council will identify and seek to enhance woodlands of high nature conservation value. Individual trees, especially veteran trees or small groups of trees which contribute to landscape and townscape settings may be protected through the application of Tree Preservation Orders (TPO).

Woodland, trees and hedges that contribute to the nature conservation, heritage, amenity, townscape or landscape value of Angus will be protected and enhanced. Development and planting proposals should:

- protect and retain woodland, trees and hedges to avoid fragmentation of existing provision;
- be considered within the context of the Angus Woodland and Forestry Framework where woodland planting and management is planned;
- ensure new planting enhances biodiversity and landscape value through integration with and contribution to improving connectivity with existing and proposed green infrastructure and use appropriate species;
- ensure new woodland is established in advance of major developments;
- undertake a Tree Survey where appropriate; and
- identify and agree appropriate mitigation, implementation of an approved woodland management plan and re-instatement or alternative planting.

Angus Council will follow the Scottish Government Control of Woodland Removal Policy when considering proposals for the felling of woodland.

Policy PV12 : Managing Flood Risk
To reduce potential risk from flooding there will be a general presumption against built development proposals:
- on the functional floodplain;
- which involve land raising resulting in the loss of the functional flood plain; or
- which would materially increase the probability of flooding to existing or planned development.

Development in areas known or suspected to be at the upper end of low to medium risk or of medium to high flood risk (as defined in Scottish Planning Policy (2014), see Table 4) may be required to undertake a flood risk assessment. This should demonstrate:

- that flood risk can be adequately managed both within and outwith the site;
- that a freeboard allowance of at least 500-600mm in all circumstances can be provided;
- access and egress to the site can be provided that is free of flood risk; and
- where appropriate that water-resistant materials and construction will be utilised.

Where appropriate development proposals will be:

o assessed within the context of the Shoreline Management Plan, Strategic Flood Risk Assessments and Flood Management Plans; and
o considered within the context of SEPA flood maps to assess and mitigate surface water flood potential.

Built development should avoid areas of ground instability (landslip) coastal erosion and storm surges. In areas prone to landslip a geomorphological assessment may be requested in support of a planning application to assess degree of risk and any remediation measures if required to make the site suitable for use.

Policy PV15 : Drainage Infrastructure
Development proposals within Development Boundaries will be required to connect to the public sewer where available.

Where there is limited capacity at the treatment works Scottish Water will provide additional wastewater capacity to accommodate development if the Developer can meet the 5 Criteria*. Scottish Water will instigate a growth project upon receipt of the 5 Criteria and will work with the developer, SEPA and Angus Council to identify solutions for the development to proceed.

Outwith areas served by public sewers or where there is no viable connection for economic or technical reasons private provision of waste water treatment must meet the requirements of SEPA and/or The Building Standards (Scotland) Regulations. A private drainage system will only be considered as a means towards achieving connection to the public sewer system, and when it forms part of a specific development proposal which meets the necessary criteria to trigger a Scottish Water growth project.

All new development (except single dwelling and developments that discharge directly to coastal waters) will be required to provide Sustainable Drainage Systems (SUDs) to accommodate surface water drainage and long term maintenance must be agreed with the local authority. SUDs schemes can contribute to local green networks, biodiversity and provision of amenity open space and should form an integral part of the design process.

Drainage Impact Assessment (DIA) will be required for new development where appropriate to identify potential network issues and minimise any reduction in existing levels of service.

*Enabling Development and our 5 Criteria (http://scotland.gov.uk/Resource/0040/00409361.pdf)
Policy PV18 : Waste Management in New Development
Proposals for new retail, residential, commercial, business and industrial development should seek to minimise the production of demolition and construction waste and incorporate recycled waste into the development.

Where appropriate, Angus Council will require the submission of a Site Waste Management Plan to demonstrate how the generation of waste will be minimised during the construction and operational phases of the development.

Development proposals that are likely to generate waste when operational will be expected to include appropriate facilities for the segregation, storage and collection of waste. This will include provision for the separate collection and storage of recyclates within the curtilage of individual houses.

Policy PV20 : Soils and Geodiversity
Development proposals on prime agricultural land will only be supported where they:

- support delivery of the development strategy and policies in this local plan;
- are small scale and directly related to a rural business or mineral extraction; or
- constitute renewable energy development and are supported by a commitment to a bond commensurate with site restoration requirements.

Design and layout should minimise land required for development proposals on agricultural land and should not render any farm unit unviable.

Development proposals affecting deep peat or carbon rich soils will not be allowed unless there is an overwhelming social or economic need that cannot be met elsewhere. Where peat and carbon rich soils are present, applicants should assess the likely effects of development proposals on carbon dioxide emissions.
All development proposals will incorporate measures to manage, protect and reinstate valuable soils, groundwater and soil biodiversity during construction.

From: Angela Allison
Sent:7 Sep 2021 15:22:28 +0100
To: James Wright
Subject:RE: 21/00081/FULL
Attachments: Planning Consultation 04-03-2021 08-48-53.pdf

Hi James,

We sent this response back in March, is this the one you□re looking for?

Thanks

Angela

Angela Allison

Technical Analyst

North Regional Team

Strategic Development

Development Services

Dedicated Freephone Helpline : 0800 389 0379

Business Email: Angela.Allison@scottishwater.co.uk

Business Weblink: https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-Our-Network

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From: James Wright <WrightJ@angus.gov.uk>
Sent: 07 September 2021 14:51
To: Planning Consultations <PlanningConsultations@scottishwater.co.uk>
Subject: 21/00081/FULL

EXTERNAL MAIL - Think Before You Click

Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works at Balgownie Farm Steading, Eassie

Dear Sir / Madam,

I note that we consulted you on this planning application but have yet to receive a consultation response. Can you please provide comments on this?

Regards

James Wright | Planning Officer (Development Standards) | Angus Council | 01307 492629 | WrightJ@angus.gov.uk | www.angus.gov.uk

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Scottish Water

www.scottishwater.co.uk

Friday, 07 July 2023

Development Operations
The Bridge
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Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Local Planner
Planning Service
Angus Council
Forfar
DD8 1AN

Dear Customer,

Balgownie Farm Steading, , Eassie, DD8 1SF
Planning Ref: 21/00081/FULL
Our Ref: DSCAS-0090103-77V
Proposal: Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works.

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- This proposed development will be fed from Lintrathen Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via our Customer Portal or contact Development Operations.

Waste Water Capacity Assessment

- Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

Please Note

- The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

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

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- Scottish Water asset plans can be obtained from our appointed asset plan providers:
    - Site Investigation Services (UK) Ltd
    - Tel: 0333 123 1223
    - Email: sw@sisplan.co.uk
    - www.sisplan.co.uk
- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.

- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

- Please find information on how to submit application to Scottish Water at our Customer Portal.

Next Steps:

All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via our Customer Portal prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

Trade Effluent Discharge from Non-Domestic Property:

- Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject “Is this Trade Effluent?".

Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found here.

- Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 5kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Ruth Kerr.
Development Services Analyst
PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Angus Council

MEMORANDUM

TO: James Wright, Planning Officer (Development Standards)

FROM: Alan Milne, Environmental Protection Officer

YOUR REF: 21/00081/FULL

OUR REF: Site 2094

DATE: 8 March 2021

SUBJECT: Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works re-application at Balgownie Farm, Steading, Eassie.

With reference to the above planning application and your consultation requesting comment regarding contaminated land, I can offer the following comments.

Available information including historic mapping and aerial photography has been reviewed. I have also reviewed the completed agricultural questionnaire returned by the applicant as part of application ref: 20/00515/FULL. I am satisfied that this site does not pose a significant risk of harm to the proposed use from land contamination.

I do not require any further information regarding contaminated land.

From: Alan J Milne
Sent:1 Jul 2021 16:20:57 +0100
To: James Wright
Subject:RE: Planning app 21/00081/FULL - Balgownie Steading

Hi James,

Just trying to get as much done before I go off for a week so my comments as follows.

I‘ve looked at the letter of objection you noted and I see what they’re getting at; the demolition report highlights a redundant fuel tank and some broken asbestos roofing sheets. The returned questionnaire stated no known fuel tank so this was either an omission or perhaps the tank was for water etc. The questionnaire did state the use of asbestos roof sheet but there was no mention of its broken/derelict state; I tend not to control this issue if the roof is whole because it doesn’t necessarily require removal and in any case other legislation controls this. However, the demolition report filed as part of the original application did fully explore this issue, proposing the employment of a specialist contractor and complying with relevant guidance; I’m not sure it’s necessary to also control this by way of condition as I’m not minded to regulate the asbestos removal work anyhow.

If the tank was indeed for fuel then yes it would be prudent for the ground beneath to be either investigated or a remedial action proposed such as removal of an area/depth as a precaution (could be placed elsewhere on site depending on condition). Regarding the broken asbestos, it depends on the extent of penetration into the ground; are we just talking about a site pick during roof removal and within the footprint of buildings? If so I’d be happy with a declaration that all ACM will be removed by licenced contractor; a certificate or declaration could be obtained after works.

Perhaps if I can suggest the following suspensive condition should you agree to proceed in this way.

1) That, prior to commencement of any development works, a comprehensive Remediation Statement shall be submitted for the written approval of the planning authority. The statement shall address the land below the redundant fuel tank and clearance of asbestos from the site. No works, other than investigative, demolition or site clearance works shall be carried out on the site prior to the remediation strategy being approved by the planning authority. Prior to the occupation of the development the remediation strategy shall be fully implemented and a validation report confirming that all necessary remediation works have been undertaken shall be submitted for the written approval of the planning authority.

Hope this helps. My office phone forwards to my mobile if you want to discuss, even if its tomorrow or next week, I'll be available.

Regards

Alan

Alan Milne, Environmental Protection Officer (EP Unit), Angus Council, Place-RPS-Environmental Health, Angus House, Orchardbank Business Park, Orchard Loan, FORFAR DD8 1AN Telephone: 01307 492287

From: James Wright <WrightJ@angus.gov.uk>
Sent: 01 July 2021 11:10
To: Alan J Milne <MilneAJ@angus.gov.uk>
Subject: FW: Planning app 21/00081/FULL - Balgownie Steading

Alan,

There has been comments made in the letters of objection relating to oil tanks on this site (by Euan Grant). Can you have a look at this objection and confirm that your response remains as per attached?

Thanks

James Wright | Planning Officer (Development Standards) | Angus Council | 01307 492629 | WrightJ@angus.gov.uk | www.angus.gov.uk

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From: MilneAJ <MilneAJ@angus.gov.uk>
Sent: 08 March 2021 14:30
To: WrightJ <WrightJ@angus.gov.uk>
Cc: ThomsonSD <ThomsonSD@angus.gov.uk>
Subject: Planning app 21/00081/FULL - Balgownie Steading

James,

Please find attached memo for the above application.

Regards

Alan

Alan Milne, Environmental Protection Officer (EP Unit), Angus Council, Place-RPS-Environmental Health, Angus House, Orchardbank Business Park, Orchard Loan, FORFAR DD8 1AN Telephone: 01307 492287

CaneyV

From: Claire Herbert <claire.herbert@aberdeenshire.gov.uk>
Sent: 15 March 2021 17:53
To: PLNProcessing
Cc: WrightJ
Subject: Planning consultation 21/00081/FULL - Archaeology response

Planning Reference: 21/00081/FULL
Case Officer Name: James Wright
Proposal: Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works re application
Site Address: Balgownie Farm Steading Eassie
Site Post Code:
Grid Reference: NO 3550 4670

Thank you for consulting us on the above application, which affects the archaeology site NO34NE0060, a farmstead dating to the 19th Century. I would ask that the following condition is applied:

Photographic survey

No demolition or any other works in connection with the development hereby approved shall commence unless a photographic survey of the existing buildings and structures on the application site has been submitted to and approved in writing by the planning authority. All ***external and internal*** *elevations of the buildings and structures together with the setting of the buildings and structures and any unusual features of the existing buildings and structures shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.*

Reason: To ensure that a historic record of the building is made for inclusion in the National Monuments Record for Scotland and in the local Sites and Monuments Record.

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

Kind regards,
Claire

Claire Herbert MA(Hons) MA MCIfA

Archaeologist
Archaeology Service, Planning and Environment Service, Infrastructure Services
Aberdeenshire Council, Woodhill House, Westburn Road, Aberdeen, AB16 5GB

T: 01467 537717
E: Claire.herbert@aberdeenshire.gov.uk
W: https://www.aberdeenshire.gov.uk/leisure-sport-and-culture/archaeology
W: https://online.aberdeenshire.gov.uk/smrpub

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www.aberdeenshire.gov.uk

CaneyV

From: Claire Herbert <claire.herbert@aberdeenshire.gov.uk>
Sent: 25 March 2021 15:43
To: PLNProcessing; WrightJ
Subject: Planning consultation 21/00081/FULL - Archaeology response - additional response

Planning Reference: 21/00081/FULL
Case Officer Name: James Wright
Proposal: Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works re application
Site Address: Balgownie Farm Steading Eassie
Site Post Code:
Grid Reference: NO 3550 4670

Dear James,

Further to my earlier correspondence on this application (see below), I would also ask that should the application be minded for approval that the following informatives are added to the decision notice and passed on to the application for their awareness of the legal obligations with regards the historic environment:

Human Remains (Right of Sepulchre)
The Right of Sepulchre under Scots Law means it is a criminal offence to disturb human remains, and that any uncovered during development works, archaeological excavation etc must be reported to the police or Procurator Fiscal's office immediately, as well as the Council's Archaeology Service. The finding of human remains would not prohibit any proposed development works continuing, but would cause minor delay while the remains were investigated.

Archaeological Discoveries Bona Vacantia
The developer has a legal requirement, under the laws of bona vacantia to report to the Treasure Trove Unit any objects or artefacts found during development works.

While we do not feel that archaeological monitoring is appropriate in this instance, being in proximity to the site of a Roman camp (Angus HER NO34NE0026) and in the vicinity of the possible site of a medieval hospital (Angus HER NO34NE0005) there is *some* potential for archaeological finds and features (including human remains) to be encountered during development works.

Kind regards,
Claire

Claire Herbert MA(Hons) MA MCIfA

Archaeologist
Archaeology Service, Planning and Environment Service, Infrastructure Services
Aberdeenshire Council, Woodhill House, Westburn Road, Aberdeen, AB16 5GB

T: 01467 537717
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W: https://www.aberdeenshire.gov.uk/leisure-sport-and-culture/archaeology
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From: Claire Herbert
Sent: 15 March 2021 17:53
To: Angus Planning (PLNProcessing@angus.gov.uk) <PLNProcessing@angus.gov.uk>
Cc: James Wright - Angus Council (WrightJ@angus.gov.uk) <WrightJ@angus.gov.uk>
Subject: Planning consultation 21/00081/FULL - Archaeology response

Planning Reference: 21/00081/FULL
Case Officer Name: James Wright
Proposal: Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works re application
Site Address: Balgownie Farm Steading Eassie
Site Post Code:
Grid Reference: NO 3550 4670

Thank you for consulting us on the above application, which affects the archaeology site NO34NE0060, a farmstead dating to the 19th Century. I would ask that the following condition is applied:

Photographic survey

No demolition or any other works in connection with the development hereby approved shall commence unless a photographic survey of the existing buildings and structures on the application site has been submitted to and approved in writing by the planning authority. All ***external and internal*** *elevations of the buildings and structures together with the setting of the buildings and structures and any unusual features of the existing buildings and structures shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.*

Reason: To ensure that a historic record of the building is made for inclusion in the National Monuments Record for Scotland and in the local Sites and Monuments Record.

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

Kind regards,
Claire

Claire Herbert MA(Hons) MA MCIfA

Archaeologist
Archaeology Service, Planning and Environment Service, Infrastructure Services

Aberdeenshire Council, Woodhill House, Westburn Road, Aberdeen, AB16 5GB

T: 01467 537717
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Planning Consultation Response from Aberdeenshire Council Archaeology Service	
Planning Application No	21/00081/FULL
Planning Officer	James Wright
Proposal	Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works
Address	Balgownie Farm Steading Eassie
Grid Reference	NO35504670

I have the following comments to make on the application:

(a)	I OBJECT to the application for the reason(s) as stated below	❑
(b)	I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal	❑
(c)	I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below	x
(d)	Further information is required in order to consider the application as set out below	❑

Reason(s) for objection

None

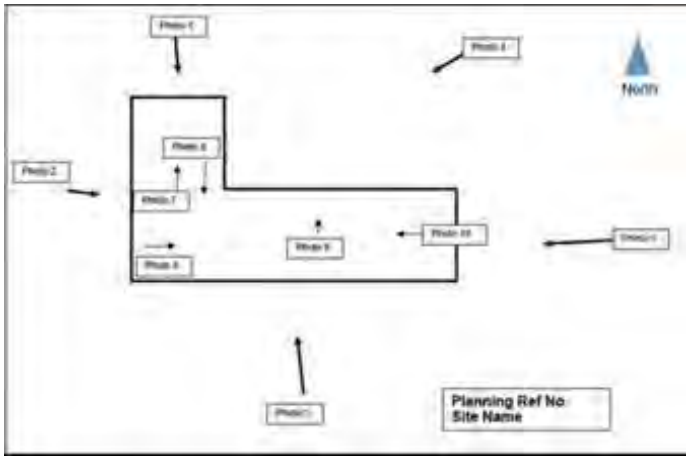
Condition(s)

Thank you for consulting us on the above application, which affects the archaeology site NO34NE0060, a farmstead dating to the 19th Century. I would ask that the following condition is applied:

Photographic survey

No demolition or any other works in connection with the development hereby approved shall commence unless a photographic survey of the existing buildings and structures on the application site has been submitted to and approved in writing by the planning authority. All ***external and internal*** *elevations of the buildings and structures together with the setting of the buildings and structures and any unusual features of the existing buildings and structures shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.*

Reason: To ensure that a historic record of the building is made for inclusion in the National Monuments Record for Scotland and in the local Sites and Monuments Record.



SAMPLE PHOTO PLAN

In addition, while we do not feel that archaeological monitoring is appropriate in this instance, being in proximity to the site of a Roman camp (Angus HER NO34NE0026) and in the vicinity of the possible site of a medieval hospital (Angus HER NO34NE0005) there is some potential for archaeological finds and features (including human remains) to be encountered during development works. I would therefore also ask that the following informatives are added to the decision notice and passed on to the application for their awareness of the legal obligations with regards the historic environment:

Human Remains (Right of Sepulchre)
The Right of Sepulchre under Scots Law means it is a criminal offence to disturb human remains, and that any uncovered during development works, archaeological excavation etc must be reported to the police or Procurator Fiscal's office immediately, as well as the Council's Archaeology Service. The finding of human remains would not prohibit any proposed development works continuing, but would cause minor delay while the remains were investigated.

Archaeological Discoveries Bona Vacantia
The developer has a legal requirement, under the laws of bona vacantia to report to the Treasure Trove Unit any objects or artefacts found during development works.

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

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Claire Herbert
email address:
archaeology@aberdeenshire.gov.uk

Date: 04/07/2023
Phone No: 01467537717

Subject:FW: Balgownie Steading _ Planning Re-Application No. P21-00081/FULL

From: Janice Corrigan <corriganj@angus.gov.uk>
Sent: 14 June 2021 18:58
To: James Wright <WrightJ@angus.gov.uk>
Subject: RE: Balgownie Steading _ Planning Re-Application No. P21-00081/FULL

Hi James,

I note the applicant's comments in respect of the request for additional information in relation to surface water drainage for this site, however my team have recently responded to complaints of surface water flooding close to the location. Whilst I appreciate that these are existing problems, the red line demonstrates that this application will incorporate the culvert which runs under the eastern part of the site. The surface water run off from higher ground and both of the access tracks to/from the development site, drains into this culvert. Consequently in the first instance an assessment of the condition of the existing culvert along with the it's capacity to take attenuated surface water, from the proposed development for the design storms indicated below, requires to be undertaken.

Following this a design should be submitted which demonstrates attenuation and treatment of the runoff from all of the new building roofs, roofs of existing buildings that remain standing in the development and any adjacent impermeable areas for the following design rainfall events :-

1 in 30 year return period + 35% climate change allowance

1 in 200 year return period + 35% climate change allowance

Once I have this information I will be able to provide a final comment on the application.

Kind Regards,

Janice

Janice Corrigan | Team Leader Flood Risk and Structures | Angus Council | CorriganJ@Angus.gov.uk | www.angus.gov.uk

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Subject:FW: Balgownie Steading _ Planning Re-Application No. P21-00081/FULL

From: Janice Corrigan <corriganj@angus.gov.uk>
Sent: 25 August 2021 14:09
To: James Wright <WrightJ@angus.gov.uk>
Cc: Douglas Hill <HillD@angus.gov.uk>; Georgia Kirtsi-Mathieson <Kirtsi-MathiesonG@angus.gov.uk>
Subject: RE: Balgownie Steading _ Planning Re-Application No. P21-00081/FULL

HI James – sorry for the delay in getting back to you about the new proposals for this application. Please find comments :-

Further to the previous response, dated 14 June 2021, it is acknowledged that the applicant has removed the use of culvert for the discharge of the surface water and it is now proposed to have a site soakaway as shown on drawing no. 811P2-11a.

The applicant is required to submit soakaway design calculations showing the design return period, soakaway dimensions and evidence of porosity test and groundwater levels to support the proposal. The applicant should be advised that they will be responsible for the future maintenance of the proposed soakaway.

The calculations should demonstrate that for the new proposed site soakaway:

a. there should be no exceedance from the proposed soakaway for up to and including the 1 in 30 year critical rainfall event inclusive of a 35% uplift for climate change; and
b. there should be no surface water flooding from the proposed soakaway to the proposed building, or out-with the site for up to and including the 1 in 200 year critical rainfall event inclusive of a 35% uplift for climate change.

In addition, the applicant should be advised to contact SEPA regarding its water quality requirements, foul drainage and any other flood risk concerns they might have.

Kind Regards,

Janice

Janice Corrigan | Team Leader Flood Risk and Structures | Angus Council | 01307 491880 | CorriganJ@Angus.gov.uk | www.angus.gov.uk

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Subject:FW: 21/00081/FULL SEPA response ref: 9980

From: Andrew Brown <BrownA@angus.gov.uk>
Sent: 21 September 2023 11:47
To: James Wright <WrightJ@angus.gov.uk>
Subject: RE: 21/00081/FULL SEPA response ref: 9980

Good morning James,

Please accept my apologies for the delay in my response.

I have previously provided comment on this planning application and since my last response further information has been provided by the applicant.

The applicant has provided the following information;

- Flood Risk Report prepared by Atholl Associates
- Ground Assessment and Drainage Recommendations Report prepared by S.A. McGregor

Further public comments have also been provided on the application including a report prepared by Fairhurst Consulting Engineers on behalf of Mr Euan Grant. In addition to this SEPA have also provided a consultation response in relation to fluvial flood risk.

Given the wide array of additional information I have reviewed the full application again including previous and new information.

I have made the following observations in relation to flood risk and surface water drainage.

Flood Risk Observations

- There is a minor culverted watercourse which runs through/adjacent to the eastern side of the site from south to north.
- The SEPA flood maps do not indicate that the site is at risk of fluvial or coastal flooding. However, the SEPA flood maps do not account for watercourses smaller than 3 square kilometres and as such there may be a risk of fluvial flooding which is not shown on the maps.
- The SEPA flood maps indicate a small pocket of surface water flooding to the east of the development site.
- Flooding and ponding has been observed running from south to north through the east side of the site. This is in the location of the sites vehicular access and timber shed. I note that this has been reported/evidenced through the public representations which have been made.

- The applicant has provided a flood risk assessment in support of the application which has been prepared by Atholl Associates.
- The FRA identifies the minor culverted watercourse and highlights the risk of flooding from this.
- The FRA identifies the overland flow routes from the culverted watercourse based on a site visit and topographical information. This appears to match the extent and flow paths shown in photographs of past flooding as provided by public representations.
- The FRA identifies the requirement for the overland flow route to remain free of barriers/obstructions, as such it would not be possible to rebuild the timber woodshed or site the new store to the north of this. The 1.2m high stone wall would also serve as a barrier to overland flows and should be removed or replaced with an open boundary treatment which will not impede flow. The tree house is also within the overland flow route, however, will be unaffected as it is stilted and will have a negligible impact on flood routing.
- The FRA identifies the level of flooding and as such also identifies the level in which Finished Floor Levels (FFL's) must be set in order to ensure 600mm of freeboard is provided as per NPF4. These are identified as 69m AOD for the north portion of the site and 69.3m AOD for the most southern buildings.
- The FRA has demonstrated that pedestrian and vehicular access will be available from the site.

Surface Water Drainage Observations

- A surface water drainage report has been provided.
- I note that public representations have raised concerns over the information provided in relation to the infiltration testing, however, based on my remit I am required to review

this information on the basis that it is competent and accurate. It would be the responsibility of others to determine if this is accurate.

- The FRA appears to show a previous version of the site plan (Rev B) where there is an attenuation/collection trench beneath the permeable drive which is proposed to discharge to the site soakaway. This would result in the soakaway being overwhelmed when the overland flow route is in use (as noted within the comments by Fairhurst). I note that Rev C of the site plan removes the attenuation/collection trench and as such this is no longer an issue.
- The foul drainage for the development is to be undertaken by means of a package treatment plant, the details of this will need to be agreed by building standards, however, I highlight that it is shown as being sited within the overland flow route for flooding. I am aware of package treatment plants which have been damaged by flooding and as such recommend that measures are taken to prevent flooding of this or that it is re-sited outwith the path of the overland flow route.
- Infiltration testing has been undertaken as per the Domestic Scottish Building Standards Technical Handbook and BRE Digest 365 and it is proposed to deal with surface water from the proposed development by means of discharge to soakaway.
- The precise details of the surface water soakaway will need to be agreed by building standards.
- It is not clear from the drawings whether the paving shown on the site plan is of a permeable nature. Given that some of the paving is within the overland flow route, this cannot be drained to soakaway (without overwhelming the soakaway) and as such should be of a permeable nature.

Requirements

I do not object to the proposed application subject to the following conditions/items being clarified;

1. No new barriers to flow should be erected along the overland flow route for the culvert in perpetuity for the life of the development. Updated drawings will be required to demonstrate this.
   a. Any new boundary treatments within this route should be of an open type which will allow water to pass freely.
   b. No increase in ground levels along the overland flow route shall be made. Similarly any reductions in ground level must not result in any material change to location of the existing overland flow route.
   c. The existing wood shed should be removed and no new or replacement structures erected within the overland flow route.
2. Freeboard must be provided as per the recommendations within the Flood Risk Assessment. Updated drawings will be required to demonstrate this.

3. Measures must be taken to adequately prevent flooding of the new package treatment plant for the development as this is shown to be sited within the overland flow route. Should this not be possible, the package treatment plant would require to be re-sited outwith the overland flow route. Updated drawings or information will be required to demonstrate this.
4. If an existing Mill Lade is uncovered during the construction or investigation stage then suitable mitigations must be proposed for approval of the local authority and subsequently undertaken.
5. Paving with the overland flow route must be of a permeable nature as cannot be drained by soakaway. Updated drawings will be required to demonstrate this.
6. Paving outwith the overland flow route must be of a permeable nature or suitable proposals for drainage of these areas must be incorporated into the site drainage plans. Updated drawings will be required to demonstrate this.

Further comments

If the above conditions are met I do not consider that the proposed development would be likely to be at risk of flooding, however, given the proximity of the development to an overland flow route, I recommend that the proposed development is of a flood resilient construction where possible. Examples of flood resilient construction methods can include measures such as; raised floor levels and thresholds, a raised damp proof course, tiled/water resistant flooring and walling, and raised electrical fittings.

Kind regards,

Andrew

Andrew Brown | Design Engineer – Coastal, Flood Risk and Structures Team | Angus Council | Tel: 01307 491824 | Browna@angus.gov.uk | www.angus.gov.uk

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From: James Wright
Sent: 21 August 2023 09:58
To: Andrew Brown <BrownA@angus.gov.uk>
Subject: FW: 21/00081/FULL SEPA response ref: 9980

Andrew,

FYI

Regards

James Wright | Planning Officer (Development Standards) | Angus Council | 01307 492629 | WrightJ@angus.gov.uk | www.angus.gov.uk

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From: Planning South <Planning.South@sepa.org.uk>
Sent: 21 August 2023 09:56
To: PLNProcessing <PLNProcessing@angus.gov.uk>

Cc: James Wright <WrightJ@angus.gov.uk>
Subject: 21/00081/FULL SEPA response ref: 9980

OFFICIAL

Thank you for consulting SEPA on the above proposal. Please find our response attached.

Where applicable this email has been copied to the agent and/or applicant; any relevant responses to the points we raise should be sent to the planning authority.

Information on our planning service along with guidance for planning authorities, developers and any other interested party is available on our website at http://www.sepa.org.uk/planning.aspx.

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OFFICIAL

James Wright
Planning Department
Angus Council

By email only to: PLNProcessing@angus.gov.uk

Our Ref: 9980
Your Ref: 21/00081/FULL

SEPA Email Contact:
planning.south@sepa.org.uk

21 August 2023

Dear James

Town and Country Planning (Scotland) Acts

21/00081/FULL

Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works

Balgownie Farm Steading Eassie

Thank you for your consultation which was received by SEPA on 31 July 2023 in relation to the above application. The reason for consultation was confirmed to be Flood Risk. Concerns have also been raised with regards to potential off-site impacts on a foul water system that serves a neighbouring property.

Advice for the planning authority

In line with the advice in the Transitional Arrangements for National Planning Framework 4 letter, issued by the Chief Planner, Fiona Simpson, on 8 February 2023 our position and advice given below is based on NPF4 policy.

We have **no objection** to the proposed development. However, please note our advice provided below.

1. Flood risk

1.1 There are two culverts immediately upstream and adjacent to the site, which carry a small field drain that is eventually culverted more significantly. As per the sections of relevant legislation (see below) the definition of watercourse under the Flood Risk Management (Scotland) Act 2009 (FRM is tied to that under the Water Environment and Water Services Act (Scotland) 2003 (WEWS); hence, the feature here is a *watercourse* and a *source of fluvial flood risk*, which we can provide comment on.

1.2 **The WEWS Act, Chapter 4, Section 28(1)**, states… *"watercourse" includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices and passages through which water flows and includes artificial watercourses and underground watercourses*.

1.3 **The FRM Act, Part 3, Section 55(1)** states... *In this Part - "body of surface water", "loch", "river basin" and "watercourse" have the same meanings as in section 28(1) of the 2003 Act….* i.e., the 2003 Act being the WEWS Act definition, as above.

1.4 A Level 1 Screening Flood Risk Assessment (FRA) has been undertaken by Athol Associates. This correctly notes the potential for blockage at the two culverts inlets (particularly the upstream one), which is located immediately above the site.

1.5 We agree with the conclusion that out of bank flood water will flow overland towards the access road for the site; however, water will follow the lower ground surrounding the dilapidated Timber Woodshed and thus not affect the courtyard area.

1.6 The design flows proposed in the FRA for this catchment, and the depth of overland flow, are in accordance with our assessment.

1.7 We are content that the main courtyard buildings are not at flood risk and the proposal is in accordance with NPF4 Policy 22. The issue of vehicular access through floodwater is for Angus Council to determine.

2. Off-site concerns

2.1 The septic tank associated with Cottage 4 is an existing tank, which is already at flood risk by virtue of being located downstream and within the flow path of flood waters that come out of the ditch due to culvert surcharge and/or blockage.

2.2 The proposed development is downstream of the ditch and therefore will not make the existing flood risk to this septic tank worse, unless grey/foul water was being discharged directly into the watercourse. None of the submissions on the Angus Council e-planning portal indicate that this is proposed. This activity would also require authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR).

2.3 Any maintenance works carried out to the watercourse and culvert may serve to reduce the probability of blockage and surcharge/overland flow; however, i) this is not a requirement in order for the development to proceed; ii) any works undertaken would need to not make flooding worse elsewhere, and would need to be carried out by the body/person who has legal responsibility for maintaining this small watercourse/culvert.

2.4 For completeness, no new development should occur directly over the top of any culvert. We note that this is not proposed.

3. Other planning matters

3.1 For all other planning matters, please see our triage framework and standing advice which are available on our website: www.sepa.org.uk/environment/land/planning/.

Advice for the applicant

4. Regulatory advice

4.1 Details of regulatory requirements and good practice advice, for example in relation to private drainage, can be found on the regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team at FAD@sepa.org.uk.

If you have queries relating to this letter, please contact us at the email above including our reference number in the email subject.

Yours sincerely

Jonathan Werritty

Senior Planning Officer

Planning Service

E-copy to: WrightJ@angus.gov.uk

Disclaimer: This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our website planning pages - www.sepa.org.uk/environment/land/planning/.

Comments for Planning Application 21/00081/FULL

Application Summary

Application Number: 21/00081/FULL
Address: Balgownie Farm Steading Eassie
Proposal: Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works re application
Case Officer: James Wright

Customer Details

Name: Mr Dudley Treffry
Address: 20 South St Newtyle Blairgowrie PH12 8UQ

Comment Details

Commenter Type: Community Council
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:Following a site visit, Newtyle & Eassie Community Council is concerned that:

The principal access track should be upgraded BEFORE any development of the steading;

Stabilising the steading wall (south elevation) so acutely close to the neighbouring property (Euan Grant) poses real risk of foundation damage with deep piling, etc. We think a structural engineer with knowledge and experience of Angus steadings should provide a report prior to a final decision on this application.

If approval is granted as matters stand there would be a genuine loss of amenity to Mr Grant and his family.

Some of the building material proposed (Corten steel) is incompatible with fidelity to sympathetic renewal of the vernacular. Why not have a slated roof, for example?

Surface water drainage issues as yet unresolved.

The community council therefore objects to these plans as they currently stand BUT would review that if revised proposals fully met our listed concerns.

Comments for Planning Application 21/00081/FULL

Application Summary

Application Number: 21/00081/FULL
Address: Balgownie Farm Steading Eassie
Proposal: Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works
Case Officer: James Wright

Customer Details

Name: Mrs Kathleen Band
Address: 9 Monteith Place Newtyle

Comment Details

Commenter Type: Community Council
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:Following a site visit, Newtyle and Eassie Community Council are concerned that:

The principal access track should be upgraded BEFORE any development of the steading commences.

Stabilising the steading wall (south elevation) so acutely close to neighbouring property (Euan Grant) poses a real risk of foundation damage with deep piling etc. We think a structural engineer with knowledge and experience of Angus steadings should provide a report prior to a final decision on this application.

If approval is granted as matters stand there would be a genuine loss of amenity to Mr Grant and his family.

Surface water drainage issues have yet to be resolved.

The Community Council therefore objects to these plans as they currently stand.

Our concerns are the same to those we initially submitted, but we believe they have not been fully addressed.

Angus Council
Comhairle Aonghais

Memorandum

Infrastructure
Roads & Transportation

TO: DEVELOPMENT STANDARDS MANAGER, PLANNING

FROM: TRAFFIC MANAGER, ROADS

YOUR REF:

OUR REF: CH/AB/ TD1.3

DATE: 05 MARCH 2021

SUBJECT: **PLANNING APPLICATION REF. NO. 21/00081/FULL – PROPOSED PARTIAL DEMOLITION OF EXISTING STRUCTURES AND REBUILDING TO FORM NEW FAMILY HOME WITH ADJOINING ANNEX, STUDIO AND GREENHOUSE, REFURBISHMENT OF EXISTING WOODSHED, LANDSCAPING AND ERECTION OF TREEHOUSE AT BALGOWNIE STEADING, EASSIE, GLAMIS**

I refer to the above planning application.

The National Roads Development Guide, adopted by the Council as its road standards, is relative to the consideration of the application and the following comments take due cognisance of that document.

The site is located on the northeast side of the unclassified, Hatton of Eassie Road at Balgownie. Access is proposed to be taken from a private farm track, opposite Hatton of Eassie Farm, which leads in an easterly direction from the public road to the application site (western access) and/or the track leading northwards from the C16 Newtyle – Glamis road.

Five existing residential properties, including Hatton Lodge and Balgownie Cottages already use the access tracks. The tracks are also used by large vehicles undertaking farming operations in adjacent fields.

Two options appraisals for access to the site have been provided as supporting documents.

Option 1 proposes use of the C16 access route for entry with the western route deployed as an exit, essentially, a one-way system of working. While this sounds logical, in terms of removing the potential for opposing vehicles to meet on the access tracks, I am not

aware of any method of consent at the disposal of the planning authority that would make legal effect to such a proposal; and therefore this arrangement would appear to be unenforceable.

Option 2 provides for a two-way system of working for access and egress to the site via both tracks.

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 condition:

1 That, prior to the commencement of development, a scheme of improvements to the access track(s) between the public road and the application site shall be submitted for the consideration of the planning authority.

The scheme of improvement shall include:

(i) a drawing showing the widening of the track(s) and/or provision of inter-visible passing places at maximum intervals of 150 metres;

(ii) a construction specification in accordance with the council's planning advice note; PAN 17 – Miscellaneous Planning Policies;

(iii) the provision of surface water drainage; and

(iv) an agreement for the upgrading works with any other owner(s) or person(s) with rights of access over the track(s).

The development shall not commence until the planning authority has agreed the scheme of improvements in writing. The scheme of improvements to the access track(s) shall thereafter be completed prior to the occupation of any dwelling house hereby approved.

Reason: to provide a safe and suitable access and an adequate level of residential amenity for new and existing residents.

I trust the above comments are of assistance but should you have any queries, please contact Andrew Barnes on extension 1770.

pp

Subject:FW: 21/00081/FULL - Balgownie Steading

From: Adrian G Gwynne <GwynneAG@angus.gov.uk>
Sent: 24 October 2023 13:42
To: James Wright <WrightJ@angus.gov.uk>
Subject: RE: 21/00081/FULL - Balgownie Steading

James

With reference to our recent telephone conversation, I have looked at submitted drawing No 811 P2-01a and although the distance from the public road to the first passing place looks greater than 150m the forward visibility from the public road is such that a driver of a vehicle heading to the proposed steading will have be able to wait until a vehicle heading out has passed.

I would however maintain that as per my memo dated 5 March 2021 the passing places shown on the drawing are constructer prior to any commencement of the development.

Adrian

From: Euan Grant
Sent: 10 March 2021 09:29
To: WrightJ <WrightJ@angus.gov.uk>
Subject: Balgownie Steading _ Planning Re-Application No. P21-00081/FULL

Dear Mr Wright
Balgownie Steading _ Planning Re-Application No. P21-00081/FULL

I attach a list of my initial comments on the above application that I would like entered into the application file and be appropriately dealt with. The comments are supported by site photographs, extracts from the SEPA flood website and a extract from the Demolition Report from the Structural Engineer that was submitted with the previous application.

My detailed objection to the application will follow in due course.

Regards,
Euan

Euan Grant
Director
For and on behalf of Gauldie Wright & Partners Architects Ltd.

gauldie**wright**&partners
Chartered Architects · 2 Osborne Place · Magdalen Yard Road · Dundee · DD2 1BD

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AC9

SEPA
Scottish Environment Protection Agency
Buidheann Dìon Àrainneachd na h-Alba

Feedback

BETA This is a new service - your feedback will help us improve it.

Flood Hazard and Risk Information

Long term flood risk information for the area around:

3 BALGOWNIE COTTAGES, ACCESS FROM ZC16 VIA BALGOWNIE FARM AND COTTAGES TO BALGOWNIE MILL, EASSIE, DD8 1SF

What can I do to manage my flood risk?

Check flood risk for a different location

Surface Water

Medium Risk

— What does this mean?

This information gives the likelihood of surface water flooding within a 50 metre radius of this location.

Medium likelihood means that each year this area has a 0.5% chance of flooding.

This does not take into account the effect of any flood defences.

Surface water flooding happens due to heavy rainfall when drains and watercourses are not able to cope with the amount of water run-off from buildings, footpaths and roadways.

View a map of surface water flood risk in this area

Rivers

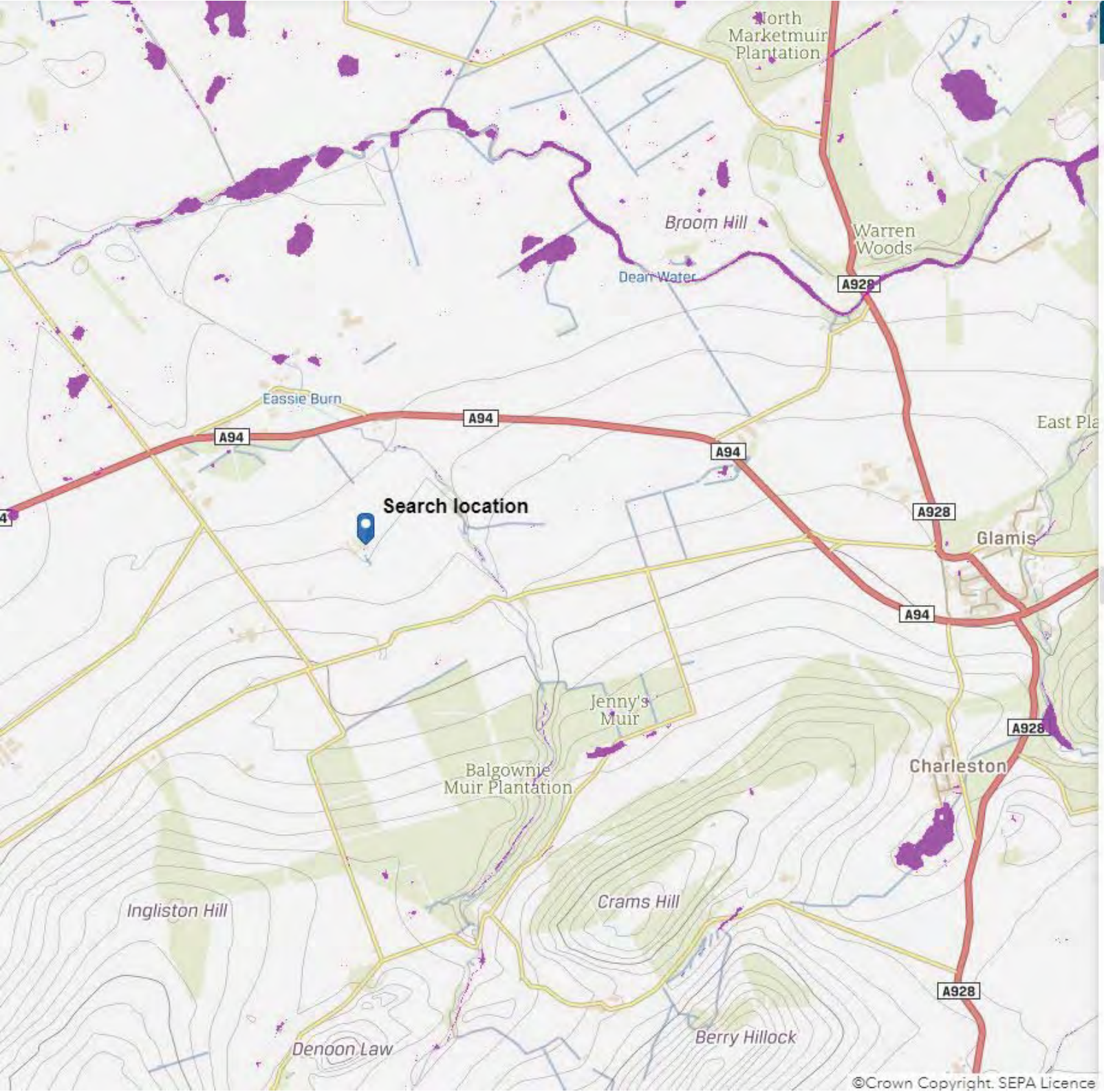
No Specific Risk

+ What does this mean?

View a map of river flood risk in this area

Coastal

AC9



Flood Map Data

Layer List

Layers

- Flood Maps
  - River Flooding
    - High Likelihood
    - Medium Likelihood
    - Low Likelihood
  - Surface Water Flooding
    - High Likelihood
    - Medium Likelihood
    - Low Likelihood

Legend

Flood Maps

Surface Water Flooding

Medium Likelihood

Each year this area has a 0.5% chance of flooding.

AC9

I refer to the planning application No. 21/00081 FULL and write to draw the planning authority's attention to the following:

FLOOD RISK ASSESSMENT.

Under the heading of Assessment of Flooding in the planning application form, the applicant has indicated that the site is not within an area of known risk of flooding, nor does the proposal increase the risk of flooding elsewhere. This is incorrect.

I attach two extracts from the SEPA website that show that there is a Long Term floor risk of Medium Likelihood of Surface Water Flooding for the area around 3 Balgownie Cottage, access from ZC16 via Balgownie Farm and Cottages to Balgownie Mill, Eassie, DD8 1SF. The Flood Hazard and Risk Information gives the likelihood of surface water flooding within 50.0metres of the above location, which includes the application site. 'Medium Likelihood' means that each year, this area has a 0.5% chance of flooding.

I attach two photographs that shows surface water running northwards into the entrance to the steading buildings. These photographs were taken on 5 October 2020 during a period of heavy rainfall. The surface water run-off exits out of the wooded area and runs out across the farmland to the north of the site.

I would suggest that given the information noted above, the applicant should be required to provide a detailed Flood Risk Assessment prepared by a suitably qualified & experienced person.

CONTAMINATION.

The application form states that a Contamination Report is 'Not Applicable'. The submitted drawing of the existing site plan (Drawing No. 811P2-02) shows an oil tank close to the entrance to the steading. I attach a photograph of the aforementioned dis-used oil tank. The Demolition Report that was prepared by Christie Gillespie and submitted as supporting information with the previous planning application (No. 20/00515/FULL) states on Page 4 that, 'There are sections of asbestos cement roofs on the partly collapsed buildings and asbestos cement sheets lying on the ground'.

I would suggest that given the information noted above, the applicant should be required to provide a detailed Contamination Report prepared by a suitably qualified & experienced person.

HABITAT SURVEY.

A Bat Survey has been prepared by Stones Wildlife Management and this report has been submitted with the planning application. On page 4, the report states that 'No breeding birds but survey was carried out at the end of the breeding season'. No further Ecological information has been submitted to carry out an assessment of habitat for the potential to support birds of conservation interest Schedule 1 of Wildlife & Countryside Act 1981 (WCA) Annex 1 to Birds Directive species (e.g. Barn Owl), and those other species afforded general protection under WCA.

An owl has been seen flying in the area around the steading and it is often heard in the evening and during the night. I attach a photograph taken in late February 2021 of one of several regurgitated owl pellets found close to the steading buildings, which strongly suggests the presence of at least one owl in the area.

I would suggest that given the information noted above, the applicant should be required to provide a detailed Ecological Constraints Study prepared by a suitably qualified & experienced person.

AC9

AC9

AC9

1 SCOPE OF PROPOSED WORKS

1.1 INTRODUCTION

1.1.1 This document has been prepared as part of an application for a Demolition Warrant in relation to the removal of some of the existing derelict buildings at Balgownie Steading near the village of Eassie. The buildings are in a general dilapidated state and some are in a state of partial or near total collapse. In addition to demolition of the latter, the works will also include installation of temporary propping and protection to preserve and maintain the remaining buildings for future restoration or conversion.

1.2 DESCRIPTION OF SITE AND BUILDINGS

1.2.1 The site is located approximately 750m south of Eassie and overall the site extends to around 4000 square metres. Contained within the site are traditional steadings arranged around a square with some small non traditional agricultural structures to the north and east of that square. An area of woodland is located to the immediate east of the site and residential property is located further east. A further residential curtilage directly abuts the site to the south. Agricultural fields are located to the north and west of the site. The site is currently accessed by private farm tracks to the north and west from the local public roads. Location and site plans are included in Appendix A.

1.2.2 The steadings consist of 7 main buildings and there is also a separate timber shed and open dutch barn on the site. These two buildings are not subject to any works in this application. The proposed works to the steading buildings are shown on the drawing S001 included in Appendix B. The buildings are mainly sandstone with slated timber pitched roofs and there are two barn type structures with corrugated roofs supported by timber beams and timber and cast iron posts with stone and timber clad gables. These barn structures which are numbered 4, 5 and 5A on the plan at Appendix B have for the most part collapsed. Parts of the other buildings have deteriorated and there are sections where the roofs have partially collapsed and areas of wall that are at risk of collapse. There are sections of asbestos cement roofs on the partly collapsed buildings and asbestos cement sheets lying on the ground.

1.2.3 There are no known live incoming services such as electricity, water or gas to the buildings which have been derelict and out of use for some considerable time. It is possible that there are some dead cables or pipes associated with previous water or electricity but definitely not gas. There are also no known foul drainage pipes on the site. There are some surface water drains and associated soakaways.

1.3 DESCRIPTION OF PROPOSED WORKS

1.3.1 The buildings 4, 5 and 5A are to be demolished and removed from the site area. Some of the materials such as the cast iron columns will be set aside and stored in the more modern dutch barn to the east of the steading building for possible re-use. Part of the stone walls for these buildings are to remain and these will be provided with temporary protection against further deterioration from the weather. Asbestos cement sheeting will be removed in accordance with HSE guidance and best practice and taken to a waste facility licensed to accept asbestos material. Photographs of some of the building elevations are provided in Appendix C.

I refer to the planning application No. 21/00081 FULL and write to draw the planning authority's attention to the following Angus Council's Policy Document:

Angus Council Local Plan: Supplementary Planning Guidance Policy H12 Farm Buildings Conversions (adopted November 2000 and Revised April 2008)

The H12 Policy states under 'Information Accompanying Planning Applications', that development proposal **must** therefore be accompanied by the following information:

1. A report from a Structural Engineer to confirm that the building **is capable of conversion in the intended manner and the works required for the conversion will not compromise its structural integrity**.

A report from Christy Gillespie entitled 'Assessment of Structural Condition of Existing Buildings' was submitted with the application. The Introduction states that *'Christy Gillespie Engineers were instructed to carry out a structural assessment of the property by the current owners. The purpose of the assessment was to determine the nature and condition of the existing buildings remaining at the site and provide advice and recommendations with regard to the extent of the demolition and repairs necessary in the context of the proposed development. The proposed development included the retention and refurbishment where feasible of the buildings to provide a conversion and redevelopment of the property to form a new dwelling'.*

The report Summary at 4.1.2 states *'Repair and remedial works will be necessary to the majority of the remainder of the walls which are suitable for retention as structural elements for the new development'.*

The Introduction and Summary from Christy Gillespie appear to be very general in nature and refers mainly to the condition of the remaining buildings and does not specifically confirm that the building is capable of conversion **in the intended manner (shown in the proposed drawings)**, neither does it state that the extensive interventions envisaged in the proposals will not compromise its structural integrity, nor does it provide basic cross section details of the existing and proposed load bearing walls or proposed structural retaining walls.

To comply with the requirements of the H12 Policy the technical feasibility of a conversion project must be fully investigated by a structural engineer. The overall design is extensively based upon the ability to reduce the existing levels both internally and externally and form new retaining wall structures. I feel that the following points must be considered and reported on by the structural engineer in detail:

- Traditional agricultural buildings are known to have no formed concrete foundations and generally consist of large field stones set at very shallow depths. Often foundation stones are set to follow the land contours and are not set at a constant level. There has been a general assumption that one continuous ground floor level can be formed where currently a sloping earth floor exists. For this to be possible the foundations would require to be all at the same level and the wall structure would have to continue for a considerable distance below the current floor levels. It is noted that the reduction in the floor level varies due to the sloping nature, but measuring off the scaled drawings the reduction in internal floor level appears to be 700-800mm below the current sloping floor level. The actual total excavation depth will also need to take into account the depth of any new floor construction.

The engineer must confirm that the existing internal sloping ground levels of Space 1, Space 2, Space 3 and Space 4 shown in the existing plan can be reduced to the constant floor level shown in the proposed sections, without compromising the existing building structure.
The structural engineer must be required to provide supporting evidence that the levels of the existing foundations of each building are suitable deep enough to permit this scale of level reduction and that the integrity of the remaining mass stone walls would not be compromised, possibly leading to total or partial collapse?

- The existing south and west walls of the threshing building were built originally as retaining structures, but no investigation into the wall profile has been provided to support the application. If these walls are constructed in mass stone masonry set in thickening widths as the depth increases, how can this provide the proposed clear level space along the southern wall? Any ground excavation would expose the stonework to the external elements for the first time since the farm building was built and it is possible that this exposure to weathering could be detrimental to the wall's strength and stability.
  To comply with the requirements of the H12 Policy, the structural engineer must be required to provide supporting evidence that the existing external ground levels to the majority of the south side of Space 1 and the full length of the west side of Space 2 (as identified in the existing plan and proposed sections) can be reduced by up to 2.1m deep without compromising the integrity of the existing stone structure.

- The proposals indicate new retaining walls are to be constructed running closely parallel to the site ownership boundary markers to the south of the site. No cross-section details through these new retaining walls or how they are to be constructed have been provided with the application. It is difficult to understand how a thick retaining wall structure with a wide concrete footing can be constructed in such a narrow space without compromising the adjoining property's ownership boundary markers and the neighbouring property during the construction of these new retaining walls.
  To comply with the requirements of the H12 Policy, the structural engineer must comment on how this new retaining wall is to be constructed and what measures would be put in place to prevent subsidence or damage to the neighbouring land or property?
  From the provided building sections it is noted that the top of the proposed retaining walls terminate just above the higher ground level. The Scottish Building Standards will require a pedestrian protective barrier at 1200mm above the higher ground level to prevent anybody falling over the edge. What form and appearance will this safety barrier take?
  The proposals indicate another retaining wall structure to the west of the existing threshing building. Again, the removal of approx. 2.0m depth of ground will expose the back face of this retaining wall that has never been exposed to any weathering having been protected by the retained ground. To comply with the requirements of the H12 Policy, the structural engineer must be required to provide details of how this wall is to be constructed so close to the site boundary?
  There are several tall Cupressus trees in close proximity to this retaining wall and the area of reduced ground level. To comply with the requirements of the H12 Policy, a suitable qualified person must be required to provide details of how these retained trees are to be protected and that these trees can survive the removal of this large volume of ground.

- The proposals show that much of the retained stone buildings are to have a Corten steel finish. To comply with the requirements of the H12 Policy, the structural engineer must be required to provide information that remaining structures have the ability to accommodate the constant thermal movement that this type of steel covering will have and that the remaining walls will have enough structural integrity to support this type of roof finish?

2 … a schedule detailing the proposed phasing of the works.

The Design Statement submitted with the application by the agent states that …*'As the development of the site will be phased it is essential that any initial phase should provide self-contained accommodation for the applicants whilst they develop the remainder of the site. The initial self-contained accommodation (Annex) will also provide accommodation for guests and family in the* future'.

To comply with the requirements of the H12 Policy, the applicant must be required to provide a detailed phasing schedule of work. This detailed schedule must be provided to allow comment by the Local Authority.

3 Details of access arrangements, including provision of passing places and improvements to the standards of the access track or junction with the public road.

It is noted that the applicant has not provided any detailed Scheme of Improvement for the access track with their application, as required by the H12 Planning Policy. It is however noted that the Traffic Manager has reported back to the Planning Officer with a recommendation that any consent granted shall be subject to the conditions listed in their Memorandum. The Traffic Manager has stated that a Scheme of Improvements will require to be submitted for consideration and approved by the Council, prior to commencement of development.

Whilst this is helpful, Angus Council's H12 Policy states that full details of access arrangements, including provision of passing places and improvements to the standards of the access track or junction with the public road must be submitted **with** the application. This information would clearly be very important for the owner of the access track/adjacent land and all of the other residents with rights of access over the track and turning area to be able to consider and comment on any submitted details, as necessary.

From: [redacted]
To: [redacted]
Cc: [redacted]; PLANNING
Subject: Balgownie Farm Steading Planning Application No. 21/00081/FULL
Date: 23 June 2021 09:26:03

Dear James.
I note the submission of the Bird and Bat Mitigation Measures and a Breeding Bird Mitigation Plan.
The above reports specifically mention sparrows and swallows, but there is no reference to protected birds of conservation interest, Schedule 1 of Wildlife & Countryside Act 1981 (WCA) Annex 1 to Birds Directive species (e.g., Barn Owls).

I and many of the neighbours, have mentioned in our objections that they have seen and heard owls in the area around the steading.
I attach a photograph that was taken to the south of my garden at dusk just over a week ago which demonstrates that there is at least one owl hunting in the area. We have previously submitted photographs of regurgitated owl pellets found nearby which supports this fact.
The planning application form completed by the agent, crossed the box to claim that a Habitat Survey was included with the application. Clearly this information is still incomplete if a protected bird site study has not been carried out.

Regards,
Euan

Euan Grant
Director
For and on behalf of Gauldie Wright & Partners Architects Ltd.

gauldiewright&partners
Chartered Architects · 2 Osborne Place · Magdalen Yard Road · Dundee · DD2 1BD

[redacted]

Gillian Caullay

From: PLANNING
Subject: FW: Planning Application no. 21/00081

Sent: 07 July 2021 16:11
To: PLANNING <PLANNING@angus.gov.uk>

Hello James
I have asked on several occasions during the consultation period for the applicant to provide addition drawings that would illustrate the proposed development in a wider site context beyond the building's outer walls, and importantly demonstrate the relationship between the existing habitable room windows of Balgownie Farmhouse and any proposed habitable room and non-habitable room windows. The applicant's recent submittal showing the southern retaining wall treatment does not adequately address this issue. In the total absence of supporting information from the applicant, I have created a site layout drawing and cross section from the submitted drawings that shows the proposed kitchen window (Habitable Room) is at a distance of 6.4m from the existing habitable room window of our cottage and the larder window (Non-Habitable Room) is at a distance of 6.3m from an existing habitable room window of our cottage. The cross section also highlights the relationship between the proposed kitchen window, the projecting bay window located directly above it and the closeness of the proposed boundary retaining wall. The face of the proposed retaining wall is at a distance of approx. 1.9m away from the kitchen window opening. These distances are not compliant with Angus Council's Guidance which states that a Habitable Room Window to other Habitable Room Windows require to be at a distance of 12.0m and that Non-Habitable Room Windows to other Habitable Room Windows require to be at a distance of 10.0m. Furthermore, the proposed kitchen window (Habitable Room) requires to be at a distance of 10.0 from the blank retaining wall.

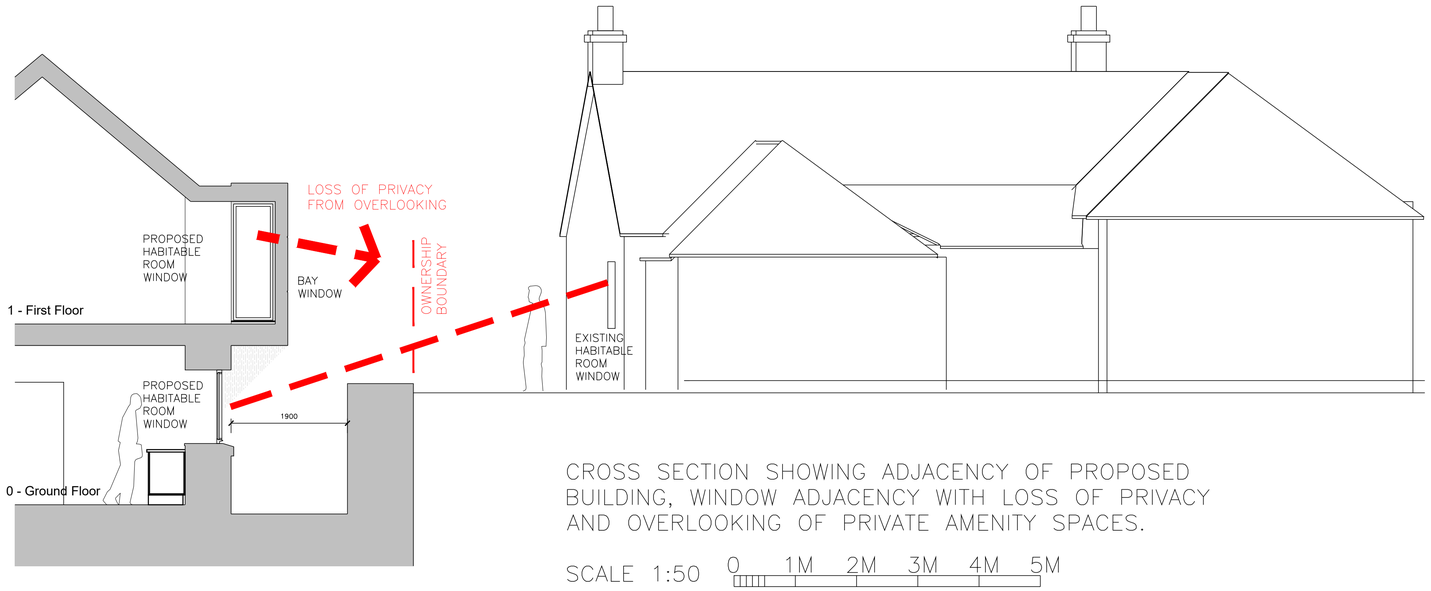
Please also note that during the consultation period for the previous planning application No. 07/00018/FUL, we objected to the windows on the south elevation, and this resulted in the removal of the overlooking windows. Please also note that in this development, the existing smaller windows, now being re-used at the dressing area and the master en-suite, were to be completely infilled.

For the above reasons, we consider that the application should be REFUSED.

Regards,
Euan

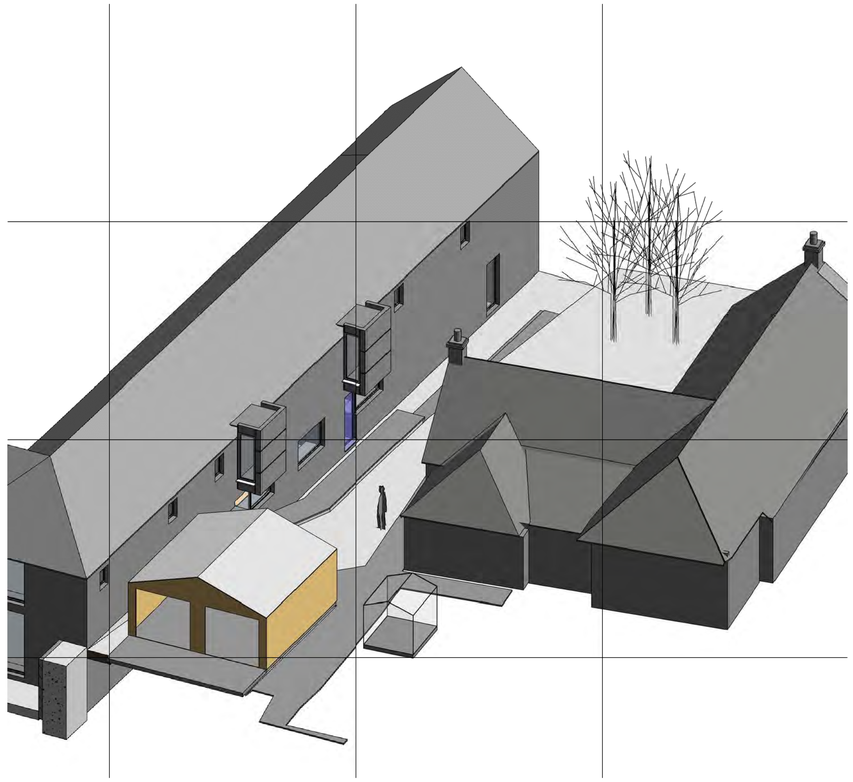
Euan Grant
Director
For and on behalf of Gauldie Wright & Partners Architects Ltd.

gauldie**wright**&partners
Chartered Architects · 2 Osborne Place · Magdalen Yard Road · Dundee · DD2 1BD

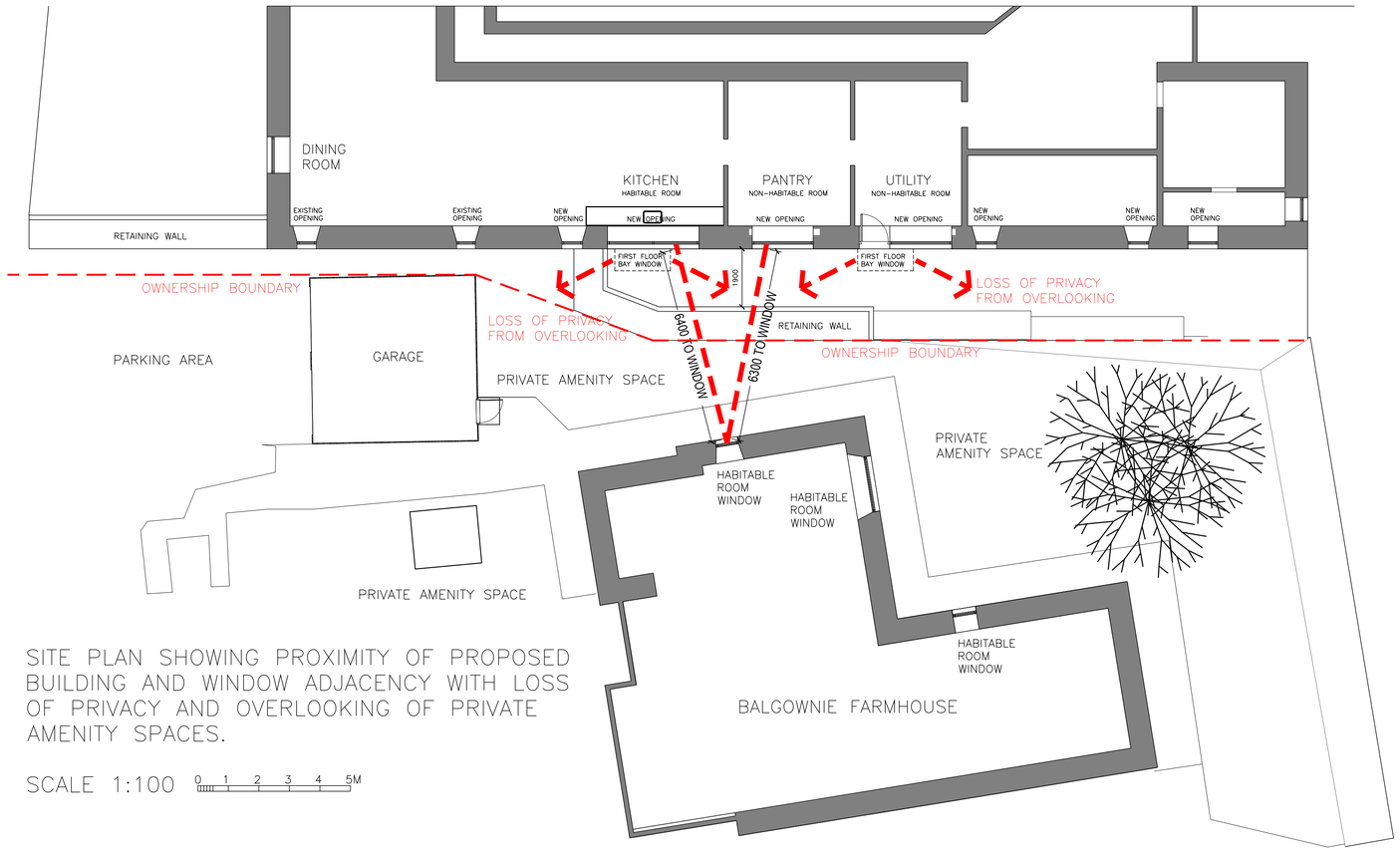


CROSS SECTION SHOWING ADJACENCY OF PROPOSED BUILDING, WINDOW ADJACENCY WITH LOSS OF PRIVACY AND OVERLOOKING OF PRIVATE AMENITY SPACES.

SCALE 1:50 0 1M 2M 3M 4M 5M



3D VIEW OF OVERLOOKING WINDOWS



SITE PLAN SHOWING PROXIMITY OF PROPOSED BUILDING AND WINDOW ADJACENCY WITH LOSS OF PRIVACY AND OVERLOOKING OF PRIVATE AMENITY SPACES.

SCALE 1:100 0 1 2 3 4 5M

PLANNING APPLICATION NO. 21-00081

SITE PLAN ILLUSTRATING ADJACENCY OF THE PROPOSED WINDOWS TO EXISTING NEIGHBOURING APARTMENT WINDOWS. CROSS SECTION ILLUSTRATING DISTANCES TO NEIGHBOURING APARTMENT WINDOWS, OVERLOOKING AND LOSS OF PRIVACY OF EXISTING AMENITY SPACES.

DATE 07.07.2021
SCALE CORRECT AT A1

From: Euan Grant
Sent: 20 July 2021 12:15
To: PLANNING
Cc: James Wright; Ed Taylor; Alan Hunter
Subject: Balgownie Steading Planning Application No 21-00081/FULL

Dear Mr Wright.

We wish to make comment of the recently uploaded Structural Feasibility letter from Christie Gillespie Consulting Engineers Ltd. The letter states that as part of the project it is necessary to lower the floor in one of the buildings. From the section drawing No. 811P-10, the existing ground/floor levels and proposed ground floor level at 68.972, have been highlighted.
I refer to the annotation of the building spaces as per the agent's drawing No. 811P2-03. It is apparent from the sections that all of the existing external walls to the tool shed, Space 1, Space 2, Space 3 and Space 5 are to have the internal and external levels lowered, which means that the proposed underpinning is required to the full extent of these existing external walls; equating to approximately 140.0metres in length. It is therefore highly questionable that the engineer states that the underpinning 'is of a scale that is feasible for the works'.
Conservation work to redundant steading buildings will inevitably require repairs and alterations to be made to the external masonry. However, underpinning cannot be described as a low impact activity, and raises a considerable risk from partial to catastrophic collapse and should be used only as a last resort, not as a starting point to enable a design to be forced upon a stone structured agricultural building.
The engineer's letter makes no comment on the fact that some of the proposed underpinning is to be carried out to existing retaining walls. There has been no supporting ground condition information presented with this application and no supporting photographs of or drawings through the existing footings below the various existing ground levels. There has been no site investigation of the lade pipe that used to provide water to the water wheel and how this might impact on the design, should it be even partially functioning.
The engineer's letter makes only passing comment on the boundary wall treatment (southern retaining walls) which is claimed to be necessary for the project. The letter mentions that this is necessary 'to enable protection of, and access to the building close to the boundary'. The corner of our property lies only 2.4 meters away from the boundary line where the applicant's mass concrete 2.0 meter deep retaining wall will be constructed. It is totally unacceptable that no consideration has been given to how our property and boundary markers will be protected and warranted against damage. This aspect must be fully answered now at the Planning stage and not left undetermined until a Building Warrant or Construction stage.

I would request that the above be taken into consideration in the assessment of the application.
Please upload this onto the Public Access portal as a Public Comment.
Thank you

Regards,
Euan

Euan Grant
Director
For and on behalf of Gauldie Wright & Partners Architects Ltd.

gauldie**wright**&partners
Chartered Architects · 2 Osborne Place · Magdalen Yard Road · Dundee · DD2 1BD

From: Euan Grant
Sent: 20 July 2021 12:17
To: PLANNING
Cc: James Wright; Ed Taylor; Alan Hunter
Subject: Balgownie Steading Planning Application No 21-00081/FULL

Dear Mr Wright.

We wish to comment on the recently uploaded revised Site Plan drawing No. 811P2-11a, Amendment b).
The drawing shows a plan layout of an array of soak-away trenches to the north of the steading buildings. The notes on the drawing suggest that the foul outfall from proposed on-site treatment unit and the attenuation/collection trench at the entrance to the steading are to be taken to these soakaways, instead of being connected to the culvert that crosses the site. It is noted that there are no supporting cross sections showing the depth or construction information about these trenches and no design information to support the indicated soakaway widths or pitch, nor which trenches are for the foul effluent disposal and which are for the disposal of rainwater. It is noted that the paved courtyard no longer shows how or where this is drained to. There have been no supporting calculations of the surface water for the 1:30 year or 1:200 year rainfall event plus the 35% climate change allowance; as requested by the Roads Department, no effluent capacity calculation expected from the private treatment works, no percolation values from a porosity test, no existing ground water table information and no detail of where an overflow (if any) will be taken to. All of the above information was requested by Highways in their e-mail dated 14 June 2021.
It is further noted that the Roads Memorandum dated 5 March 2021, recommended condition ref. (iii) included the provision of surface water drainage to the upgraded road. The e-mail from Roads, dated 14 June 2021, states that the surface water run-off from higher ground and both of the access tracks to/from the development site, drains into the existing culvert that runs under the eastern part of the site. Despite the fact that the amended site plan drawing states that no new connections are to be made to the culvert, the requirement to present a condition report of the existing culvert and its capacity to take any additional surface water (or any overflows from the on-site soakaways) still needs to be submitted to Highways to allow them to make their final comment.

I would request that the above be taken into consideration in the assessment of the application.
Please upload this onto the Public Access portal as a Public Comment.
Thank you.

Regards,
Euan

Euan Grant
Director
For and on behalf of Gauldie Wright & Partners Architects Ltd.

gauldie**wright**&partners
Chartered Architects · 2 Osborne Place · Magdalen Yard Road · Dundee · DD2 1BD

Comments for Planning Application 21/00081/FULL

Application Summary

Application Number: 21/00081/FULL
Address: Balgownie Farm Steading Eassie
Proposal: Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works
Case Officer: James Wright

Customer Details

Name: Mr Euan Grant
Address: 2 Osborne Place, Magdalen Yard Road, Dundee DD2 1BD

Comment Details

Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:I wish to comment on the applicant's submitted document entitled Applicant_Annotated_Drawing-3216682.

It should be pointed out to the applicant that they can only control or develop any building or boundary treatment within the area defined by the solid red line identifying land in their ownership. The 'missing' Leyandii hedge that has been overmarked on the plan and section drawing (prepared by me), does not lie within their curtilage and therefore they have no control over it. The applicant cannot base their development on our hedge being ever-present as it could be removed by us at any time, it might perish from having the roots damaged during excavation work to construct their retaining walls or from extreme cold weather. Without this hedge, the south facing windows would be seen, exactly as I have drawn.

Furthermore, the applicant should understand that they should be providing the Council with detailed, accurate plans, sections and 3D views that demonstrate that their proposals meet Angus Council's planning standards. It should not need a well-informed neighbour to provide drawings to confirm that their development does not comply with distances between windows of habitable room and that our private garden amenity space would also be overlooked, leading to a genuine loss of privacy.

On the 17th November 2022 and 18th November 2022, there was recorded rainfall of 42mm and 45mm in the area between Alyth and Kirriemuir. The local Ewnie Burn was in spate, and the drainage culvert and open field ditches local to the turning area were full and subsequently caused a significant amount of surface water to overtop and flood into the entrance to the proposed development and adjacent garden property. I recorded this flooding event on video, and I sent a copy to Angus Council Flooding Team at Angus House, Forfar. I have spoken with Andrew Brown, an engineer from the flood team, and he confirmed that he had seen the video and that flooding had indeed occurred.

The applicant had recently submitted a **Stage 1 Flood Risk Assessment** from Atholl Associates and a **Drainage Recommendation** from S.A. McGregor.

Stage 1 Flood Risk Assessment.

The Stage 1 FRA reports that there could be some overland flows as a result of flows in excess of the culvert capacity and the photograph no. 6 illustrates the indicative flow routes to lower ground. The report conclusion also states that the proposals will not cause any increase in flooding to third party property. I take issue with the above statements as the blue arrows overmarked onto the submitted contoured plan for the existing building clearly shows the anticipated flow (in blue arrows) crossing into the garden ground of No. 3 Balgownie Cottages. My septic tank (Registration Reference: CAR-R-1016568) is located to the south of a building noted as a timber woodshed, on the same plan. I am greatly concerned about the potential flood water route interfering with the safe operation of my foul treatment system.

Drainage Recommendation

S.A. McGregor has provided signed, certificated test data for infiltration testing and percolation testing for two trial pits which were carried out on 09.10.2021. The report states that the infiltration tests were carried out in accordance with BRE Digest 365 and that percolation tests were carried out in accordance with Section 3 of the Scottish Building Standards Technical Handbook and SEPA WAT-RM-04. The stated results have informed the calculations and dimensions of the proposed surface water soakaway and foul water soakaway as identified on their submitted plan. The test location plan (Fig 2). identifies the location of the two trial pits.

In the certified data for the percolation tests, the 'mean' percolation times are stated as 7455 seconds (2.0 hours) for FW1 A and 10125 seconds (2.8 hours) for FW1 B. The BRE Digest 365 (for Infiltration) requires the infiltration test to be carried out for a minimum of three times, so even assuming each test took the 'mean' time, the **TOTAL TIME** to carry out the three tests would be **6.0 hours** for FW1 A and **8.5 hours** for FW1 B.

I have in my possession date and time stamped photographs that shows the following:

1. S.A. McGregor's vehicle and a tracked mini excavator on site at 10.29am on the 9 October 2021.
2. The min-excavator heading back to the trailer vehicle at 11.11am on the 9 October 2021.
3. The infilled trial pit at 13.42pm on the 9 October 2021.

I also have a further photograph that confirms that only a single trial hole was dug, and the image clearly identifies that the trial hole is NOT in the location of either of the two trial pit locations marked in the report. See below.

The time stamped photographs indicate that the civil engineer and the mini excavator were only on the site for approx. 40 minutes. Even being generous and rounding the on-site time up to 60 minutes, it begs the question of how the tests could have been properly carried out to comply with the necessary standards, given that there is such a huge discrepancy in the times. 40/60 minutes clearly

isn't sufficient to dig 'two' trial pits to the depths reported, carry out the infiltration and percolation tests three times, and then backfill the holes.

Given that the percolation and infiltration test results are being relied on to demonstrate to the Planning Department that the ground has the capacity to act as a soakaway for both the foul water and the surface water for the project, it would seem essential for the Council to seek clarification in this matter with the applicant/agent.

I have copied the above information to SEPA and to Angus Council Flood Section.

Euan Grant.

[redacted]

Planning Application No 21/00081

Public Comment from Mr Euan Grant & Mrs Beverly Grant

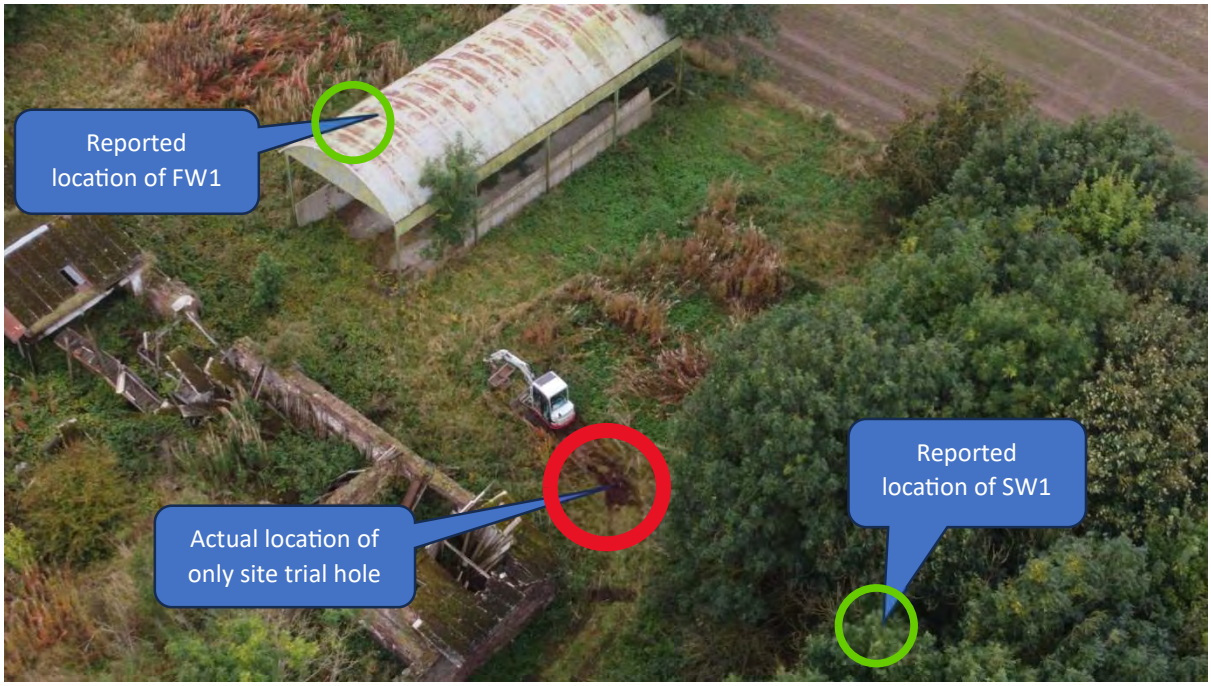
Further to my previous public comment uploaded onto the Council's website on the 17th July, I now submit the day and time stamped photographic evidence that shows that the site investigation carried out by S. A. McGregor on the 9th October 2021 lasted less than 60 minutes. As highlighted in my earlier submission and subsequently confirmed and supported in a separate report by Fairhurst Consulting Engineers, the infiltration and percolation testing to the required standards could not have been carried out in this time. Furthermore, the report states that two trial holes (FW1 & SW1) were dug on site, and this is also wrong. Clearly, the certified percolation and infiltration test results provided by the applicant's civil engineer have been fabricated and therefore cannot be being relied on to demonstrate to the Planning Department that the ground has the capacity to act as a soakaway for both the foul water and the surface water for the project.

We understand that the planning officer has requested comment from the agent/applicant on the above. Several weeks have passed since this was done, and we understand that the planning officer has received information via the agent stating that no further information is to be provided for this application.

S.A. McGregor's vehicle and a tracked mini excavator on site at 10.29am on Saturday, 9 October 2021.

The min-excavator heading back to the trailer vehicle at 11.11am on the 9 October 2021.

The infilled trial pit at 13.42pm on the 9 October 2021



Evidence that the location of trial holes FW1 and SW1 were not carried out as stated in S. A. McGregor's Fig 2. Test Location Plan.

It is noted in Angus Council's Flood Risk report, that the Flood Risk Assessment by Atholl Associates refers to Drawing No. 811P2-11B showing that the outfall from an access attenuation trench is to be taken to a site soak-a-way. Previous iteration of this drawing showed this attenuation trench discharging into the culvert. The Council's flood report notes that drawing no. 811P2-11C submitted in the Design Statement issue #2 June 2023 has removed the attenuation/collection trench beneath the drive and road paving. Now that there isn't a trench to collect and attenuate any floodwater and given the high volume of surface water know to flow overland during periods of heavy rain, the applicant must demonstrate how is this quantity of flood water to be contained or dealt with via SUDS to prevent damage to neighbouring property?

We trust that the Council will take all our considered and detailed objections into account and determine this application as a REFUSAL.

25 September 2023

Comments for Planning Application 21/00081/FULL

Application Summary

Application Number: 21/00081/FULL
Address: Balgownie Farm Steading Eassie
Proposal: Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works re application
Case Officer: James Wright

Customer Details

Name: Mrs alison wilson
Address: 2 BALGOWNIE COTTAGE EASSIE, BY FORFAR EASSIE DD8 1SF

Comment Details

Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:Dear Sir/Madam
I refer to the above application and wish to raise a few points that are causing me concern.
1. Due to the size of this development I envisage a large quantity of materials being required. These all being brought down a small farm track with our mains water supply beneath it. Although the highways department state that this road must be improved it would be beneficial for this to occur before work commences, for safety and drainage purposes.
2. On the application the "no risk" for flooding box has been ticked but according to the SEPA website this area is classed as "medium risk" likely of surface water flooding.
I can confirm that at present when we have heavy rainfall, the run off water from the fields, runs down the farm track past our house and down towards a culvert near the new development. With all the water run off from the many new roofs and paved areas will the normal run off have anywhere to go.
3. At present our water pressure is not terrific and wonder how a house with 2 kitchens and nine bathrooms will affect my supply and pressure, as the water passes the new development before my house.
4. I understand that an ecology survey should be undertaken, especially as we have at least one barn owl, bats and migrating birds in the summer. The buildings that are the proposed development are potential dwellings for all of the above and have been for a good number of years.
5. The scale of these premises concern me and that they will not conform to your guidance policy where it states that Farm Buildings in the Angus area tend to be constructed in stone, have a simple form, with few openings and with roofs usually covered in slate. Due to the size of this development I would like to be assured that these premises will not be used for commercial purposes in the future.

Comments for Planning Application 21/00081/FULL

Application Summary

Application Number: 21/00081/FULL
Address: Balgownie Farm Steading Eassie
Proposal: Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works re application
Case Officer: James Wright

Customer Details

Name: Mrs Alison Wilson
Address: 2 Balgownie Cottages EASSIE DD8 1SF

Comment Details

Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:Further comments on the above planning application.
1. Flooding
This is not a matter of opinion, but a matter of established fact.
SEPA have determined that the Balgownie area from the main road adjacent to Hatton of Eassie Farm down to Balgownie Mill is an area that has a medium likelihood of surface water flooding. Therefore the applicant should not be questioning the councils request for a flood risk assessment. We have in the past had our property flooded by run of surface water causing a great deal of damage.
2.Improvement to Access Track
As a user of the access road with a right of access, I would like to know, what standard the track surface is going to be and what arrangements will be put in place to deal with surface water.

Comments for Planning Application 21/00081/FULL

Application Summary
Application Number: 21/00081/FULL
Address: Balgownie Farm Steading Eassie
Proposal: Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works
Case Officer: James Wright

Customer Details
Name: Mrs alison wilson
Address: 2 balgownie cottages eassie by forfar

Comment Details
Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:I refer to the above application and wish to raise a few points that are causing me concern.

1. Due to the size of this development I envisage a large quantity of large vehicles bringing on site large quantities of materials, down a small track access road with our mains water supply running beneath. Requirements from the Roads Deptartment was for upgrading of the surface, inserting of passing places and sufficient drainage with approval from the owner and users but what has been presented is completely different and to a much lesser standard. This is farm track was not built for construction traffic.

2. With regards to the "Flood Risk Assessment 1" that has been carried out, as this site is of "Medium Risk" on Sepa's website should this not be a "FRA2".
At present when there is heavy rainfall the run off from the fields, runs down the farm track past our house and down towards the culvert, with so many more new roofed areas and hard surfaces will there be anywhere for this to go.

3. At present our water supply and pressure is not terrific and wonder how 2 kitchens and nine bathrooms will affect my supply and pressure, as the water passes the new development before my house. On Scottish Waters report they are unable to confirm capacity which suggests to me there may be a problem.

4. The scale of these premises concern me along with the materials being used for the build, which are not traditional stone and slate
for farm buildings, which are mentioned in your guidance Policy in the Angus area. Due to the

scale of this development I would like to be assured these premises will not be used for commercial purposes now or in the future.

My concerns are basically what I initially submitted but am disappointed that they have not been addressed fully!

Angus Council – Planning
Angus House
Orchardbank Business Park
Orchardbank
Forfar
Angus
DD8 1AN.

Date: 22nd March 2021

To Whom It May Concern:

Ref: 21/00081/FULL | Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works at Balgownie Farm Steading, Eassie.

With reference to the above-named planning application, we are writing to formally OBJECT. The reasons for doing so are detailed below.

We reside at The Hatton of Eassie Lodge, which is the 1st of 5 cottages located off the main public road and is accessed only by the farm track.
The access track is a coarse and uneven road which is in constant use for agricultural purposes-by the farmer of Hatton of Eassie farm and all the owners of the five cottages.

As previously noted, our cottage is the first property located directly off the farm track, meaning that all traffic passes very closely to the front of our property in order to reach the main road. Our cottage sits parallel to the track and our sitting room, kitchen and bedroom windows all face directly onto the track, so we are concerned that an increase in traffic will affect our privacy.
The proposed plans for the building of a 4/5 bedroom house with additional 3-bedroom "annex" raises concerns that the property will be used for more than residential purposes, e.g. possibly a holiday let, or long term residence for an extended family, thus creating a potential for a much greater volume of traffic passing by our cottage than being proposed in this planning application.
We would ask that the appropriate authority seek assurances from the applicant that such plans are not intended, as this would greatly disrupt the tranquillity and peace that living in a rural setting provides.

We are aware that in 2012 planning consent was granted for the conversion of the nearby Balgownie Mill to form a single house and workshop. The consent was conditional on upgrading the access track considerably and incorporating passing places along the route. We consider that the same requirement would be appropriate for this current application.

Given the volume of increased traffic, the current condition of the track, and the size of the proposed development we feel it would be necessary for the track to be upgraded *prior* to works commencing.

Should the track be upgraded to a standard that is deemed acceptable, we are then faced with further concerns surrounding the speed of the vehicles traveling up and down the track. In the past, we have experienced drivers speeding past our property causing small stones to be thrown up and which hit our windows-most of which face directly onto the farm track.
We would also like to see a speed restriction put into place to restrict the speed of all vehicles. The increase in traffic on the track also raises concerns for our personal and animal safety, as our driveway access and our perimeter wall lie directly along the edge of the farm track. At present, when exiting from our property onto the track, we have restricted visibility of traffic using the track and other track users would also have the same restrictions seeing our vehicles.

Lastly, we do not think that the proposed character, materials and scale of the proposed development are in-keeping with the Angus countryside and therefore does not comply with Council policy for development in the countryside.

Gavin McCombe & Helen Smith
Hatton of Eassie Lodge
DD8 1SF

Angus Council – Planning
Angus House
Orchardbank Business Park
Orchardbank
Forfar
Angus
DD8 1AN.

Date: 24th April 2021

To Whom It May Concern:

Ref: 21/00081/FULL | Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works at Balgownie Farm Steading, Eassie.

With reference to the above-named planning application, we are writing to formally OBJECT. The reasons for doing so are detailed below.

Our cottage is the first property located directly off the farm track, meaning that all traffic passes very closely to the front of our property in order to reach the main road. Our cottage sits parallel to the track and our sitting room, kitchen and bedroom windows all face directly onto the track, so we are concerned that an increase in traffic will affect our privacy.

We note that the artist's studio is for private use only, but we seek assurances from the Council that the annex part of the steading building will not be used for commercial purposes, as this would seriously increase the frequency and number of cars etc using the improved track. Our driveway access and perimeter wall lie directly along the edge of the farm track, because of this we also have concerns over the potential visiting vehicle drivers not adhering to any speed restrictions put in place. This would seriously affect the safety of pedestrian users of the track and may endanger the safety of our domestic pets. At present, when exiting from our property onto the track, we have restricted visibility of traffic using the track and other track users would also have the same restrictions seeing our vehicles.

We would ask that the appropriate authority seek assurances from the applicant that such plans are not intended, as this would also greatly disrupt the tranquillity and peace that living in a rural setting provides.

Lastly, we do not think that the proposed character, materials and scale of the proposed development are in-keeping with the Angus countryside and therefore does not comply with Council policy for development in the countryside.

Gavin McCombe & Helen Smith
Hatton of Eassie Lodge
DD8 1SF

Comments for Planning Application 21/00081/FULL

Application Summary

Application Number: 21/00081/FULL
Address: Balgownie Farm Steading Eassie
Proposal: Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works
Case Officer: James Wright

Customer Details

Name: Gavin McCombe & Helen Smith
Address: Hatton of Eassie Lodge Eassie by Glamis Forfar

Comment Details

Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:Angus Council - Planning
Angus House
Orchardbank Business Park
Orchardbank
Forfar
Angus
DD8 1AN.

Date: 15th July 2023

To Whom It May Concern:

Ref: 21/00081/FULL | Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works at Balgownie Farm Steading, Eassie.

With reference to the above-named planning application, we are writing to formally OBJECT. The reasons for doing so are detailed below.

We reside at The Hatton of Eassie Lodge, which is the 1st of 5 cottages located off the main public road and is accessed only by the farm track.
The access track is a coarse and uneven road which is in constant use for agricultural purposes- by the farmer of Hatton of Eassie farm and all the owners of the five cottages.

As previously noted, our cottage is the first property located directly off the farm track, meaning that all traffic passes very closely to the front of our property in order to reach the main road. Our cottage sits parallel to the track and our sitting room, kitchen and bedroom windows all face directly onto the track, so we are concerned that an increase in traffic will affect our privacy.
The proposed plans for the building of a 4/5 bedroom house with additional 3-bedroom "annex" raises concerns that the property will be used for more than residential purposes, e.g. possibly a holiday let, or long term residence for an extended family, thus creating a potential for a much greater volume of traffic passing by our cottage than being proposed in this planning application. We would ask that the appropriate authority seek assurances from the applicant that such plans are not intended, as this would greatly disrupt the tranquillity and peace that living in a rural setting provides.

We are aware that in 2012 planning consent was granted for the conversion of the nearby Balgownie Mill to form a single house and workshop. The consent was conditional on upgrading the access track considerably and incorporating passing places along the route. The Roads Memorandum stated that passing places would be required at a minimum interval of 150m, however only two passing places have been shown on the Site Location plan. As the distance between our cottage and the start of the track is greater than 150m, this would indicate that there should be one further passing place included.
The improvement to the track surface should extend the full length of the access track and include the whole of the turning area. What is being proposed does not comply with the required specification from Angus Council Roads. There is also no surface water drainage shown.
As a result, we feel the proposed road upgrade is not acceptable, and is not in accordance with the improvements required by Angus Council Road Department.

Given the volume of increased traffic, the current condition of the track, and the size of the proposed development we feel it would be necessary for the track to be upgraded prior to works commencing.

Should the track be upgraded to a standard that is deemed acceptable, we are then faced with further concerns surrounding the speed of the vehicles traveling up and down the track. In the past, we have experienced drivers speeding past our property causing small stones to be thrown up and which hit our windows-most of which face directly onto the farm track.
We would like to see a speed restriction put into place to restrict the speed of all vehicles. The increase in traffic on the track also raises concerns for our personal and animal safety, as our driveway access and our perimeter wall lie directly along the edge of the farm track. At present, when exiting from our property onto the track, we have restricted visibility of traffic using the track and other track users would also have the same restrictions seeing our vehicles.

Lastly, we do not think that the proposed character, materials and scale of the proposed development are in-keeping with the Angus countryside and therefore does not comply with

Council policy for development in the countryside.

Gavin McCombe & Helen Smith
Hatton of Eassie Lodge
DD8 1SF

Comments for Planning Application 21/00081/FULL

Application Summary

Application Number: 21/00081/FULL
Address: Balgownie Farm Steading Eassie
Proposal: Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works re application
Case Officer: James Wright

Customer Details

Name: Mr Sean Stone
Address: 1 Balgownie Cottage Eassie Forfar DD8 1SF

Comment Details

Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:We have a number of issues we would wish to raise objections upon:
The bat survey has missed the complexity of the roosts on site and significant elements of the population that are self evidently based there. We would suggest that a more comprehensive survey be carried out with the intent of establishing the full extent of the population and all species present.
I have seen a pair of barn owls exiting the ruin at dusk on numerous occasions and have every reason to assume that this resident pair roost here daily.
Substantial surface water drainage during the recent increasingly frequent heavy rainfall incidents pushes through the proposed parking and house entrance area of the plot. This area is frequently under several inches of fast flowing water. The covered drainage to the turning area cannot cope with the high volumes of water and field silt.
The access road traffic arrangements and limited surface improvements do not take account of a road surface that will require to endure the substantial increases in heavyweight traffic proposed during construction. Any short term upgrade will then require ongoing repairs that we are not prepared to finance to help subsidise the applicant's proposals. A longer term solution is required.
Further, the proposed access routes are all in daily use by active individuals, with numerous runners, walkers, dogs and cyclists using this route to access the nearby path network. Their safety needs to be maintained at all times.
We are concerned that such a substantial dwelling, with so many bathrooms & WCs will place a demand on the domestic water supply that will reduce our already modest water pressure. The scale of this property development also seems out of keeping with the proposed use, location and environs. The number of and range of facilities suggests a property intended for a large population, placing higher demands on resources, including the aforementioned water supply.

Comments for Planning Application 21/00081/FULL

Application Summary

Application Number: 21/00081/FULL
Address: Balgownie Farm Steading Eassie
Proposal: Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works re application
Case Officer: James Wright

Customer Details

Name: Mr Sean Stone
Address: 1 Balgownie Farm Eassie Forfar DD8 1SF

Comment Details

Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:The flooding risk has not been addressed by the latest report lodged May '21; this has taken at face value the SEPA guess of 0.5% risk of general surface water flooding and has not considered the absolute reality of local experience, which is that the site floods on every significant weather event, currently around twice per annum.
I do not see how the concerns over wildlife, particularly bats and owls in residence can be similarly dismissed. There are populations of both resident and the impact of development needs fully mitigated or avoided entirely.
There is no clear assurance in place with regard to the access road, which is a vital route to the residents and continues to incur all of the concerns previously highlighted and again, not yet satisfactorily addressed. I ask that the applicants be required to provide a suitable and binding long term solution to the access road that does not create the unacceptable threat of future costs for the existing residents. Any such must be in place before construction begins and damage then rectified throughout and on completion of the development.
Again, I would draw the Council's attention to the scale of the project and the previously highlighted concerns over the potential for this to be used as a commercial property, a function that the projected build clearly lends itself to. Any tourist business run from this site will have a significant impact on all of the existing residents nearby and binding assurances should be sought over the proposed use of the site.
I would also object to the unsympathetic choice of exposed steel in what will be the most visible parts of the structure, a material with no sympathy towards the site.
Finally, the lack of an engineers report on the viability of the south wall, its lack of any proper foundations and the way that any underpinning or shoring work will clearly impact the neighbours property, all highlights an apparent disregard for the safety, tenure and amenity of those neighbours

Angus Council – Planning
Angus House
Orchardbank Business Park
Orchardbank
Forfar
Angus
DD8 1AN.

Date: 24 March 2021

Dear Sir/Madam
Ref: 21/00081/FULL | Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works at Balgownie Farm Steading, Eassie.

We refer to the above-mentioned planning application and would wish to formally OBJECT to the application for the following reasons. Whilst accepting the re-use of a derelict building, the scale of the proposal and a number of technical matters give serious cause for concern. As a direct neighbour to the Balgownie Farm steading at 4 Balgownie, we are directly adjacent to the steading and most likely to be affected by the proposal.

This objection is separated into two parts:
Part 1 - Non-Compliance with Legislative Planning Policies
Part 2 - Architectural and Technical Analysis.

Non-Compliance with Legislative Planning Policies

Planning Policies

The application will be assessed against the Angus Local Development Plan 2016 and specifically these policies, which will be responded to in turn:

Policy H12 Supplementary Planning Guidance for Farm Building Conversions.

This policy was revised in April 2008 to provide a clear interpretation of planning policy and assessment of planning applications for conversion of farm buildings to housing. This document sets out guidance that includes a list of required information that **must** accompany any planning application for a farm building conversion. This includes:

- A report from a structural engineer to confirm that the building is capable of conversion in the intended manner and that the works required for the conversion will not compromise its structural integrity.
- Ecological survey undertaken by a suitable qualified professional to establish the presence of or the use of the building or trees by species including bats,

barn owls, swallows, martins, and swifts and other protected species together with any protection measures and mitigation to be implemented during the construction period.

- Details of access arrangements, including provision of passing places and improvements to the standards of the access track or junction with the public road.

The Policy states that it is important that from the outset, the technical feasibility of the conversion project is fully investigated by a suitable qualified professional. A report by Christy Gillespie, structural engineers, was submitted with this application. This report states that the engineers visited the site in 2016 after which they prepared structural information and a specification for the proposed demolition and making safe the existing buildings in support of a Building Warrant application, which was obtained in May 2017 and is now beyond the three-year validity period and no longer current.

The current engineer's report (containing much of the 2017 wording) simply states in its Summary Conclusions and Recommendations that *'However significant areas of the masonry that have remained are capable of retention and repair' and 'Repair and remedial works will be necessary to the majority of the of the remainder of the walls which are suitable for retention as structural elements for the new developments'*.

There is no supporting information detailing the proposed extensive excavation of the internal floor levels and external ground levels, no site logs to identify the existence or levels of any foundations, no trial hole logs, no porosity test results, no detailed drawings of the proposed 2.1m high retaining walls that are to be constructed, no details of how the new interventions into the existing stone walls are to be formed, nor any comment regarding the suitability of the existing building to be altered in the intended manner and that the works required for the conversion will not compromise the building's structural integrity.

Only a bat survey report, prepared by Stone's Wildlife Management was submitted with the planning application. This report only confirms that there is a colony of bats residing in the steading buildings. The report contains a passing remark that 'no Breeding birds, but the survey was carried out at the end of the breeding season'.

No details of the road improvements, passing places, road drainage have been provided with the submission.

The H12 Policy refers to the retention of vernacular architecture and states that '*farm buildings in the Angus Area tend to be constructed in stone and have a simple form with few openings, often of various size and plain pitched roofs, usually covered in slate. The materials and simple form tend to create a character which is distinctive to the area and worthy of retention. Proposals are likely to be most acceptable where*

they minimise the level of alteration required and thus retain the original character and appearance of farm buildings.'

The Policy goes on: 'the proposals should:

- *Retain important architectural features identified by the architectural appraisal.*
- *Retain and re-use existing openings. New openings should be kept to a minimum but where necessary AND justified should reflect the style, proportions, and pattern of the existing.*
- *Retain the existing roof form. Roofs should be finished in slate.*
- *Avoid insensitive additions that change the character of the building. Suburban or overtly domestic architectural features such as canopies, conservatories, bay windows and balconies should be avoided. We would suggest that Oriel windows (which are a form of bay window) also fall into this category.*
- *Make provision for unobtrusive car parking.*

Lastly the H12 Policy considers that any approval granted should contain a Condition that removes Permitted Development Rights that provide for the erection of boundary treatments and the erection of any ancillary structures.

Response – *We would suggest that none of the above H12 Policy guidance has been followed in this planning proposal.*

Policy DS1 Development Boundaries and Priorities, states that:
In all locations, proposals that re-use or make better use of vacant, derelict or under used brownfield land or buildings will be supported where they are in accord with relevant policies of the ALDP.
Response – we accept that this policy supports the re-use of this redundant building.

Policy DS3 Design Quality and Placemaking requires that:
….. development proposals should create buildings and places which are:
Distinct in character and amenity
Safe and pleasant
Well connected
Adaptable
Resource efficient …..”

Response – this development fails to fit with the character or integrate into the surrounding landscape by virtue of the proposed scale of alterations to the buildings, the form, and materials, resulting in a building which will be incongruous in the wider Angus countryside.

Policy DS4 Amenity states that:
"All development must have full regard for opportunities for maintaining and improving environmental quality. Development will not be permitted where there is adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties. Angus Council will consider the impacts of development on
…… the effect and timing of traffic movements to, from and within the site, car parking and impacts on highway safety, and
Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing."

Response – As has been stated in the body of the Objection, the existing access will effectively have to handle traffic for 7 properties (5 existing and 2 new). It is our view that the track and the insertion of inter-visible passing places added to handle the anticipated level of traffic must be carried out prior to the commencement of any works to ensure the safety of all user of the access track and all farm activities. (All as per Angus Council's Advice Note 17).

With regards privacy, our rear garden and rear elevation which contains 2 apartment windows will be severely compromised by this development, with distances of 6.7m & 12.1m. For these reasons we consider that the proposal fails to meet the requirements of Policy DS4 Amenity. To support our overlooking claim, we submit several 3D views created using the submitted drawings to demonstrate that despite the use of Oriel windows on the first floor, our private amenity garden spaces will continue to be overlooked by the development resulting in our loss of privacy.
See Appendices A, B, C, D, E & F.

Policy TC2 Residential Development states:
"All proposals for new residential development, including the conversion of non-residential buildings must:
*……provide a **satisfactory** residential environment for the proposed dwelling(s)*
Not result in unacceptable impact on the natural and built environment, surrounding amenity, access and infrastructure…."

"In the Countryside locations Angus Council support conversion of non-residential buildings."

Response – a "satisfactory" residential environment is very subjective, but it is our view that this development fails with this proposal, specifically it impacts upon the built environment by nature of its scale, form, design, and materials. It impacts on the surrounding amenity by failing to meet privacy distances to our property directly adjacent to the site and questions remain over the access and infrastructure capacity. For these reasons, the proposals fail to meet the requirements of Policy TC2.

Countryside Housing Supplementary Guidance states:

"To be suitable for conversion, a building should have characteristics that would make a positive contribution to the character and architectural heritage of rural Angus. Such non-residential buildings are often constructed in stone; have a simple form with few openings; and have pitched roofs, which are usually covered in slate.

The policy supports the conversion of appropriate buildings, where (amongst other things) proposals would retain or enhance valued architectural features. A design statement based upon and including details of an architectural appraisal and landscape assessment should be provided in support of proposals to convert any non-residential buildings. The design solution should show how valued characteristics have been retained or enhanced. The requirement for supporting design information will be proportionate to the scale of the proposed development and its landscape context.

Buildings suitable for conversion come in a wide variety of shapes and sizes, so there is no defined limit to the number of housing units that may come forward from conversion. The number of units that can be provided will depend on factors such as the size of the building to be converted, the acceptability of the alterations required (from the perspective of building design and residential amenity), and existing/proposed access arrangements."

Response – what makes a positive contribution to the character and architectural heritage is again subjective, but it is our view that the proposal will not be wholly constructed in stone, will not have a simple form with few openings and does not have slate roofs and therefore the proposal will not make a positive contribution to the amenity of the immediate area.

The changes sought to the buildings, such as radically reducing external ground levels, forming massive interventions in the existing stone walls to form new window and door openings, complicated roof forms using Corten weathered steel or timber and inappropriate use of materials, combine to create a development which by virtue of its massing, scale, and materials, will appear totally incongruous in the wider agricultural landscape context. For these reasons, the development does not accord with the principles of the SG.

Architectural Design and Technical Analysis

Any planning application must be considered against good design parameters and it falls to the Local Authority Planning Department to be the arbiters and monitors of these matters.

I am a Chartered Architect with 41 years' experience and knowledge of designing and building in Angus, Fife, and Perthshire, so my professional credentials & experience qualify me to carry out my own technical analysis of the proposed development and identify its many shortcomings.

I refer to guidance commissioned by the Scottish Executive in 2001, called **The Conversion of Redundant Farm Steadings to Other Uses.** This guidance was undertaken by the Central Research Unit and contains chapters on the History and Descriptions of Traditional Farm Steadings, the Re-Use of Redundant Steadings and Design Criteria. Various Local Authorities use this guidance to inform and influence 'best practice', to demonstrate good design to educate and enlighten prospective developers/applicants in the sustainable re-use of agricultural buildings in the countryside setting.

In the executive summary it states that '*the over-riding principle should always be to adapt the proposed new use of the steading to suit the physical and architectural constraints of the building itself, rather than visa-versa. Any conversion works should subscribe to the best principles of conservation and ecological design. They should promote the use of traditional materials and building techniques and be 'low impact ' in physical and environmental terms.'*

In the Design Section, the most salient points relative to this proposal are noted as:

- '*Alterations should be kept to a minimum, particularly where they affect the appearance of the building. Existing openings should be re-used, and new ones introduced with circumspection.*
- *Let the existing building dictate the nature of the conversion. The new function should be made to follow the existing form of the buildings and be modified to suit if necessary.*
- *Most roofs are simple in form, consisting of straightforward pitches running between gable ends. The simple roof form is a fundamental characteristic of the traditional steading – its proportions and relatively clean lines should not be disturbed without due cause.*
- *A common problem in conversion work is that ground levels need to be altered in order to direct moisture away from the building or internal levels have to be reduced to provide a sound basis or solum for a new floor. This can expose the shallow footings or the base of the wall and trigger the need for underpinning if height permit it is often better to superimpose anew floor onto an existing one, thereby avoiding the need for excavation altogether.*

- *Wherever practicable, existing openings should always be re-used, regardless of how they relate to the spaces within.*
- *The formation of new openings in existing walls requires very careful consideration as their cumulative effect can often blight the character of the building. In all cases new openings should be used sparingly with due thought given to their distribution and detailing.*

Response – Although the design largely retains the courtyard shape of the existing steading building and the proposals has not raised the eaves height or ridge line of the main threshing building, the good design practice provided in the Scottish Executive guidance has been largely ignored.

Design Analysis

The first major concern is that the proposed design relies completely on the ability to extensively excavate below the internal floor levels and extensively excavate below external ground levels: without affecting the structural integrity and stability of the existing mass stone walls, which are in-part retaining structures. These assumptions have not been supported by any structural engineer's foundation details or calculations.

The ground floor of the main threshing building contains the kitchen, dining area and lounge. This accommodation which generally form the hub of any house are virtually sub-terrainial. As a solution to this, the proposals indicate the creation of 2.1m high retaining walls to try to introduce spaces directly outside these new window openings. Even so, these internal areas have limited daylight penetration and almost no views out to the surrounding Angus countryside. Instead, these areas look directly at the face of the retaining wall opposite the kitchen window or look out to an earth embankment through the dining room window.
The ability to construct these retaining walls have not been supported by any structural engineer's details or calculations. The retaining wall that is to be parallel to our northern site boundary must be designed with its foundation to be wholly within the curtilage of the proposed site and must ensure that our site boundary markers and adjacent buildings are protected from subsidence or damage.

The proposed ground floor plan has kept generally to the shape of the existing steading and whilst this is considered desirable, the amazing views from the site have been largely ignored in preference to forming a rather dull introspective looking, massive courtyard occupied by only three specimen trees surrounded with hard paving. The removal of the external ground around the west perimeter of the building to form a paved space outside of the dining and sitting area and the general reduction of the external ground level around the edge of the building will have a detrimental effect on the remaining trees that are identified as being retained along the western boundary.

The submitted proposal drawings have been drawn in complete isolation and do not show any context of the applicant's extensive site and do not actually extend much beyond the faces of the building. This is dis-ingenuous as our single storey cottage and our closest apartment windows have not been shown in any relationship to the proposed new windows and results in direct overlooking into our private amenity spaces. The wall of our timber garage which forms the site boundary at this point is only 850mm away from the face of the main building and an en-suite window looks directly onto our garage wall and a dressing room window looks directly into our private amenity space.
This lack of site context must be addressed by the applicant so that the Planning Department can comprehend the closeness of all of the relevant buildings and their various openings.

The proposal is for a four-to-five bedroom house with an integral three-bedroom auxiliary accommodation with a combined Gross Floor area of 931.1m2 (10,022 square feet). The proposed floor plans show the annex with a GFA of 178sqM (1915 square feet) and contains a large living/dining/kitchen space, two bedrooms with en-suites and a further bedroom in the roof space.
We consider that in planning terms this 'annex' accommodation is a self-contained residential unit, which is not reliant on the main house in any way. This would actually mean that the proposal will create 2 no. new dwelling units, not 1!
It is noted that the planning application form states that there will be 5 No. vehicle parking spaces provided, but the landscaping plan suggests that there is sufficient hardstanding space created to accommodate up to six cars.

Given the size of the annex accommodation, it is disingenuous to assess the application as a single home and this application should be considered as an application for 2 dwelling units and any assessment of impacts should clearly take this into consideration.

It is noted that the first-floor plan indicates a space that is open to the passageway and is annotated as a 'Lounge'. Interestingly, the adjoining space has been provided with a 3-piece large 'en-suite' shower room and a built-in hanging wardrobe space which could, by the addition of a partition and a door, be converted into yet another bedroom, thereby providing 8 double bedrooms capable of accommodating up to 16 people.
(*An 'en-suite' is defined as* '*immediately adjoining a bedroom and forming part of the same set of rooms)'.*

Future Use for Commercial Purposes

Given the total number of bed spaces that the proposed house is to provide, we believe that the Local Authority must seek assurances from the applicant that the property is not to be used for any commercial purpose in the long term e.g., Artist's or other vocational Retreat, or leased/rented in whole or in part for holiday usage. Any vocational activities would be most unwelcome to all of the immediate residents who appreciate the peace and quiet of countryside living and which would generate additional number of vehicles movements up and down the private track.

Balgownie Farmhouse Foul Drainage

Our SEPA registered septic tank is located within the applicant's land to the south of the timber woodshed and is annotated on the submitted site plan (Drawing No. 811P-11a) as 'MH, cover level of 86.7'. Our property title provides us with access to our foul drainage pipe and septic tank for maintenance and, if necessary, full replacement. The foul drain from our cottage runs from the northwest corner of our house down to the septic tank and we know that the pipe has minimum cover.

The proposals show that the applicant intends to reduce the ground level by 1.9 metres along the southern edge of the barn mill and to construct a retaining wall adjacent to the proposed kitchen window. We believe that our foul drainpipe runs down and crosses this strip of land, so it is difficult to see how the proposed ground level can be substantially reduced without affecting the foul drainage from our property.

Mains Water Supply

It is noted that the development contains numerous water fittings and appliances including 10 WCs, 7 Showers, 4 Baths, 14 Wash Basins & 3 Sinks. Although not identified on the floor plans, it is assumed that the main house and the annex will also have a washing machine, a utility sink, and a dishwasher. It is noted that the timber shed building is to be brought back into use initially as a construction site office. There is no detail of the proposals for the timber shed provided in the application and it would seem plausible that to function as a working office, it would require a WC, wash basin and a utility sink.

The current two-inch diameter water main runs from the public road at Hatton Farm and currently provides mains water to 7 properties: Hatton Lodge, Balgownie Cottage No. 1- 4, Balgownie Mill Cottage and Balgownie Mill. The owners of the neighbouring cottages have let me know that the existing main water pressure to their properties is very variable and there is a concern that the water pressure will reduce even further given such a large water demand for the proposed development.

Interestingly, the RIBA 2030 Climate Challenge has set targets for potable water reduction by at least 40%. This equates to a domestic target of 75 Litres/person/day by minimising water demand, optimising building systems, and harvesting rainwater as well as recycling and re-using water on-site.

Assuming a full household totalling 16 persons, the target total would be 1200 Litres per day. The application does not contain any information regarding harvesting rainwater or recycling or re-using water and if the applicant is to be environmentally aware of the intended 2030 targets, the high number of water fittings and sanitaryware should be re-considered.

Foul Water Drainage

The design statement notes that the discharge from the on-site sewage treatment plant is to discharge into the culvert that passes through the site. Given the large number of water fittings included in the proposed development, the applicant must provide a written report from a suitable qualified and experienced person that the culvert has the capacity to receive all of the waste discharge and to confirm that there is sufficient capacity in the existing mains water supply.

Surface Water Drainage

See the Public Comment submitted by us to Angus Council's portal on the 10 March regarding the SEPA Flood Hazard and Risk Information stating that the applicant site is adjacent to an area with a Medium Likelihood of Surface Water Flooding.
It is noted that the applicant stated that the application site was not subject to flooding or cause flooding elsewhere.
To comply with the Council's H12 Policy, the applicant must undertake and submit a **Flood Risk Assessment** and full SUDS calculations by a suitably qualified & experienced person. Porosity test results must be submitted by the applicant to confirm that garden ground is capable of accepting the surface water run-off and also to confirm that the existing culvert has the capacity to receive all of the overflow from any proposed surface water attenuation.

Habitat Survey

See the Public Comment submitted by us to Angus Council's portal on the 10 March regarding a Habitat Survey.
It is noted that only a Bat survey has been submitted with the application.
The application does not include an Ecology Constraints Study.
To comply with the Council's H12 Policy, the applicant must undertake and submit an **Ecological Constraints Study** by a suitably qualified & experienced person.

Ground Contamination See the Public Comment submitted by us to Angus Council's portal on the 10 March regarding Contamination. It is noted that the applicant stated that the application site was not subject to contamination. The previous planning application contained the demolition report from Christy Gillespie that stated that 'There are sections of asbestos cement roofs on the partly collapsed buildings and asbestos cement sheets lying on the ground'. In addition, the applicant's site drawing indicates a disused oil tank; both of which have the potential to contaminate the surrounding area.

Ground Level Reduction/Alteration of Existing Ground Levels

The barn mill building once had a mechanical water-driven wheel on the south side of the building and the protruding stone base for the axle is still in evidence on the wall. The farmer believes that the wheel was fed with water via a Lade pipe from a holding pond that was located in the upper sections of one of the fields to the south of Balgownie. During our own excavations to install an outside water tap, the crown of a large diameter fireclay pipe was uncovered running diagonally below the south side of our garage and it is assumed that this pipe continues on towards the old water wheel location. It is not known if this Lade pipe is still 'live' to some degree, nor is it known where the end of the Lade pipe currently terminates or if it has an outfall to a permanent watercourse further downstream, but the proposed substantial reduction of the ground levels in the area adjacent to the barn building where the old water wheel was located could lead to localised flooding, surface water drainage problems and possible ground erosion.

The submitted drawings show that the intention is to substantially reduce the existing ground levels to the south west corner of the proposed development by 2.2m. The intention here is to reduce the level to provide a floor to ceiling window into the dining area. This ground is immediately adjacent to our car parking area and the proposed West Elevation shows that the intended retaining wall structure is to be no higher than the upper ground level and this clearly would raise safety concerns which would need to be addressed. It is further noted that there is no proposed boundary treatment between the two properties on the West Elevation.

There are a group of 10.0 - 12.0m high Cupressus trees immediately adjacent to the above area where the external ground level reduction is proposed. These trees are not noted on the plans as being removed, but it is likely that the severe ground level reduction could affect the stability and health of these trees.

Massing, Scale, Design and Materials

The surrounding architecture comprises traditional single storey farm cottages, many of which have been altered and extended but which retain a dominant architectural form exemplified by gable widths, roof pitches and the use of natural materials. This proposal is wholly at odds with this style, introducing massing, particularly in relation to the roof forms and heightened buildings, which will appear dominant and incongruous in this agricultural landscape and significantly detracts from the original simple form of the buildings. Specifically, in relation to the design elements:

- The overall size and proportions of the new window openings are also much larger than the formed openings of the existing building, which will detract from the original architectural and vernacular features of this group of steading buildings. The design uses a large amount of full height window openings that are at odds with the existing rural character that proportionally contains more solid forms than voids.

- A Corten steel roof covering has been used for the majority of the existing buildings, but the use of this material is more suited to inner city industrial settings and although the pitched roofscape is broken up with a variety of pitches, the geometrical junctions appear to be over-complicated and at odds with the simple geometry of stone or slate covered farm buildings. It is worth keeping in mind that the rainwater running off the steel sheeting will lead to a rusty brown discoloration of the surrounding materials.

- Other roof areas are shown to have a timber roof covering. Given that the damp humid conditions that prevail in Scotland, the suitability of timber used as a durable waterproof covering over habitable accommodation is highly questionable.

Loss of Private Amenity

The proposed first floor plan shows Bedroom 2 and a Lounge that are to have Oriel windows facing onto the garden of our cottage. Policy H12 and the Conversion of Redundant Farm Steadings both say that suburban or overtly domestic architectural features such as bay windows should be avoided. Given that Oriel windows are a form of bay window, this architectural device should not be permitted.
The south elevation drawing shows new first floor Oriel windows which project 900mm from the steading wall and are 2650mm high overall and 1920mm long overall. The full height windows to either side of each Oriel window are 720mm wide x 2000mm high. The introduction of both of these Oriel windows will still result in the loss of privacy of our garden ground.
See 3D Views from these Oriel windows - Appendices A, B, C, D.
See 3D Views from our private amenity space looking towards the steading building - Appendices E & F.

A similar overlooking situation occurs from the dressing area of the master bedroom. Even if this window is obscured glass, this window could be openable, and our privacy encroached upon. An existing door opening on the west elevation is to be replaced with a full height glazed sash and a smaller window on the south elevation, which is only 850mm away from the ownership boundary, and looks directly onto the wall of our garage.

The Planning Officer must obtain further detailed site cross sections from the applicant to illustrate how all of the new windows relate to the private amenity space and apartment windows of our adjoining house, as we have significant concerns that these do not meet adequate privacy distances.

Proposed Kitchen to Balgownie Apartment window – 6.9m
Proposed Pantry to Balgownie Apartment window - 6.7m
Proposed Utility Room to Balgownie Apartment window – 12.1m.

Proposed First Floor Lounge to Balgownie Apartment window – 7.1m
Proposed First Floor Bedroom 2 to Balgownie Apartment window – 12.3m

Finally, the Local Authority must condition any consent granted to remove any Permitted Development rights to protect the steading for having undesirable future additions such as PV roof panel arrays, Air Source Heat Pumps, Carports etc. without requiring additional applications for further planning consent.

In summary, it is disappointing that even after two planning submissions the applicants have ignored the simple design guidance which is to minimise the level of interventions/alterations required, keep to a simple solution, and retain the original character and appearance of the farm buildings. The over-riding principle should have been to adapt the new use of the steading to suit the physical and architectural constraints of the building itself, rather than visa-versa. The new alterations to the steading should be legible and elegantly handled, not ‘audible’ as appears to be the case here. We consider that there are some fundamental issues which prove that the proposal does not accord with the statutory Local Development Plan and associated Supplementary Guidance, and for these reasons we consider that the application should be REFUSED.

[redacted]

Euan & Beverly Grant

Balgownie Farm

Eassie

DD8 1SF

APPENDICES

Appendix A
3D View Looking East from Bedroom Oriel Window

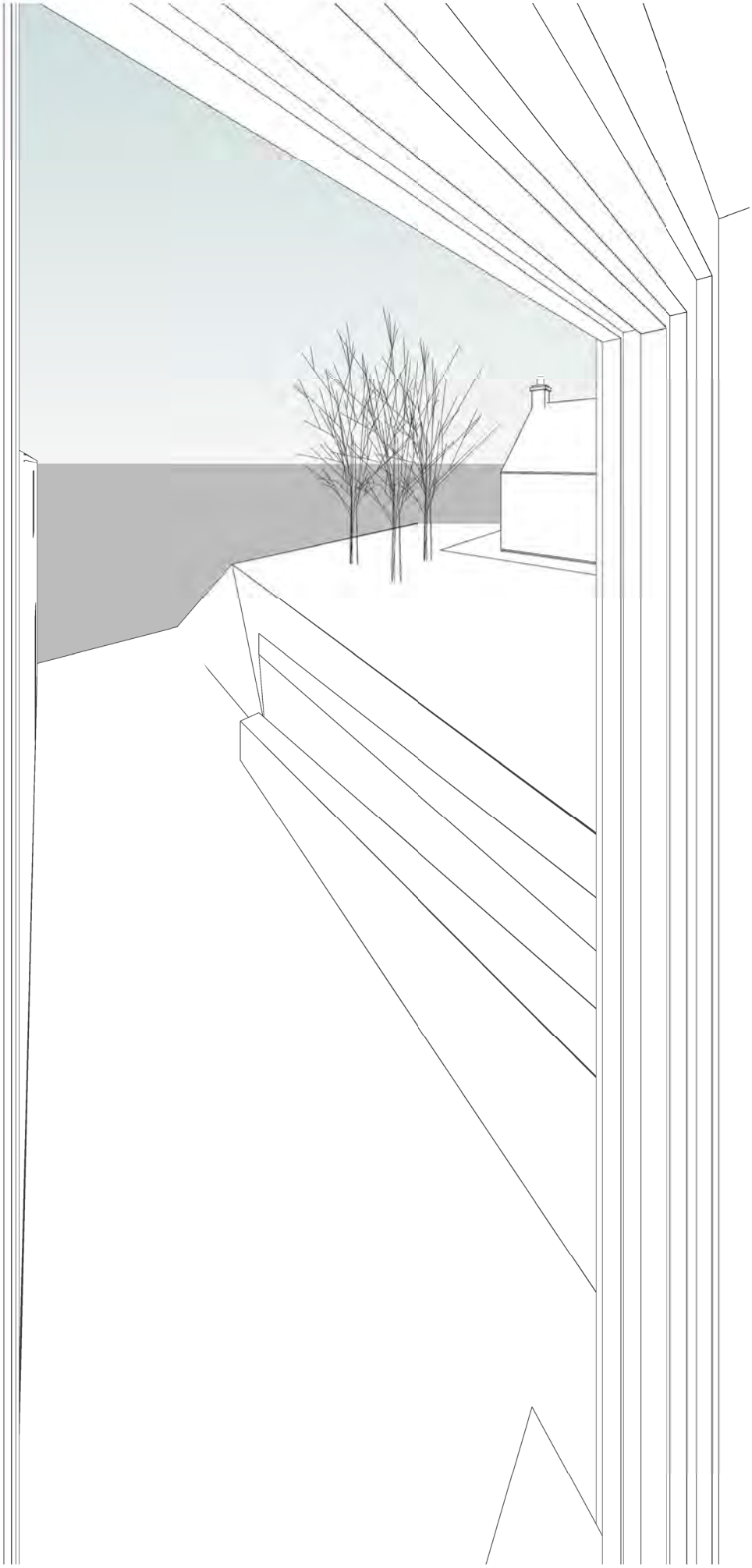
Appendix B
3D View Looking West from Bedroom Oriel Window

Appendix C
3D View Looking East from Lounge Oriel Window

Appendix D
3D View Looking West from Lounge Oriel Window

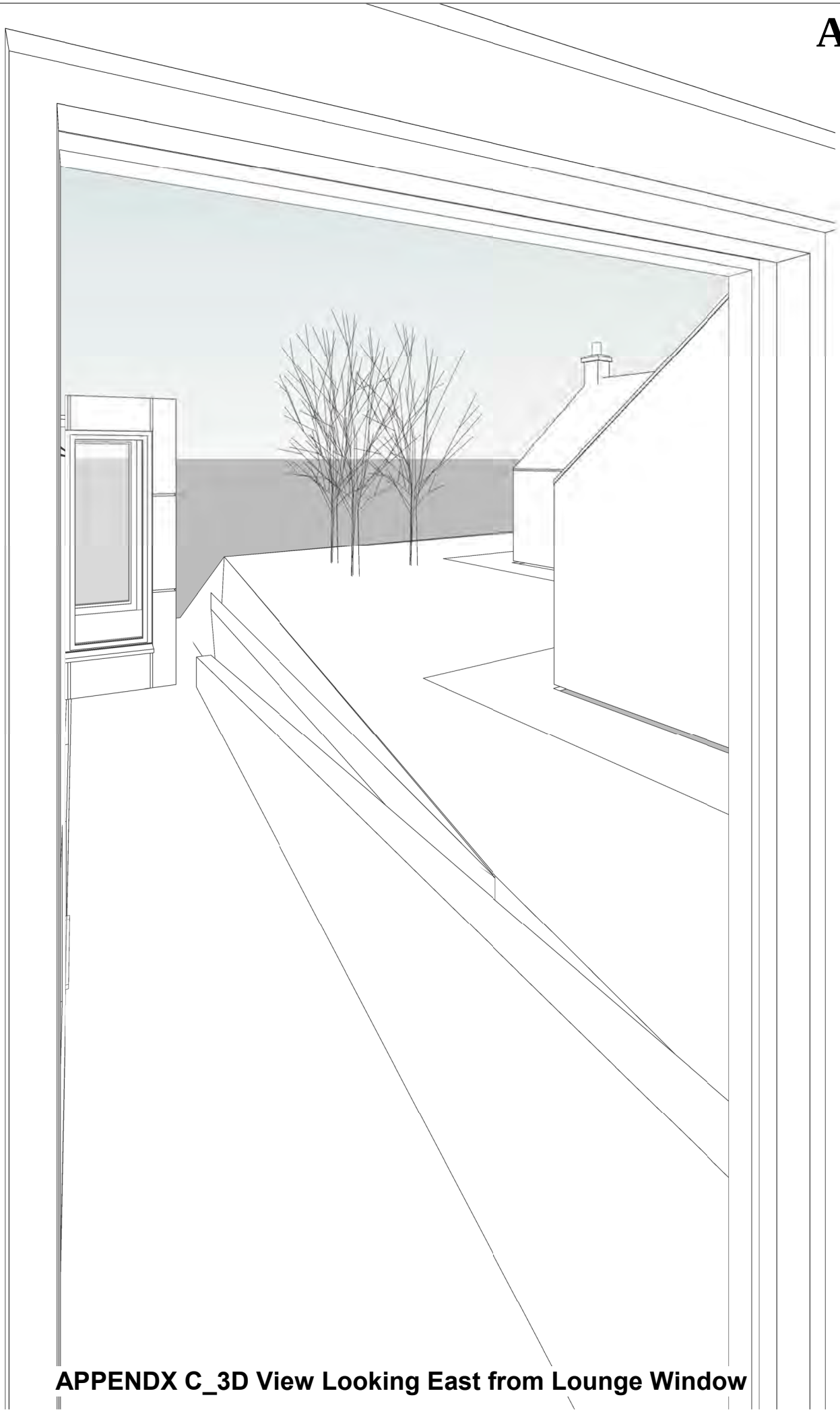
Appendix E
3D View Looking from Private Amenity Space towards Steading_East to West

Appendix F
3D View Looking from Private Amenity Space towards Steading_West to East

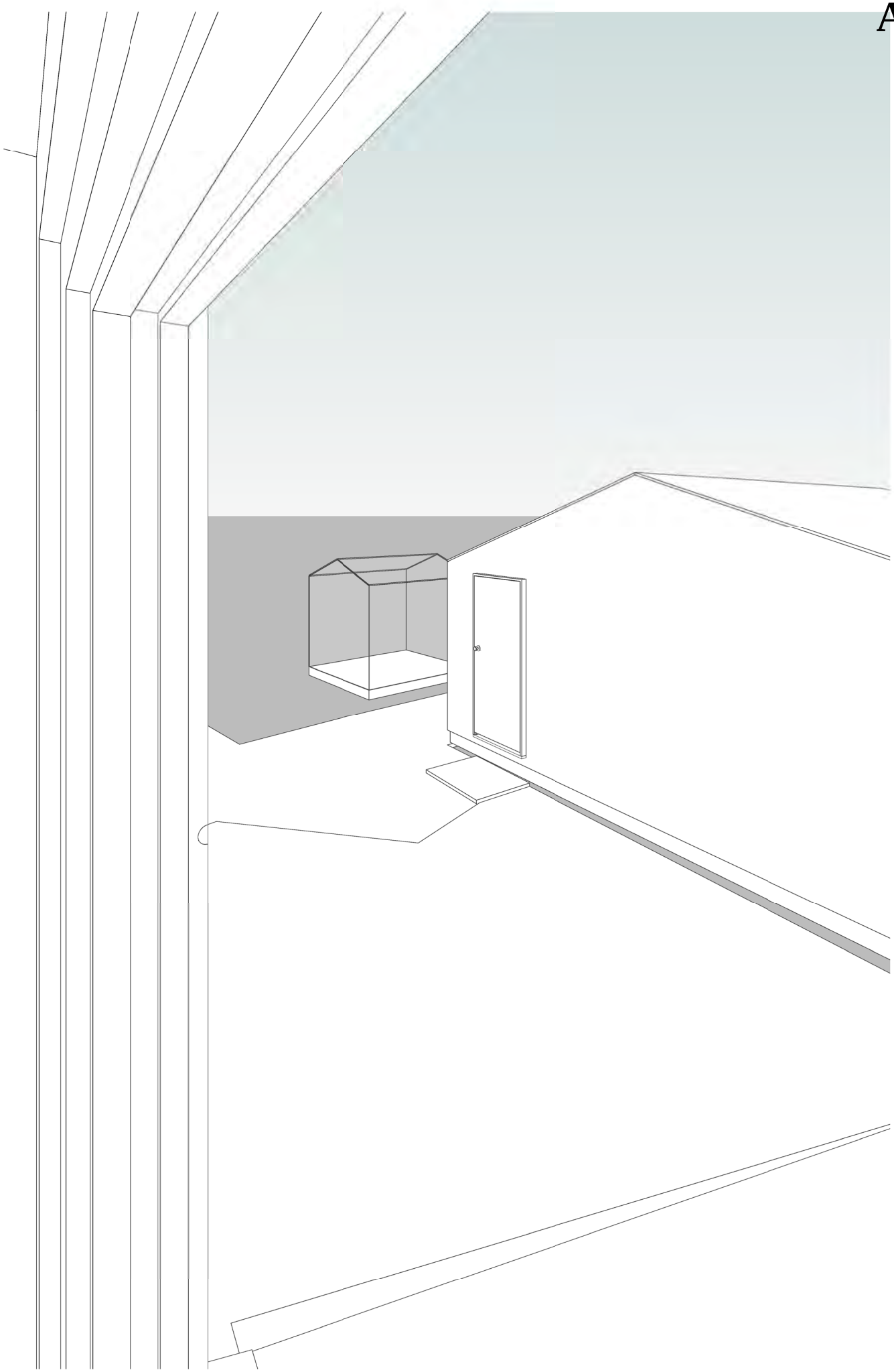


APPENDIX A_3D View Looking East from Bedroom Oriel Window

APPENDIX B_3D View View Looking West from Bedroom Oriel Window



APPENDX C_3D View Looking East from Lounge Window



APPENDIX D_3D View Looking West from Lounge Oriel Window

APPENDIX E_3D View Looking from Private Amenity Space Towards Steading_East to West

APPENDIX F_3D View Looking from Private Amenity Space Towards Steading _ West to East

Angus Council – Planning

Angus House

Orchardbank Business Park

Orchardbank

Forfar

Angus

DD8 1AN.

Date: 24 May 2021

For the attention of Planning Case Officer: Mr James Wright

Dear Sir/Madam

Ref: 21/00081/FULL | Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works at Balgownie Farm Steading, Eassie.

We refer to the additional information recently uploaded by the agent for above-mentioned planning application and would wish to formally OBJECT to the application for the following reasons.

We have specific concerns which include:

Assessment of Flood Risk.

The agent stated on the planning application form under the section on Assessment of Flood Risk that the site at Balgownie Steading is not within an area of known flood risk and the proposal will not increase flood risk elsewhere.

The SEPA flood data clearly identifies that there is a **Medium** likelihood of surface water flooding in the Balgownie Steading area from the access point on the ZC16 road, down the length of the rough track, past all of the Balgownie Cottages and along to Balgownie Mill. SEPA categorises the likely risk of surface water flooding into three groups identified as: Low, Medium or High risk, so this SEPA data cannot be dismissed as being of a minor nature or questioned by the agent/applicant. Given the natural topography around the Balgownie Farm area identified in the SEPA report, the area where the applicant's property boundary abuts the turning area will continue to flood during periods of heavy rainfall, and therefore the submission of a Flood Risk Assessment prepared by a suitable qualified professional is essential before the application can be properly determined. I attach two photographs taken this morning after only one night of moderate rainfall. The turning area has standing water clearly visible and the entrance into the steading also has ponding water.

Angus Council Transportation Department has issued its Memorandum on this application and has stated that the applicant will have to improve the access track to one of the surfaced specifications noted in Advice Note 17 _ Miscellaneous Planning Policies. The Transportation comment also states that details of the access road drainage is required. Since the access road and the turning area immediately in front of the steading development will also be upgraded by the applicant, the run-off

from all the tarred surfaces is going to exacerbate the volume and speed of any surface water run-off during periods of heavy rainfall. The surface water run-off from the track will need to be taken into consideration as part of the Flood Risk Assessment and reinforces why the Council requires this study to be carried out to ensure that all surface water is appropriately dealt with, even if it originates beyond the applicant's site.

It is further noted that the revised site layout plan No. 811P-11B shows an extensive length of collection trench that is connected directly into the existing culvert without any SUDS attenuation or reference to any existing ground porosity test results. It is noted that the size, capacity or condition of the existing culvert has not been established by the applicant. The paved internal courtyard (with an area of approx. 372m2) has now been shown with a surface water drain connecting to the proposed collection trench. The water volumes from these surface water drains will require to be included as part of a civil engineer's Flood Risk Assessment as it is likely that these connections, without a suitable SUDS strategy, will contribute to flooding further downstream of the culvert's outlet. It is also of concern that our foul drain to our septic tank is crossed by this proposed collection trench. Any intervention or alteration to our foul drain will require our written consent and we request that the applicant provides the Council with further information on the method of installation and construction details of the proposed collection drain, before planning consent is determined.

As mentioned in previously submitted objections, the steading buildings once had a water powered wheel on the south side of the threshing barn. This wheel was driven by water supplied from a holding pond via a lade pipe that in still in existence and could still be carrying some surface water from field drains and roadside ditches. The proposed deep excavation to lower the external ground levels will effectively cut through this lade pipe with unknown consequences, and the Council must request that the lade pipe be investigated further by the applicant.

The consultee Archaeologist has confirmed the local presence of the 17th Century St Mary The Virgin's hospital. The historic listing of the Balgownie hospital also records a spring well which survived in 1880. The applicant intends to radically excavate some areas of ground to the west and east of the existing steading buildings. As mentioned above, this area sits in the lowest point of the surrounding topography and the excavation work could disturb the existing water table or alter the existing ground water levels. No site ground conditions report has been submitted with the application to establish the soil make-up nor the porosity of the ground, and this information must be requested as part of the Flood Risk Assessment.

We would also point out that the line of our foul drain from our cottage to our septic tank is incorrectly identified on the Surface Water Disposal Options drawing. The outline of our garage on the same drawing is also incorrect, as is the outline of our cottage. The drawing of the outline of the house at No. 3 Balgownie is also incorrect, as it shows the building before it was demolished and rebuilt in its current position.

Section Drawings

In our previous objection letter, we noted that the submitted development drawings had been drawn in complete isolation and did not show any context or reference beyond the outer face of the buildings. Despite further information being requested by the planning case officer, it is now noted that submitted drawing no. 811P2-13 only shows the immediate adjacency of the boundary line to the south of the steading building. The additional section drawings do not adequately illustrate the proposed steading development's adjacency of our cottage, nor do the sections show the relationship between the development's windows and those of our cottage. Perhaps, not surprisingly, the applicant does not want to show the overbearing nature of the development in comparison to our single storey property, nor does the applicant want to indicate our private garden space, nor highlight the proximity of our apartment windows and the areas where we will suffer a loss of privacy from overlooking. If the planning case officer is in any doubt, he only has to look at the 3D drawings that we included with our letter of objection dated 24 March 2021 to see the reality of the proposed conversion.

The Architect's sketch sections have been checked for dimensional accuracy and it is noted that our hedge is inaccurately represented as being over 3.0m high and much wider than it actually is. The sketch section taken through our garage suggests that the gap between the steading wall and the garage measures 960mm. This is also incorrect. The actual gap is actually 845mm.

We cannot see why the existence of our boundary hedge on our land appears to offer us protection from viewing the proposed development and therefore their comments are irrelevant. The agent has stated that the height of the hedge is "for the most part, higher than the eaves level of the building". This is totally incorrect. The existing eaves height of the steading building is a constant level of 73.60 and the top of our hedge varies from 73.45 at our garage, down to 72.41. This demonstrates that the hedge is not higher than the eaves, but actually is an average of 660mm **lower** than the eaves. The fact that the hedge, which is under our control and not theirs, is a living plant and could die off in the future or be removed by us at any time, cannot provide any defence to us not seeing any of the boundary works or treatments. More importantly, our hedge also cannot provide any defence from the overlooking windows onto our amenity space with the resultant loss of privacy.

The agent's submittal states that our timber garage (shed) and the hedge provide adequate screening to the development. Again, the inaccuracy of the agent's drawings No. 811P-13 is highlighted by the fact that our garage building does not extend to the southwest corner of the steading building. It is in fact 1.45m short of the corner and permits anyone at proposed dressing room window to look directly into our private garden ground.

These over simplistic cross sections take no recognition of the practical aspects of construction. Section 1 shows a very narrow gap between our timber garage and the steading wall and yet the section shows a 300mm wide trench over 2.5m deep is to be dug in this gap presumably by some incredibly narrow excavator! There is no mention of what measures will be implemented to construct this narrow trench without our property being damaged by the trench digging or what mitigation measures will be put in place to prevent subsidence of our concrete floor slab or the ground below our garage.

In Section 3 and 4, the concrete retaining wall along the ownership boundary has no broad foundation or rear toe and seems to be totally reliant on its mass to keep the wall from overturning. The rear edge of the wall is vertical and sits directly in line with our boundary marker kerb (which is

stone, and not timber as annotated). To implement this form of vertical edge without the need for a sloping batter, would require continuous sheet piling to be driven into the ground before the excavation commences. No ground investigation information has been submitted with the application and with the nearest corner of our cottage only 2.730m away from the ownership boundary, we would like written assurances from the applicant that our property will not suffer serious structural damage as a result of vibration from any pile driving.

It is noted that the Architect has prepared the sketch section drawings of the structural underpinning of the stone walls and also the mass retaining walls that form the boundary treatment adjacent to our cottage curtilage. Angus Council's Countryside Housing Supplementary Guidance, section 3.3 Conversion of Non-Residential Buildings and Angus Council's Supplementary Planning Guidance Policy H12- Farm Building Conversions state that the development proposals must be accompanied by "a report from a Structural Engineer to confirm that the building is capable of conversion in the intended manner AND that the works required for the conversion will not compromise its structural integrity". Having now seen the rudimentary sketches of the intended structural proposals for structural underpinning and mass concrete retaining walls, a detailed structural report prepared by a suitable qualified engineer must be requested to satisfy the Council's adherence to their countryside development policies.

It is noted that the agent's drawing in Page 3 of 'Part 1 Supplementary information for planning', states that "the farm buildings are previously uninhabited and classed as an industrial building". This statement by the agent is incorrect, as there is no evidence to suggest that the site of this farm steading manufactured anything and therefore the redundant building group can only be classified as a redundant traditional farm steading. It may be helpful to note that the application No. 07/00018/FUL, identified the Balgownie steading as 'agricultural buildings'.

Dimensions interpolated from the Agent's sketch sections show that the kitchen window is approx. 1.9 metres away from the retaining wall on the south boundary line. This dimension is wholly dependent on the questionable ability to construct the retaining wall of the shown width on the ownership boundary line and therefore this dimension might be substantially smaller. According to a table of acceptable distances between windows provided by Angus Council, the minimum distance allowable between a kitchen window (defined as a habitable room) to a blank wall should be 10.0metres! Perhaps the agent should be asked to provide a detailed cross section through the kitchen window to illustrate the proximity and height of the retaining wall and the relationship of the kitchen window to the first-floor bay window which is directly overhead. I would also remind the Council that the dimensions between the proposed ground and first floor windows and the apartment windows of our cottage do not comply with the minimum distance table.

Missing Design Information

It is noted that a light well is shown on the first-floor plan. There is no roof glazing shown on the roof plan or on any relevant elevations and this must be brought to the applicant's attention and the omission corrected before the application can be properly determined.

It is also noted that no site boundary enclosure treatment has been identified for the north/south site boundary between our car parking area and the development, and this must be brought to the applicant's attention and the omission corrected before the application can be properly determined.

Annexe Building or Second Dwelling Unit.

Angus Council takes a strict view on the use of annexes construed as granny accommodation. An annex by definition must be reliant on the principle dwelling in some way and not self-reliant. The planning application cited at Piper Dam was perhaps considered as an exception given the special family situation. The applicant has stated nothing similar here, and as mentioned in our previous objection, this annex must be viewed as a second dwelling unit. The agent has stated in the recent submittal that the artist's studio is only for private use and will not be used for commercial purposes. However, it is noted that nothing similar has been mentioned for the annex. The Council must seek assurances that the annex will not be used for commercial use, as this would increase the frequency and number of visiting vehicles using the access road and potentially causing safety issues and noise nuisance.

Summary

In summary, the over-riding principle of good conversion design of the redundant farm buildings should be to adapt the new use of the steading to suit the physical and architectural constraints of the building itself, rather than visa-versa. A fundamentally poor design and ill-considered layout of the dwelling has been forced upon the stone buildings to such an extent that undertaking extensive structural underpinning of the stone outer walls is the only way to achieve the end. None of the Council's policy guidance has been followed, the information presented is incomplete and is, in some instances, incorrect , no ground investigation has been carried out and presented, no trial exposure of the existing walls has been carried out, no Flood Risk Assessment has been conducted, no information presented regarding the upgrading of the road has been prepared and no structural engineer's report has been submitted in supporting the claim that the remaining farm building can be altered in the intended manner and will not threaten the stability of the existing fragile structure.

For the reasons given above, and in our previous objections, we consider that the application should be REFUSED.

Yours faithfully,

[redacted]

Euan & Beverly Grant

Balgownie Farm

Eassie

DD8 1SF

Planning Application No. 21/00081/FULL

Site Flooding into Balgownie Steading 18 November 2022

In addition to all our previous comments and letters of objection, we wish to add further comments on the latest information and drawings that have been submitted by the applicant.

Design Attribute	Non-Compliance References
• Local Character & Rural Heritage	Does not comply with Angus Council Countryside Housing Supplementary Guidance 1.0
• Retained or enhanced Valued Characteristics	Does not comply with Angus Council Countryside Housing Supplementary Guidance 3.2 *The proposals do not have a simple form with few openings.*
• Acceptability of Alterations 1	Does not comply with Angus Council Countryside Housing Supplementary Guidance 3.2 *The proposals require the overall reduction of the internal floor levels, extensive structural wall underpinning, massive reduction of the external ground levels, the formation of tall retaining walls and numerous new window and door interventions through thick stone walls. These simple vernacular buildings are being unnaturally forced into adopting an architectural design which is not suited to its physical and architectural constraints.*

• Acceptability of Alterations 2	Does not comply with Angus Council Countryside Housing Supplementary Guidance 3.2 *The proposals do not demonstrate how the adjacent stone boundary edging and adjoining single storey cottage will be protected against structural damage, land slippage or encroachment onto their curtilage during the construction of the reinforced concrete retaining walls.*
• Acceptability of Alterations 3	Does not comply with Angus Council Countryside Housing Supplementary Guidance 3.2 *The section drawings of the proposed retaining walls and drainage trench adjacent to the neighbouring garage are unrealistic and impractical to construct.*
• Rural Character	Does not comply with Angus Council Countryside Housing Supplementary Guidance 3.2 *The proposals do not have regard the rural character of the surrounding area.*
• Access	Does not comply with Angus Council Countryside Housing Supplementary Guidance 3.3 *The proposals do not comply with Angus Council's Road & Transportation Memorandum, dated 5 March 2021.*
• Traditional Pattern	Does not comply with Angus Council Countryside Housing Supplementary Guidance 4.0 *The proposals do not reflect the traditional pattern of development in the area.*
• Materials, Form, Scale and Massing	Does not comply with Angus Council Countryside Housing Supplementary Guidance 4.0 *The proposals do not compliment but detract from the existing traditional buildings in the area.*
• Local landscape Context	Does not comply with Angus Council Countryside Housing Supplementary Guidance 4.0 *The proposals do not integrate with local landscape context and features and fit into the wider landscape setting*.
• Landscape and Boundary Treatment	Does not comply with Angus Council Countryside Housing Supplementary Guidance 4.0 *The proposals do not integrate with its local landscape setting.*
• Infrastructure	Does not comply with Angus Council Countryside Housing Supplementary Guidance Appendix 1: Policy TC2 *The proposals do not result in an acceptable impact on the built and natural environment, surrounding amenity, access, and infrastructure.*

• Character	Does not comply with Angus Council Countryside Housing Supplementary Guidance Appendix 1: Policy TC2 *The proposals are not consistent with the character and pattern of development in the surrounding area.*
• Housing Criteria 1	Does not comply with Angus Council Countryside Housing Supplementary Guidance Appendix 3 *The proposals do not contribute to the rural character of the surrounding area and are urban in form and appearance.*
• Housing Criteria 2	Does not comply with Angus Council Countryside Housing Supplementary Guidance Appendix 3 *The proposed materials and design do not reflect or compliment the traditional properties in the locality.*
• Housing Criteria 3	Does not comply with Angus Council Countryside Housing Supplementary Guidance Appendix 3 *The proposals do not provide adequate space between dwellings as set out in the Design, Quality and Placemaking Supplementary Guidance.*
• Housing Criteria 4	Does not comply with Angus Council Countryside Housing Supplementary Guidance Appendix 3 *The proposals do not have regard to the nature of the location and adjoining properties.*
• Housing Criteria 5	Does not comply with Angus Council Countryside Housing Supplementary Guidance Appendix 3 *The proposals do not provide adequate access improvements that are required to provide ease of vehicular access and for road safety reasons.*
• Corten Steel Roof Finish	Cited example shown in the Design Statement is a Museum building in Alsace, France which has no relevance to a steading conversion in the Angus Countryside.
• Linear Larch Roof Finish	Cited example shown in the Design Statement is an Indoor Chapel at a wedding Venue in Pretoria, South Africa which has no relevance to a steading conversion in the Angus Countryside.
• Bay Windows	Does not comply with Angus Council Advice Note 5 *Bay windows should be avoided on the main elevations.*
• Arched Window and Door Openings	Does not comply with Angus Council Advice Note 5 *The existing building has no arched openings.*
• Boundary Treatment: Privacy Timber Fencing	Does not comply with Angus Council Advice Note 5 & Note 24 *The proposals should avoid alien, timber suburban fences.*

• Boundary Treatment	*No details of the Boundary Treatment between the western corner of the building towards the west boundary has been provided.*
• Boundary Hedges: Willow or Beech?	Does not comply with Angus Council Advice Note 5 *Native hedging is preferred.*
• Car Parking/Garaging	Does not comply with Angus Council Advice Note 5 *Garages are recommended.*
• Neighbourliness. Respect	Does not comply with Angus Council Advice Note 5 *The proposals do not respect the neighbouring Roof Material & Colour and Wall Finishes.*
• Neighbourliness. Respect	Does not comply with Angus Council Advice Note 5 *The proposals do not respect Privacy and do not Avoid Overlooking.*
• Neighbourliness. Respect	Does not comply with Angus Council Advice Note 5 *The proposals dominate its neighbours.*
• Positive Contribution	Does not comply with Angus Council Householder Development Planning Advice Note. *The proposals do not make a positive contribution to the design and appearance of the existing residential property.*
• Quality and character of the surrounding area	Does not comply with Angus Council Householder Development Planning Advice Note. *The proposals do not maintain the quality and character of the surrounding area.*
• Amenity of adjacent neighbouring properties and their curtilages.	Does not comply with Angus Council Householder Development Planning Advice Note. *The proposals do not respect the amenity of adjacent neighbouring properties and their curtilages*.
• Residential Amenity	Does not comply with Angus Council Householder Development Planning Advice Note. *The proposals adversely affect the residential amenity enjoyed by surrounding domestic properties and detrimentally affects the character and/or appearance of the building, site, or surrounding area.*
• Architectural Design	Does not comply with Angus Council Householder Development Planning Advice Note. *The proposals are not architecturally sympathetic to the design of the existing residential property and surrounding area.*

• External Finishes	Does not comply with Angus Council Householder Development Planning Advice Note. *The proposals do not complement the existing residential properties and surrounding area.*
• Roof Finish	Does not comply with Angus Council Householder Development Planning Advice Note. *The proposals do not have the same roof design as the existing residential properties, particularly as the proposed conversion will be visible from public areas.*
• Windows	Does not comply with Angus Council Householder Development Planning Advice Note. *The proposals do not incorporate window and door openings which are of a similar size, shape and alignment to the surrounding properties.*
• Residential Amenity	Does not comply with Angus Council Householder Development Planning Advice Note. *The proposals have not been designed to avoid adverse impacts on the residential amenity of neighbouring properties. The proposals will have significant adverse impacts regarding privacy and the general amenity of neighbouring properties.*
• Over-Domination	Does not comply with Angus Council Householder Development Planning Advice Note. *The proposals are not designed to avoid over-dominating or over-whelming the appearance of the existing residential properties or neighbouring properties. e.g., Bay Windows.*
• Privacy: window to window distances	Does not comply with Angus Council Householder Development Planning Advice Note. *The design has not taken recognisance of the privacy distances between Habitable Room to Habitable room: Min 12 metres & Habitable Room to Blank Wall: Min 10 metres.*
• Access Track: Passing Places	Does not comply with Angus Council's Road & Transportation Memorandum, dated 5 March 2021 *The minimum spacing of 150 metres between passing places has not been adhered to.*
• Access Track: Construction Specification	Does not comply with Angus Council's Road & Transportation Memorandum, dated 5 March 2021: Advice Note 17. *The Unadopted Road Standards have not been adhered to.*
• Access Track: Drainage	Does not comply with Angus Council's Road & Transportation Memorandum, dated 5 March 2021 *No details have been provided.*

• Access Track: Agreements	Does not comply with Angus Council's Road & Transportation Memorandum, dated 5 March 2021 *No agreements have been provided*.
• Site Sections: Retaining Wall, Adjoining Property	Does not comply with Heads of Planning Scotland 2017 *Section 11.* *The proposals do not show how the proposals will interact with their surroundings.*
• Site Sections: Retaining Wall, Adjoining Property	Does not comply with Heads of Planning Scotland 2017 *Section 11.* *The proposals do not show the impact of the proposals on the surroundings.*
• Site Sections: Retaining Wall, Adjoining Property	Does not comply with Heads of Planning Scotland 2017 *Annex D.* *The proposals do not show how encroachment onto adjoining land is to be avoided. This should include how structural damage to property & curtilage is to be prevented.*
• Site Sections: Retaining Wall, Adjoining Property	Does not comply with Heads of Planning Scotland 2017 *Annex D.* *The proposals do not show the proposals in relation to adjoining buildings.*
• Retaining Wall	*No structural engineer's details, showing a realistic cross section, have been provided.*
• Timber Store Building	*No reconstruction proposals have been provided.*
• Climate Change1 Renewables	*No renewables are proposed: Solar Water Panels, Solar PVs & Rainwater Harvesting.*
• Climate Change 2 Potable Water Usage	*Usage of potable water is extremely high for a single residential property containing: 10 WCs, 8 showers, 3 baths, 12 whbs, 4 sinks, 2 dishwashers & 2 washing machines.* *RIBA Climate Challenge 2030 seeks to reduce current potable water usage by at least 40%.*
• Climate Change 3 Embodied Carbon	*Proposed steel roofing materials & heavy construction solutions consisting of underpinning and retaining walls with cast-in-place concrete contribute to an extremely high embodied carbon rating contributing to Global Warming Potential. (e.g., poured/cast concrete 285kgCO2e/m3, steel cladding sheets 3037kgCO2e/m3). The steel faced facades to the courtyard elevations has only an aesthetic function and will contribute to a high embodied carbon rating.* *More durable roofing material (e.g., second-hand slate) would greatly reduce the embodied carbon rating.*

• Climate Change 4 Energy	*A ground source heat pump system is proposed. The amount of available ground is however limited as most of the land to the north of the building is sterilised by the foul and surface water soakaway disposal systems.* *Internal layout is open plan between main living spaces and long circulation spaces making space heating difficult.*

Site Flooding at Balgownie Steading 18 November 2022

Summary

All the preceding non-compliance points and our previously submitted objections containing plans, sections, and 3D drawings created by us clearly demonstrate that this proposed residential design is ill-considered for the conversion of a traditional farm steading in the Angus landscape. The design could easily have been sympathetically designed to reflect traditional building materials and construction methods of this unique rural Angus building type. The design should have respectfully and sensitively responded to the physical limitations and architectural constraints of the farm buildings and take full advantage of the stunning Angus views from all principal rooms. Unfortunately, this poorly considered design does none of these things. As detailed above, these simple farm building structures have been forced into adopting this architectural design by the global reduction of the internal ground floor levels, extensive structural concrete underpinning to the external walls, substantial excavation of the external ground levels, the formation of high retaining walls that are within a few

metres of our property and numerous new large window and door interventions through thick stone walls.

To repeat; other important deficiencies of the submitted proposals include:

- The submitted building proposal has been drawn with no site context nor include neighbouring buildings.
- Window to window and window to blank wall dimensions fail to comply with minimum distances and first floor bay windows overlook our private garden ground, resulting in a loss of amenity.
- It has been proven by video recordings that the entrance to the steading suffers from extensive surface water flooding which passes through the site access and causes additional flooding to the area around our foul treatment tank, neighbouring garden ground to the east of the site and the farmer's field to the north of the site.
- It has been proven by date and time stamped photographs that the Infiltration and Percolation Tests for the proposed foul and surface water disposal systems carried out by a civil engineer have been fabricated, and these results have been used to determine the foul water and surface water soak-a-way areas.
- The proposed external materials do not relate to traditional agricultural buildings in the Angus countryside and seem only to contribute to increase the potential Embodied Carbon ratings.

To conclude, we trust that the Council will take all our considered and detailed objections into account and determine this application as a REFUSAL.

Euan & Beverly Grant

[redacted]

Angus Council – Planning Department

Angus House

Orchardbank Business Park

Forfar

Angus

DD8 1AN

Date: 23rd March 2021

To Whom It May Concern

Ref: 21/00081/FULL | Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works at Balgownie Farm Steading, Eassie.

With reference to the above named planning application, we are writing to formally OBJECT to the application. The reasons for doing so are detailed below.

We reside at Hatton of Eassie Farm and own and farm the land that surrounds Balgownie Steading. The access track that the owners of Hatton of Eassie Lodge and four other cottages have the right of access over, is owned by us and is used primarily for agricultural purposes. We are concerned that the increased burden of almost doubling the volume of the current traffic movements and the additional heavy construction vehicles used during the construction of such a large property will be beyond the limit of the existing hardcored track. The applicant spoke with us some time ago and told us that the construction might take up to ten years to complete, and we are concerned about the damage and wear the track could sustain over this extensive period.

The track from the south of the site is not suitable for construction traffic as its junction to the busy Glamis to Balkeerie Road with its 60mph speed limit, is on the sharp bend with very limited sightlines. This rough track is very narrow with a deep ditch at the side and low trees nearby. Any upgrading of the main track to the west along with the creation of passing places must be completed to an approved highway standard before any work on the site commences, for the safety of all existing residents and farming activities. The upgraded road must be of sufficient width to accommodate modern farm machinery, which is wider than a single carriageway public road.

The size of the proposed development will undoubtedly bring more visitors, service, delivery and refuse vehicles into the area. Many drivers visiting the area do not drive slowly enough and do not always respect others' users of the track.

We frequently move livestock between fields using the track and for safety reasons require the gates to the cottages to be closed during this work.

We think that the applicant appears to be un-necessarily imposing the proposed building design onto the traditional architecture of an Angus agricultural building. e.g.

- All of the new roofs should be finished in slate.
- The new roofs should reflect the original steading form and roof pitches.
- The proposed use of Corten Steel for roof coverings is more appropriate to an urban industrial building, than rural Angus.

The electrical power supply to the existing cottages is generally underground and we would not want to see any new electrical supply cables being installed overhead as this could interfere with some of the agricultural equipment that is used on the farmland and the poles and associated cables are unsightly.

Surface water from the fields to the south of the Glamis to Balkeerie Road and from the road itself, along with the field drainage system from my land runs from the higher ground down to the turning area junction, where it enters a culvert. This culvert often struggles to cope with the current surface water volume and localised flooding at the turning area and at the discharge point in my field is a concern, as it looks like the proposed development intends to discharge both the effluent from the foul drainage system and the surface water run-off into this already overloaded culvert. This culvert discharges into an open ditch at the north edge of my field before it joins the main burn at Eassie. Pipework under the A94 struggles to take existing water at high flow rates.

We trust that the Council will take our objections into account and that the application should be REFUSED.

Yours faithfully,

Ewan & Gillian Fotheringham

Hatton of Eassie Farm

Eassie

DD8 1SF

Angus Council - Planning Department

Angus House

Orchardbank Buisiness Park

Forfar

ANGUS

DD8 1AN

Date: 31st July 2023

To Whom It May Concern

Ref: 21/00081/FULL Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works at Balgownie Farm Steading, Eassie

In addition to our previous letter of objection **dated 23 March 2021**, we wish to add further comments on the latest information and drawings that have been submitted by the applicant.

- **Access Track.**
  The proposals as drawn do not comply with the Highway's required improvements to provide a safe and suitable access & an adequate level of residential amenity by upgrading of the existing farm track to the specification given in Advice Note 17 'Miscellaneous Planning Policies'. No surface water drainage improvements are indicated, and only two passing places have been shown which leaves the section between the main public road and Hatton Lodge of some 200.0metres without a passing place. The patch and repair work suggested only to the bottom section of the track is totally unacceptable. Any vehicle delivering heavy weight construction materials will be 3-4 times the weight of any of my farm machinery and the existing hardcored track will deteriorate very quickly due to this increased loading. The section of the track between the main road and Hatton Lodge has been recently infilled with tar planings by the owner of Hatton Lodge. This overlay treatment can only be considered as a short-term improvement, and therefore the Advice Note 17 specification will require to be carried out over the whole length of the track, passing places and turning area.
  We are concerned that the improvements to the track will undoubtedly increase the speed of the traffic on it. The track is in constant use by horse riders, cyclists, dog walkers and other pedestrians and their safety is paramount. Some method of controlling the speed of all vehicles needs to be taking into consideration as part of the upgrading works.
  As the owner of the access track, I can confirm that no permissions for improvement have been sought by the applicant, and none has been granted.
- **Turning Area.**

No proposals have been submitted for this area between the access track and the development site. The whole of the turning space can be in constant use during my activities on the farm and it will not be acceptable to only have a narrow access strip leading to the development. Egress from Balgownie Farmhouse, and a right of servitude over the turning area for No. 3 Balgownie Cottage also needs to be addressed.

- **Surface Water Flooding.**
  The Flood Risk Assessment (Level 1) produced by Atholl Associates does not fully address the surface water issues that exist during heavy rainfall. The extensive flooding in the area that last occurred in November 2022 ran through the access route into the steading and flowed out through the treed area and continued through my field to the north of the site, causing considerable damage to my crop. It is therefore wrong for the report to say that there is no inherent risk to third party property.

- **Proposed Building.**
  We think that the proposed use of Corten Steel and Linear Timber roofing does not contribute to the rural character of the surrounding area and do not reflect or compliment the traditional properties in the area and would be more suited to a dockland or industrial development. The scale and massing of the development will adversely affect the residential amenity enjoyed by all of the surrounding properties and the design should have more architectural sympathy and respect for the adjacent neighbours. The new steading design would appear not to respect the privacy of its immediate neighbours and will cause serious overlooking problems.

We trust that the Council will take our considered objections into account and that the application should be REFUSED.

Yours faithfully,

Ewan and Gillian Fotheringham

Hatton of Eassie Farm

Eassie

DD8 1SF

AC15

Mr Euan Grant

Balgownie Steading

Response to Planning Application 21/00081/FULL

August 2023

FAIRHURST

FAIRHURST

CONTROL SHEET

CLIENT:	**Mr Euan Grant**
PROJECT TITLE:	**Balgownie Steading**
REPORT TITLE:	**Response to Planning Application 21/00081/FULL**
PROJECT REFERENCE:	**48769**
DOCUMENT NUMBER:	**48769-DOC-01**

Original Issue	Issue 1	Name	Signature	Date
	Prepared by	G L Bruce	[redacted]	August 2023
	Checked by	G Park	[redacted]	August 2023
	Approved by	M Wills	[redacted]	August 2023

Update Record	Issue	Date	Status	Description	Signature	
	2				Prepared By	
					Checked	
					Approved	
	3				Prepared By	
					Checked	
					Approved	
	4				Prepared By	
					Checked	
					Approved	

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1.0 Introduction

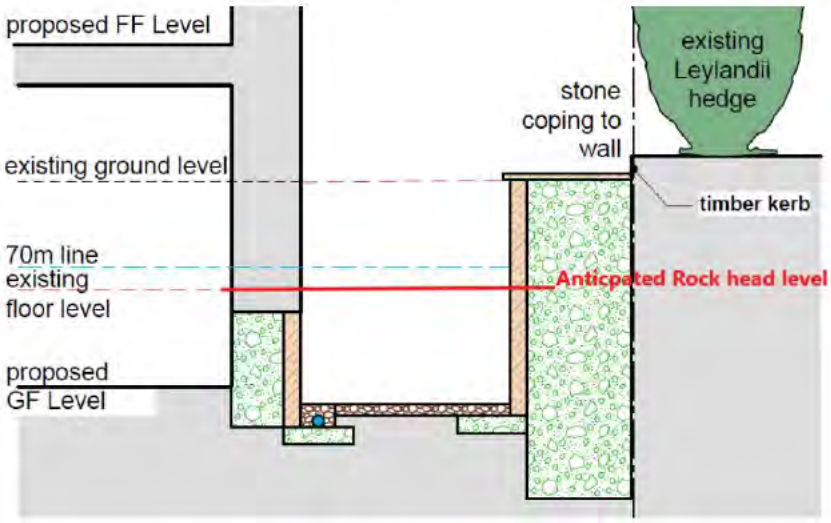
Fairhurst has prepared the following review of the publicly available information under the Planning Application reference 21/00081/FULL. This review has been requested by Mr. Euan Grant residing at Balgownie Farm House, Eassie, Angus.

2.0 Proposed Retaining Walls along the Southern Boundary

With reference to drawing number 811P2-11c, PROPOSED SITE AND LANDSCAPING PLAN, along with drawing number 811P2-14, BOUNDARY TREATMENT AND SECTIONS AT SOUTH ELEVATION, a new retaining wall is proposed along the southern boundary of the adjoining property in ownership of Mr. Grant.

An initial review has been undertaken by Fairhurst of these proposals with the following points of concern raised, which require further clarification by the applicant:

- There is no record of a ground investigation along the length of the proposed retaining wall. Investigations should be sufficiently detailed and be undertaken to the depth of the proposed foundations in order to prove the sufficiency and viability of the outline Method of Works which would appear to be predicated on the assumption of readily excavatable soils which are self-supporting to an angle of some 90 degrees (ie vertical face). The ground investigation is required to assess the entire viability of the applicant's proposal both internal and external to the existing steading. This investigation would be require to prove rock head profile, which is anticipated to be circa 1.5m above proposed FFL in one corner (reference Section 3 of Drawing 811P2-14) and screen shot below and monitor groundwater level which is likely to be coexistent with rockhead based on the location of the former water wheel and well. If ground water is at rockhead, the building will require to be extensively tanked.



Section 3

The required excavation into rock would require significant amount of breaking out which would likely negatively impact on Mr. Grant's land.

- Any temporary works, or safe construction zone for the proposed retaining wall have not been indicated, and may impact on Mr. Grant's land, and in particular the mature Leylandii Hedge planted along the existing boundary. The root zone of a tree is 12

times the diameter of the tree trunk at a height of 1.5m. Based on the drawings and details provided it is anticipated that the retaining wall will impact the root zone of the trees within Mr. Grant's ownership.

- We conclude that the structural stability of the existing ground within Mr. Grant's ownership has not been considered and that substantial ground movement could occur. This could lead to significant structural damage to any buildings within the zone of influence of any notional 'slip circle' failure and/or longer term settlement.

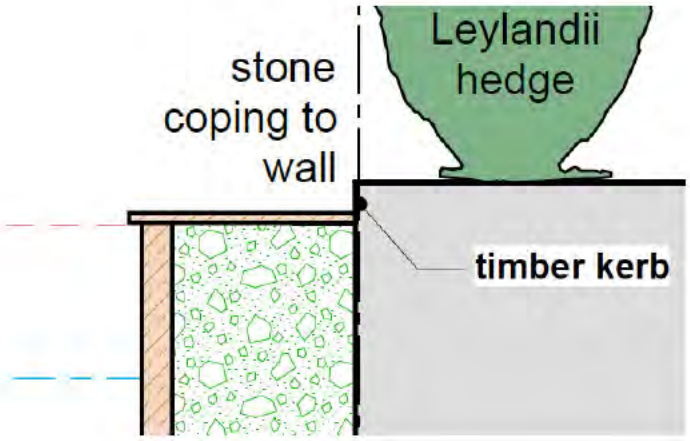
- No back of wall drainage has been indicated, which could lead to future problems within Mr. Grant's boundary. The provision of a pressure relief behind-wall drainage system is recommended when the proposed retaining wall is not porous and fails to provide for weep holes or the like.

- We surmise that the retaining wall termination height, stem width and base size would appear to be incongruous and not proportioned with any engineering input to the proposals. The proportions would appear to have been selected to 'fit the available space' rather than been subjected to appropriate scheme design.

- Due to the potential for unfettered access to the wide cope from adjoining land and from within the Applicant's land, we suggest there would be a requirement for an effective guardrail?

- The long-term stability of the existing timber garage within Mr. Grant's boundary may be structurally compromised if suitable slope retention temporary works are not implemented. No details have been provided in this regard. Such details are a material consideration in assessing the viability of the proposed scheme. (Refer to 'Realistic Section 3' later).

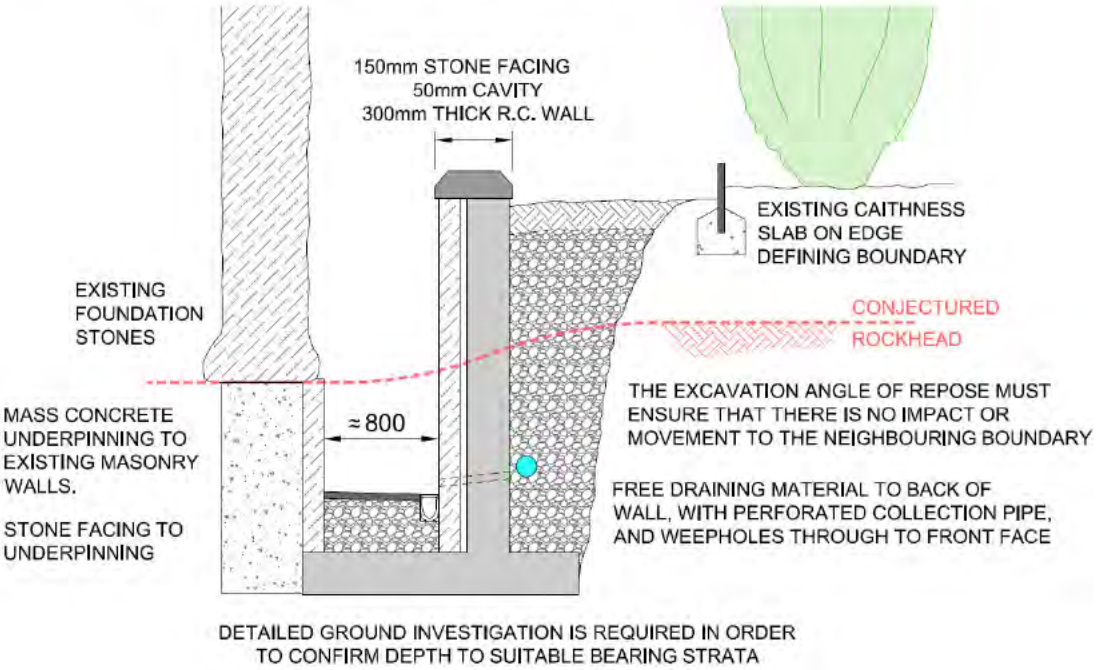
- Drawing 811P2-14 would appear to indicate that the top of the retaining wall is at or below ground level. The top of the cope should be above existing ground level so the water can shed off the cope and away from the wall. The current indicative proposal does not conform to best practice.



- Drawing 811P2-14 would appear to indicate a section of timber kerb on top of the coping stones. We assume this detail is to provide some further retention of Mr. Grant's boundary land. Further details in this regard are required including the design life of the wooden structure. However, we understand the boundary is currently marked with Caithness 'slab on edge', not timber edging. The applicant's proposals therefore fall short of matching like for like as existing. An offset will be required from this boundary delineation in order to avoid undermining its current construction. (Refer to 'Realistic Section 3' below).

- Lowering existing ground levels by circa 1.9 metres and constructing the retaining wall could have a detrimental impact on the foul drainage associated with Mr. Grant's property. The existing fireclay pipework cover level is already at a minimum.

- A full discussion with adjoining land owner is required to fully ascertain the impact upon utilities, structures and garden amenity is clearly necessary in order to safely accommodate the proposed extensive ground remodelling works.



REALISTIC SECTION 3

3.0 Surface Water and Foul Soakaway System

The following text has been provided to Fairhurst by Mr. Grant. This text has been taken from Mr. Grant's e-mail to Angus Council dated 30 June 2023:

"I write regarding the recently uploaded Ground Assessment Report and Drainage Recommendations by S. A McGregor.
This company has provided signed, certificated test data for infiltration for two trial pits FW1 and SW1 which were carried out on 09.10.2021. The report states that the tests were carried out in accordance with BRE Digest 365 and that the results have informed the calculations and dimensions of the proposed surface water soakaway as identified on the submitted plan. The test location plan (Fig 2). identifies the location of the two trial pits.
*In the certified data for the trial pits, the 'mean' percolation times are stated as 7455 seconds (2.0 hours) for FW1A and 10125 seconds (2.8 hours) for FW1B. The BRE Digest 365 requires the infiltration test to be carried out for a minimum of three times, so even assuming each test took the 'mean' time, the **TOTAL TIME** to carry out the three tests would be **6.0 hours** for FW1A and **8.5 hours** for FW1B.*
I have in my possession date and time stamped photographs that shows the following:

1. *S.A. McGregor's vehicle and a tracked mini excavator on site at 10.29am on the 9 October 2021.*
2. *The min-excavator heading back to the trailer vehicle at 11.11am on the 9 October 2021.*
3. *The infilled trial pit at 13.42pm on the 9 October 2021.*

N.B. It is worth noting that there was only evidence of a single trial hole having been dug, and it is NOT in the location of either of the two trial pit locations marked in the report.
The time stamped photographs indicate that the civil engineer and the mini excavator were only on the site for approx. 40 minutes. Even being generous and rounding the on-site time up to 60 minutes, it begs the question of how the percolation tests could have been properly carried out to comply with BRE Digest 365, given that there is such a huge discrepancy in the times? 40/60 minutes clearly isn't sufficient to dig 'two' trial pits to the depths reported, carry out the percolation test three times, and then backfill the holes.
Given that the percolation test results are being relied on to demonstrate to the Planning Department that the ground has the capacity to act as a soakaway for both the foul water and the surface water for the project, it would seem justifiable for the Council to seek clarification in this matter with the applicant/agent."

Upon further review of the publicly available information on the planning portal, Fairhurst are in full support of the statements made by Mr. Grant and the concerns expressed therein.

In addition to the above concerns, the full factual report does not provide the factual data regarding the levels recorded nor any photographs of the test pits and tests actually being undertaken.

Based on the trial pit logs provided by S.A. McGregor, the strata in which the infiltration tests were undertaken is 'completely weathered SANDSTONE'. If rockhead was proven to be at, or close to, the base of the trial pit, then it is not good practice to discharge surface water into rockhead. This explained by the fact that rockhead and groundwater levels are often coincidental and published guidance identifies that the base of the proposed infiltration system is at least 1.0m above groundwater level.

Based on the size of the soakaway pit (0.5m x 1.2m) and depth of test zone (0.5m to 1.5m) undertaken by S.A. McGregor and the infiltration rate recorded a single test would have taken 37,381 seconds to complete which equates to 624 minutes: approximately some **10 hours.** To undertake the 3 No. tests required by BRE 365 (industry normal guidance), the test time should have been over **30 hours**.

Each infiltration test would have required 0.5m x1.2m x1.0m of water = 600 litres. The 3 No. infiltration tests and percolation tests would have required over 1800 litres. There would be appear to be no record of this volume of water being brought onto site. We would also point out that, had a single standpipe tap been available, it would not provide sufficient volume of water at the speed required, to complete the tests. We therefore question sufficient water was obtained to carry out the reported testing.

Based on the above available information, we conclude that the soakaways and percolation tests were not undertaken as reported by S.A. McGregor or as required by BRE365.

With regard to the proposals for an attenuation/collection trench below the driveway, the drawings available would appear to suggest this will have an outfall to the "Site Soakaway". There are no details of the trench, and no indication on the drawings which are available as to how the connection between each device will be made. Furthermore, the level of any outfall pipe from the collection trench may not be compatible with what we understand to be a relatively shallow "Site Soakaway". The attenuation/collection trench is also located directly below the overland flood route, and as such will tend to draw overland flood waters into the trench, which may in turn inundate the "Site Soakaway". Has this been considered in the detailed design? Formation porosity has also not been investigated at the location of the proposed trench below the driveway.

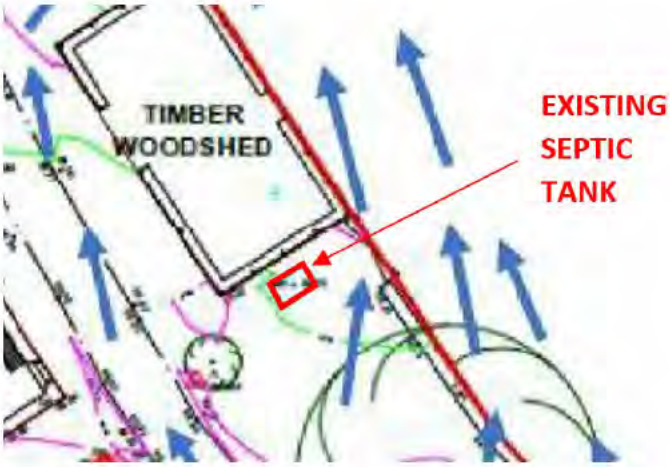
In addition to the foregoing, we would query whether SEPA have been consulted regarding these proposals, and if so, what their comments were?

4.0 Flood Risk Assessment

We note that the flood risk assessment (FRA) identified that remedial measures to the existing ditch and culvert are required. We assume the Authority will Condition this requirement thus ensuring that such upgrading is completed to their satisfaction prior to the development proceeding?

The surface water runoff from higher ground and both of the access tracks to/from the development site should be modelled including a 1 in 200 year return period + 35% climate change allowance, in order to determine that the existing culvert has capacity for the existing storm water flows from the higher ground etc. **and any additional flows from the proposed development.**

With reference to the report by Atholl Associates, a figure was included which identifies the existing overland flood route for surface water. The existing Septic Tank, which is associated with our client's property, is located within the overland flood area. The report suggests that the existing septic tank and associated pipework to neighboring property be protected during works and retained. However, we would suggest that the septic tank and access to the septic tank is protected against flooding, and works to achieve this should be considered further.



5.0 Highways

It would appear incumbent upon the applicant to consider upgrading the entire length of access track from its junction with 'C' class road at Hatton of Eassie up to the subject site based upon likely increased traffic flows and previous Angus Council Roads Department guidance, or technically justify that the current access track will remain in an acceptably safe and robust condition irrespective of the potential increase in traffic. With the increased vehicular traffic, which is likely to be attributable to the eight-bedroom property and subsequent occupancy, and the fact that the impact on the existing private access road is likely to be detrimental, we assume the Authority will Condition a degree of upgrading in the interests of public safety and road users. Angus Council Roads Department should be consulted as per their guidance memo dated 5 h March 2021 and Advice Note 17.

Furthermore, the ownership and legal obligations for the existing access track should be clearly established. The current number of properties (understood to be some five in number) and associated cars/vehicles using the access route should be clearly presented along with the number of additional vehicles associated with the proposed development. Indeed, we suggest that the "Red Line" planning boundary for this Application should be extended to the full length of the access track and immediate turning area in order to encompass the full extent of works associated with the development.

With the highly likely increase in vehicular traffic, consideration should be given to improvements to the access road and the introduction of an appropriate number of 'passing places'. These should be inter-visible to each other and of sufficient size and integrity as to form part of the permanent access roadway.

6.0 Water Supply

With reference to the Record Plans available from Scottish Water, the diameter of the existing water main supplying the current properties around Balgownie is a 2 inch Asbestos Cement pipe laid in 1950 (50mm diameter Asbestos Cement Main).

Given the total number of bed spaces and associated bathrooms that are proposed in this house, water demand could be significant and definitely warrants assessment at this juncture. 10 WC's, 7 showers, 14 wash basins and 3 sinks are recorded within the current proposals. Further water loading in terms of dishwasher, washing machine and WC in 'timber shed office' are likely to be included whilst not precisely identified at this stage.

Local residents cite anecdotal evidence that water pressure, at present, is variable and of borderline acceptability. Further additional loading could only serve to worsen these deficiencies. Interestingly, the applicant does not appear to be proposing any harvesting of rainwater or recycling and reusing water on site which remain aspirations for such domestic applications in accordance with RIBA 2030 Climate Challenge.

The applicant should provide confirmation that the proposed redevelopment of the steading ruin to for an eight-bedroom property, will not adversely affect the flow and pressure of the existing water main serving the neighbouring properties. We note that water demand is such a large property as that proposed is likely to be greater than the 'average' domestic dwelling.

7.0 Electrical Supply

We have not found any information regarding the existing electrical supply surrounding the proposed development, nor the impact, which the eight-bedroom house may have on the existing supply to neighboring properties. The applicant should provide confirmation and evidence that a suitable assessment has been undertaken on the existing available electrical capacity to meet the upgraded demands. We suggest that it might be possible that a 3-phase supply would be required for a property of this scale. This prospect should be investigated at this juncture and should include assessing alternative sustainable means of supplementing the grid supply, etc.

8.0 Contaminated Land

Due to the age of the buildings and the presence of an above ground fuel tank, we consider the following reporting would be required as a minimum to satisfy potential concerns with the proposed scale of development:-

- Phase 1- Geo-environmental and Geotechnical Desk Study Report
- Phase 2 – Intrusive Ground Investigation and Ground Investigation Report (GIR)

Due to the presence of a fuel tank and asbestos cement sheeting; potential storage of other chemicals & hydrocarbons and presence of made ground, we would expect that any ground investigation should incorporate ground gas and VOC vapour monitoring in accordance with CIRIA C665 and BS 8576:2013.

The proposed development would be classified as a '*Residential with Gardens*' end-use. CIRIA Guide C665 identifies as classification as being a ***'High Sensitivity Development'***. The site is considered to represent a *'Very Low Ground Gas Generation Potential'*. However, in accordance with CIRIA C665 the following recommendation is given:-

- 6 No. gas monitoring visits over a 3 month monitoring period.

If contamination were to be identified as a result of such investigations, then we would recommend the following additional reporting be requested:-

- Phase 3 – Remediation Statement

Along with a subsequent.

- Phase 4 – Verification Report

9.0 Conclusion

It would appear that a number of key features pertinent to this Planning Application require careful consideration prior to considering the Application further and, whilst some matters should be dealt with as 'Conditions' within any conditional Approval, a number of others are material to the eventual successful creation of the development and should be addressed by the Applicant now. By addressing such matters in a timely manner the viability of the overall Application can then be considered in a holistic manner to give the necessary certainty of outcome to satisfy all interested parties.

At present some fundamental engineering compliance aspects of redevelopment remain to be considered.

AC15

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KAREN CLARK
PLANNING CONSULTANCY

Angus Council – Planning
Angus House
Orchardbank Business Park
Orchardbank
Forfar
Angus
DD8 1AN.

Date: 1st August 2023

Dear Sir/Madam

Ref: 21/00081/FULL Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works at Balgownie Farm Steading, Eassie.

With reference to the above-mentioned planning application and I note amended plans have now been submitted. I act on behalf of Mr and Mrs Grant who reside at Balgownie Farmhouse (also known as Balgownie Cottage no. 4) and are immediate neighbours to the application site wish to make a formal objection on their behalf to the application. In spite of have over 2 ½ years to provide a satisfactory design, the proposed continues to represent an inappropriate redevelopment of the traditional steading resulting in a detrimental impact on the residential amenity of the immediate neighbours and the visual amenity of the wider area. This submission is supported by a review of the application by Fairhurst Engineers and an assessment of the detailed design by the objector, an experienced architect.
The specific concerns remain as follows:

Description of Development

The proposal is for a five-bedroom house with an adjoining three-bedroom annex. The proposed floor plans show the "annex" as containing a large living/dining/kitchen space, three bedrooms, two with en-suites etc. It is submitted that in planning terms this annex accommodation is in fact a self-contained residential unit and not ancillary accommodation reliant on the main house.

Karen Clark, Planning Consultancy, Mayriggs, Brechin Road, Kirriemuir DD8 4DE
Telephone 07930 566336 | Email: karen@ktclark.co.uk

Further, the landscape drawing shows parking for four cars plus visitor spaces.

Given the size of the annex accommodation, it is disingenuous to assess the current application as a single home and an amended description of development should be sought which confirms the proposal for 2 houses with all required associated amenities indicated including private garden area, parking etc. The assessment of the application would therefore consider the 2 properties with all relevant consultees renotified in light of the amended description of development.

Access - The existing access track from the public road is a rough hard-cored track and it provides access to the surrounding fields and is in constant use by agricultural vehicles by the neighbouring farmer at Hatton of Eassie Farm. The farmer, Mr Fotheringham, owns all of the agricultural land around Balgownie Steading and also owns the access track. There are 5 existing cottages (Hatton of Eassie Lodge and Balgownie Cottages Nos. 1 to 4), which along with the farm traffic, all take their access from the track.

It is understood that, in general, 5 houses are permitted off a private access. The current proposal will result in a total of 7 houses plus agricultural traffic using this existing rough track which exceeds the general accepted level of use.

The Road Service response dated 5th March 2021 requires a number of improvements to this access track. Condition 1 (iv) requires the agreement for the upgrading works with any other owners or persons with rights over the track. I can confirm that Mr and Mrs Grant will not agree to the required works. As such any condition requiring the improvement works would not be enforceable and therefore the required road improvement works cannot be secured.

Foul drainage – The SEPA registered septic tank associated with Balgownie Farmhouse is located within the application red line boundary, to the south of the timber woodshed and is annotated on the submitted site plan (drawing No. 811P2-11). The title of Balgownie Farmhouse provides access to the septic tank for maintenance and, if necessary, full replacement. The foul drain from the Balgownie Farmhouse runs from the northwest corner of the house directly down to the septic tank with the pipe benefiting only from minimum cover. The proposed plans show that the applicant intents to reduce the ground level along the southern edge of the barn mill and construct a retaining wall adjacent to the proposed kitchen window. The location of the existing foul drainpipe runs within this area, and it is difficult to see how the proposed ground level can be substantially reduced without affecting the neighbour's foul drainage pipe.

It is noted that the development contains a total of 7 No. en-suites bathrooms and there is a total of 10 WCs, 8 showers, 3 baths and 12 wash hand basins. The design proposes to discharge into new a new SUDS. The Fairhurst's Report lodged alongside this objection has raised a number of questions related to the supporting information which require to be dealt with prior to the application being determined.

Surface Water Drainage – It is noted that further information is required by the Roads- Flooding and Drainage before the application can be approved. This includes an infiltration and percolation tests

and the identification of the ground water levels. Until this information has been submitted no decision can be made on this application.

Again, the Fairhurst's Report lodged alongside this objection has raised a number of questions related to the supporting information which require to be dealt with prior to the application being determined.

Ground contamination - The steading buildings have not been used or occupied for a considerable number of years, but there is a disused, raised fuel tank that is located just inside the steading building on the left-hand side. The site therefore has a history of potentially contaminating uses. The extent and nature of the potential contamination should be investigated and a suitable scheme for the mitigation of any risks arising from the contamination should be agreed and implemented to the satisfaction of the Planning Authority. The Environmental Protection Officer in the response date 8th March 2021 that – "I am satisfied that this site does not pose a significant risk of harm to the proposed use from land contamination." However, in light of the information on the location of the disused fuel tank the EHO should be renotifed.

Fairhursts have recommended that given the history of the site a Phase 1 Geo-environmental and Geotechnical Desk Study Report and Phase 2 – Intrusive Ground Investigation and Ground Investigation Report (GIR) are required.

Ground re-contouring, specifically Alteration of Existing Ground Levels - The proposal includes the reduction of the external ground level by 1.9m and the construction of a retaining wall adjacent to the kitchen. This area forms the boundary with Balgownie Farmhouse and it is clear that the prepared ground works and erection of the substantial proposed retaining wall will affect Balgownie Farmhouse. Fairhurst, as expert engineers, have expressed a number of concerns with regard to the proposed ground recontouring and construction of the retaining wall, all points must be considered in detail prior to any decision as to grant consent without the required engineering details, the proposed works are likely to result in damage to the neighbouring property. Therefore, at this time it is clear that this element of the proposal cannot be undertaken.

Loss of private Amenity **-** The proposed first floor plan shows a bedroom and lounge with large new window openings facing directly into the garden of Balgownie Farmhouse. The introduction of these windows will result in the loss of privacy of this house and garden ground.

Legal Issue: Balgownie Farmhouse (also known as Balgownie Cottage no. 4) has a burden in the ownership title that says that as a neighbour the objector is required to contribute 1/15 of the cost of maintaining the access road. It is assumed that the other four cottages have the same in their title. As stated above, the Roads Service response dated 5th March 2021 requires a number of improvements to this access track. 1 (iv) requires the agreement for the upgrading works with any other owners or persons with rights over the track. The objector is not agreeable to these works and therefore the required condition cannot be assured.

Planning Policy

National Planning Framework 4 was approved on the 13th of February 2023 and now forms part of the development plan, considering the relevant policies:

Policy 14 Design Quality and Place

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Response: In the current circumstances the proposed redevelopment fails to provide a successful place, the development cannot achieve the necessary safe access, the design does not reflect the traditional architecture introducing incongruous and inappropriate design elements. Further the proposed design will have a detrimental impact on the residential amenity of the surrounding residents.

Therefore, the proposal is contrary to Policy 14 of NPF4.

Policy 17 Rural homes

Policy Intent: Seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations.

a) Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area

Response: As stated, it is submitted that while the principle of reuse of the steading may appear acceptable, the detail of the current proposal is wholly inappropriate. The design fails to respect the traditional character of the building and introduces inappropriate design and materials. Further, the proposed development will have a detrimental impact on the amenity of existing residents through overlooking of a currently private rear gardens and an unacceptable increase of traffic on an unmade track.

Therefore, the proposal is contrary to Policy 17 of NPF4.

The application will be assessed against the Angus Local Development Plan 2016 and the associated Supplementary Guidance considering the policies of relevance:

Policy DS1 Development Boundaries and Priorities, states that

In all locations, proposals that re-use or make better use of vacant, derelict or under used brownfield land or buildings will be supported where they are in accord with relevant policies of the ALDP.

Response – It is accepted that this policy supports the re-use of this redundant building.

Policy DS3 Design Quality and Placemaking requires that development proposals should create buildings and places which are:

- Distinct in character and amenity
- Safe and pleasant
- Well connected.
- Adaptable
- Resource efficient

Response – this development fails to fit with the character or integrate into the surrounding landscape by virtue of the proposed scale of alterations to the buildings, the form and materials, resulting in a building which will be incongruous in the wider Angus countryside.

Policy DS4 Amenity states that

"All development must have full regard for opportunities for maintaining and improving environmental quality. Development will not be permitted where there is adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties. Angus Council will consider the impacts of development on

- *the effect and timing of traffic movements to, from and within the site, car parking and impacts on highway safety, and*
- *Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing."*

Response – As has been stated in the body of the Objection, the existing access will effectively accommodate to traffic associated with 7 properties (5 existing and 2 new) along with the existing heavy agricultural use. It is submitted, and as required by the Roads Service, that the track requires upgrading and the insertion of inter-visible passing places to handle the anticipated level of traffic. As the consent of all who own and have access rights is required to undertake there works, and the objector for one will not grant this consent, these works cannot be undertaken, rendering the required track improvement unachievable and any proposed condition unenforceable.

With regards privacy, the rear garden and rear elevation, which contains 2-bedroom windows of Balgownie Farmhouse will be severely compromised by this development. For these reasons it is submitted consider that the proposal fails to meet the requirements of Policy DS4 Amenity.

Policy TC2 Residential Development states
"All proposals for new residential development, including the conversion of non-residential buildings must:
……provide a satisfactory residential environment for the proposed dwelling(s)
Not result in unacceptable impact on the natural and built environment, surrounding amenity, access and infrastructure…."

"In the Countryside locations Angus Council support conversion of non-residential buildings."

Response –It is submitted that the proposed design does not achieve the required "satisfactory residential environment". The proposal fails to meet the policy requirements fails to respond positively to the historic form and nature of the steading resulting in a poorly considered design which uses inappropriate materials. Further, the proposal impacts on the surrounding amenity by failing to meet privacy distances to the neighbouring property at Balgownie Farmhouse with questions remaining over the ability to provide the necessary access and infrastructure. For these reasons the proposals fail to meet the requirements of Policy TC2.

Countryside Housing Supplementary Guidance states

"To be suitable for conversion, a building should have characteristics that would make a positive contribution to the character and architectural heritage of rural Angus. Such nonresidential buildings are often constructed in stone; have a simple form with few openings; and have pitched roofs, which are usually covered in slate.

The policy supports the conversion of appropriate buildings, where (amongst other things) proposals would retain or enhance valued architectural features. A design statement based upon and including details of an architectural appraisal and landscape assessment should be provided in support of proposals to convert any nonresidential buildings. The design solution should show how valued characteristics have been retained or enhanced. The requirement for supporting design information will be proportionate to the scale of the proposed development and its landscape context.

Buildings suitable for conversion come in a wide variety of shapes and sizes, so there is no defined limit to the number of housing units that may come forward from conversion. The number of units that can be provided will depend on factors such as the size of the building to be converted, the acceptability of the alterations required (from the perspective of building design and residential amenity), and existing/proposed access arrangements."

Response –It is submitted that the proposed design does not respect the simple architecture of the original steading. The changes sought to the buildings, include the formation of large openings, complicated roof forms and inappropriate use of materials, combine to create a development which

by virtue of is massing, scale and materials will appear incongruous in the wider agricultural landscape context. For these reasons the development does not accord with the principles of the SG.

The objector, an experience architect has reviewed the design against the policies of Angus Council and has provided a detailed assessment which is lodged as part of this objection. This highlights the many failing of the detailed design which, in its current form, fails to respond positively to the design guidance of Angus Council.

Policy PV15 Drainage Infrastructure Requires that out with areas served by public sewers or where there is no viable connection for economic or technical reasons private provision of wastewater treatment must meet the requirements of SEPA and/or The Building Standards (Scotland) Regulations.

Response: there are clear issues with the information lodged in support of this application in terms of the drainage and SUDs. This matter must be resolved prior to determination. At present, as insufficient information has been provided the application is contrary to Policy PV15.

In summary, the proposal as currently submitted is contrary to Policy 14 Design Quality and Place and 17 Rural Housing of NPF4 and Policies DS1 Development Boundaries and Priorities, DS3 Design Quality and Placemaking, DS4 Amenity, TC2 Residential Development of the ALDP 2016 and the Supplementary Guidance of Housing in the Countryside for these reasons it is submitted that the application should be REFUSED.

Yours Faithfully

Karen Clark

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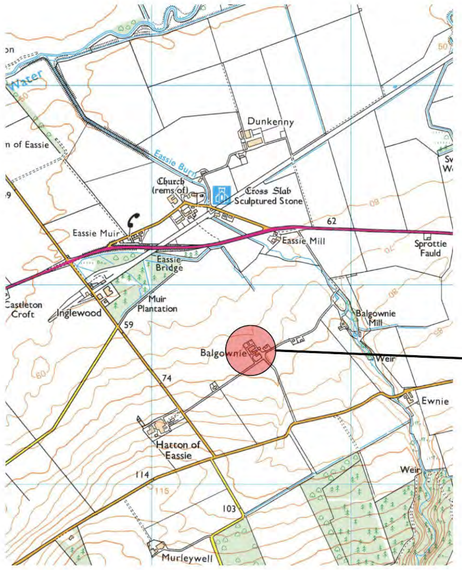

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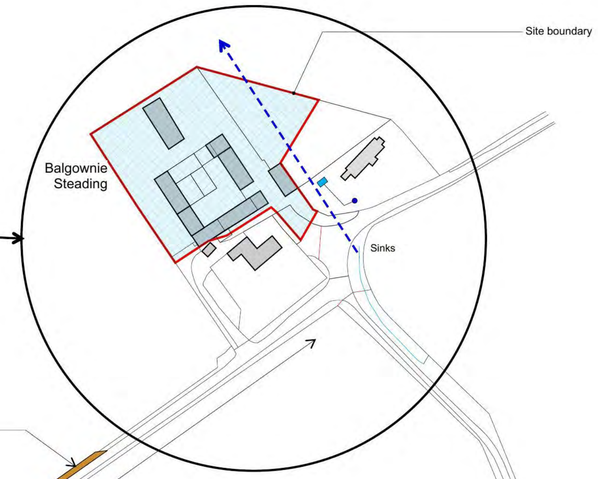
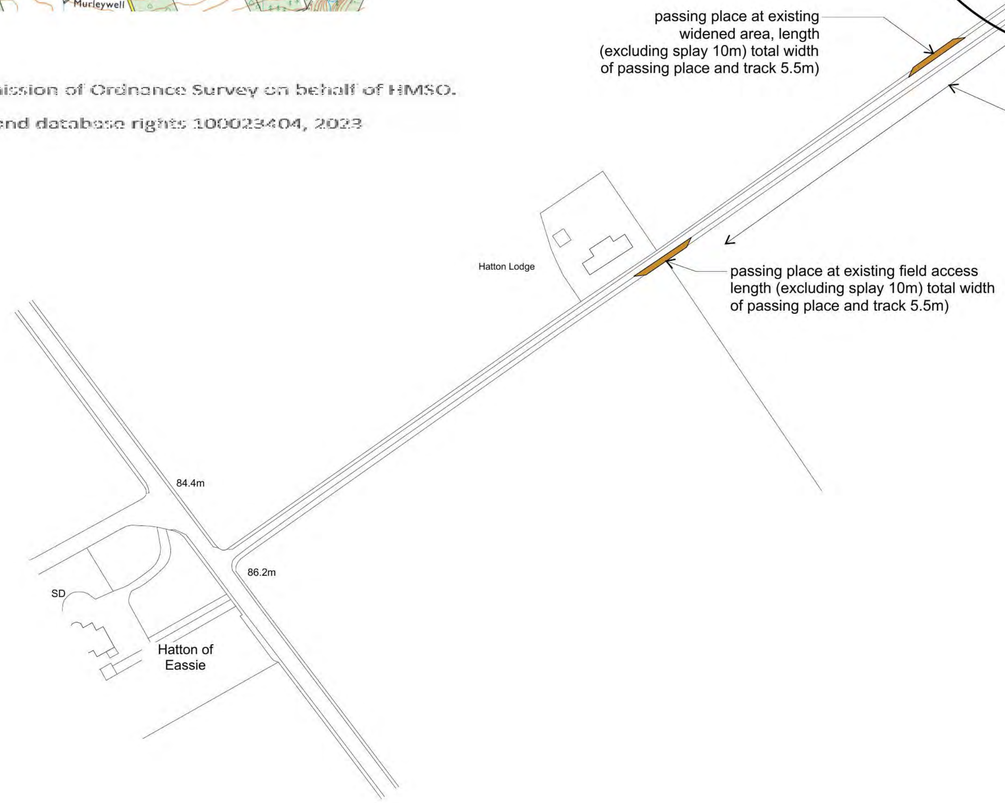




Passing Place Construction:

1. Excavate to a depth of 300mm (or to subsoil base whichever the greater).

2. Overlay subsoil with geotextile membrane.

3. Lay and compact min. of 300mm depth hardcore

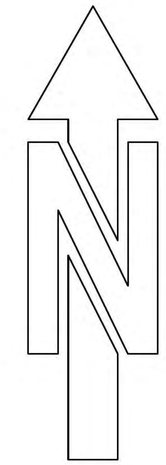
4. Top and finish with 18mm whin dust to a depth of 25-50mm and compact with roller.

Works to Existing Access Drive:

1. Condition survey to be carried out prior to commencement of any site works.

2. Any exsting depressions and pot holes to be filled with compacted ahrdcore and whin dust.

3. On Completion carry out further inspection and make good any deterioration or pot holes to specification of passing places



0m 50m 100m 150m 200m

Drawing Title: **LOCATION PLAN**

Job Title: **Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF**

Client: **Mirna Melki and Robert Mills**
Drawing Number: **811P2-01a**
Drawing Scale: **1:1250**
Drawing Date: **1 February 2021**
Drawn By: **KR**
Amendments:
a) 06-06-23, passing places and road make up shown and specfied

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Station	Easting	Northing	Level
A	335536.870	746672.450	68.986
B	335527.905	746681.212	68.885
BM	335533.732	746669.249	69.098
C	335513.169	746702.286	68.319

5m 2m 1m 0 5m 10m

Drawing Title: **EXISTING SITE PLAN**

Job Title: **Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF**

Client: **Mirna Melki and Robert Mills**
Drawing Number: **811P2-02**
Drawing Scale: **1:200**
Drawing Date: **1 February 2021**
Drawn By: **KR**
Amendments:
none

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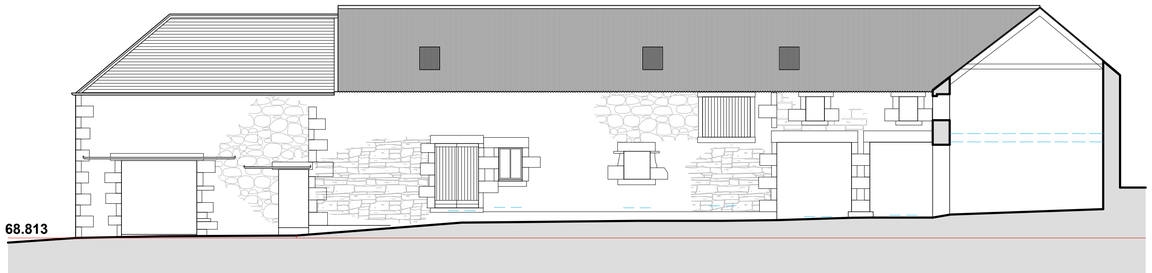
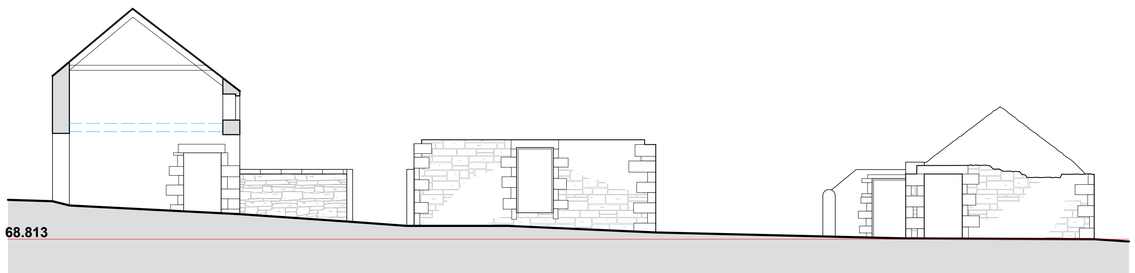


SECTION A



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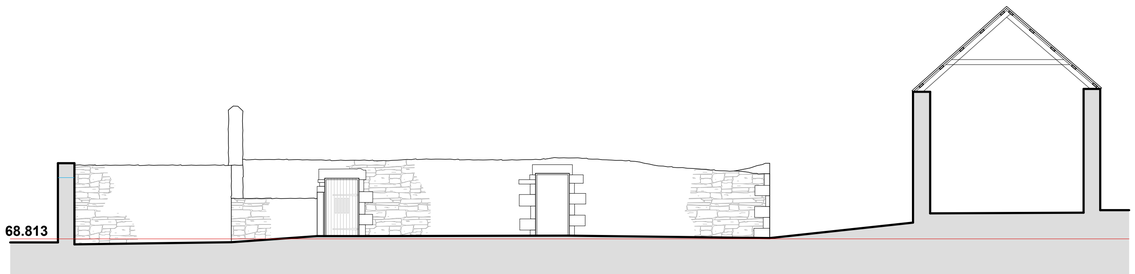

SECTION C

SECTION D

2m 1m 0 5m 10m

Drawing Title: **EXISTING STEADING SECTIONS**

Job Title: **Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF**

Client: **Mirna Melki and Robert Mills**
Drawing Number: **811P2-05**
Drawing Scale: **1:100**
Drawing Date: **1 February 2021**
Drawn By: **KR**
Amendments:
none

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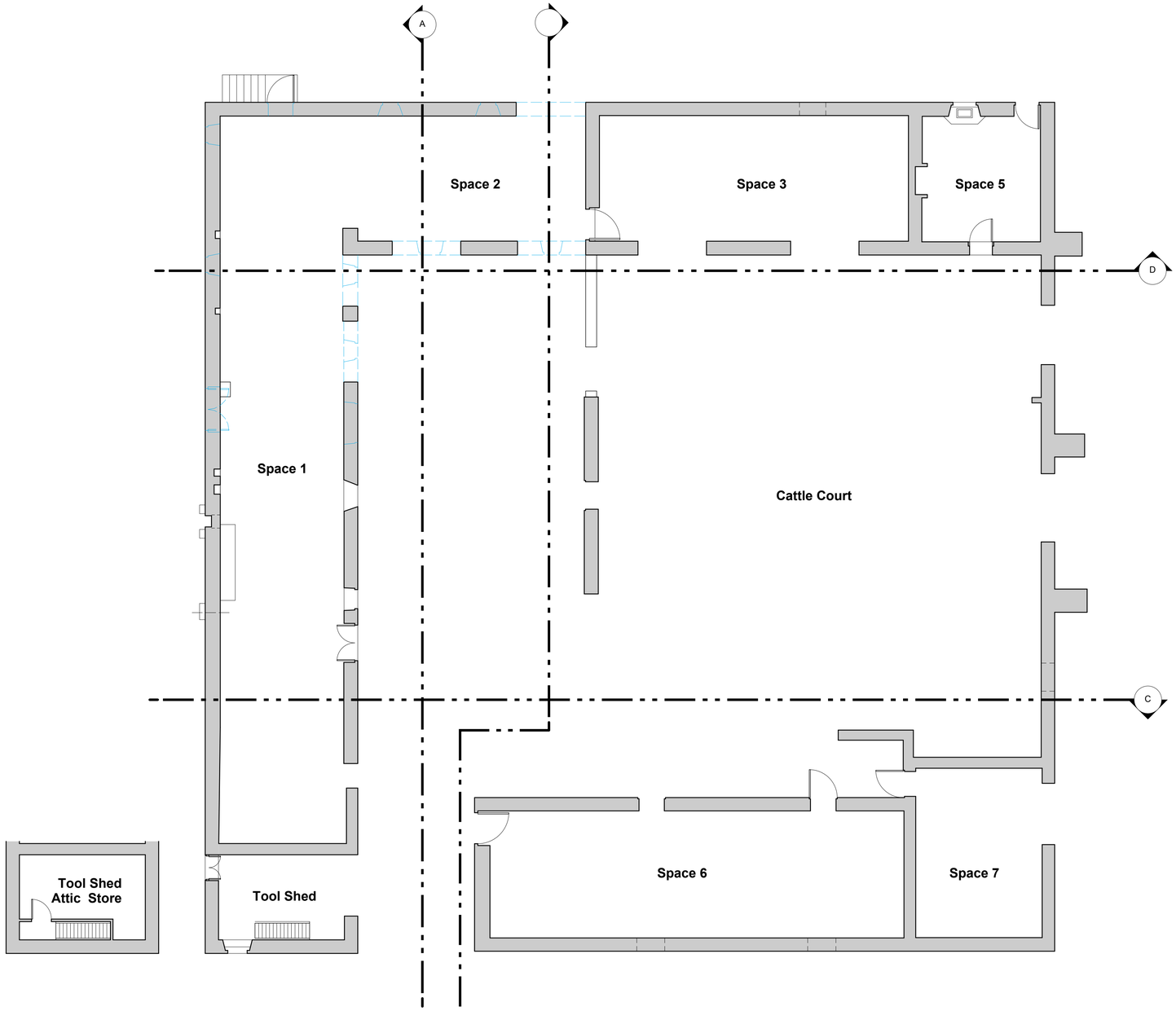

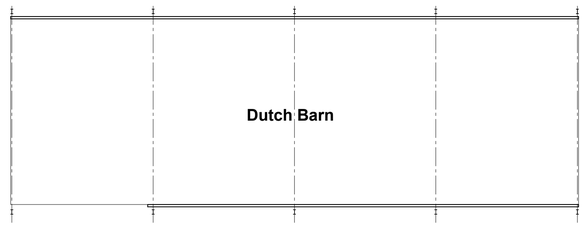

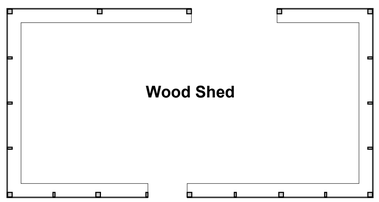

2m 1m 0 5m 10m

Drawing Title: **EXISTING STEADING FLOOR PLANS**

Job Title: **Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF**

Client: **Mirna Melki and Robert Mills**
Drawing Number: **811P2-03**
Drawing Scale: **1:100**
Drawing Date: **1 February 2021**
Drawn By: **KR**
Amendments:
none

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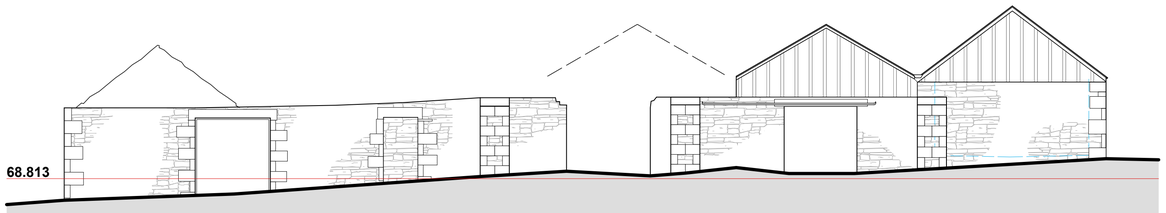
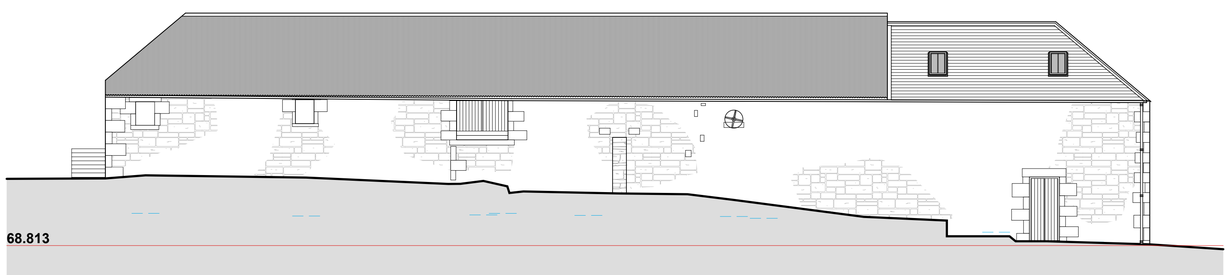
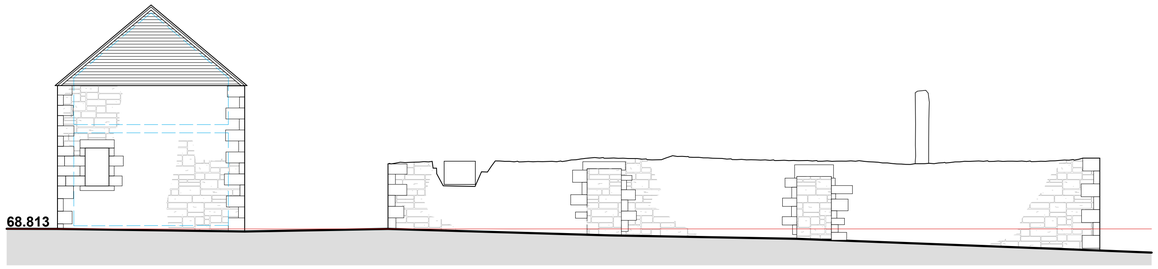


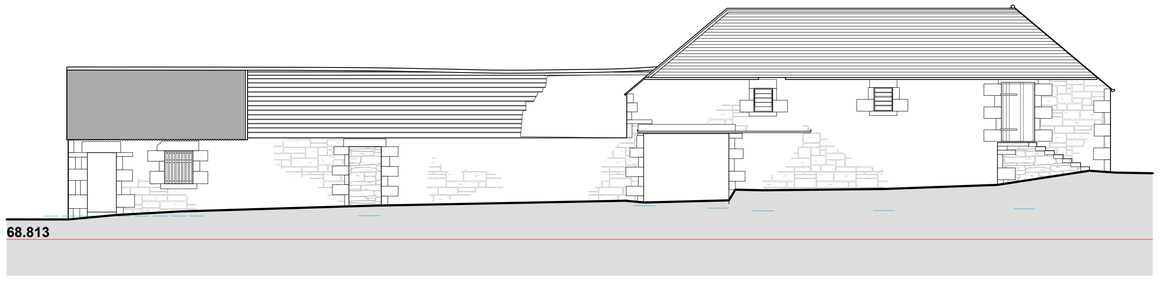
NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION

2m 1m 0 5m 10m

Drawing Title: **EXISTING STEADING ELEVATIONS**

Job Title: **Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF**

Client: **Mirna Melki and Robert Mills**
Drawing Number: **811P2-04**
Drawing Scale: **1:100**
Drawing Date: **1 February 2021**
Drawn By: **KR**
Amendments:
none

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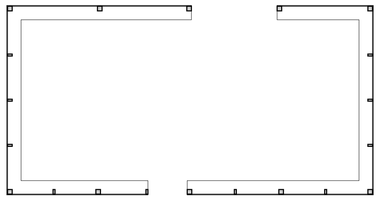
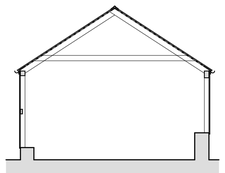
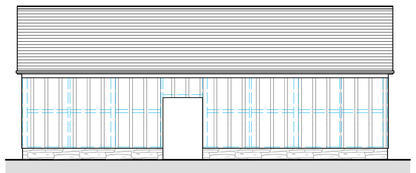


FLOOR PLAN



SECTION



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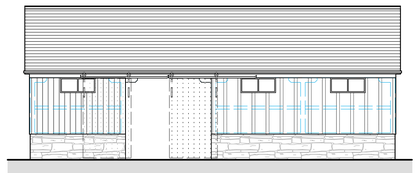

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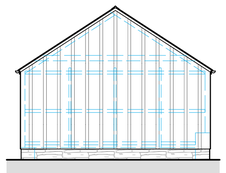
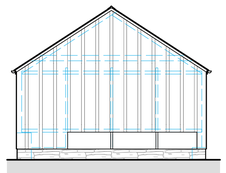
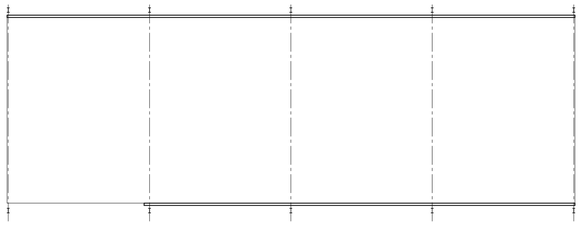


NORTH ELEVATION

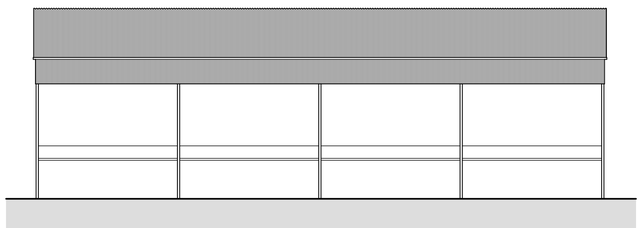


SOUTH ELEVATION

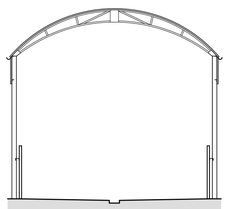
WOOD SHED DRAWINGS



FLOOR PLAN



SIDE ELEVATION



SECTION

DUTCH BARN DRAWINGS

2m 1m 0 5m 10m

Drawing Title: **EXISTING DUTCH BARN AND WOODSHED DRAWINGS**

Job Title: **Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF**

Client: **Mirna Melki and Robert Mills**
Drawing Number: **811P2-06**
Drawing Scale: **1:100**
Drawing Date: **1 February 2021**
Drawn By: **KR**
Amendments:
none

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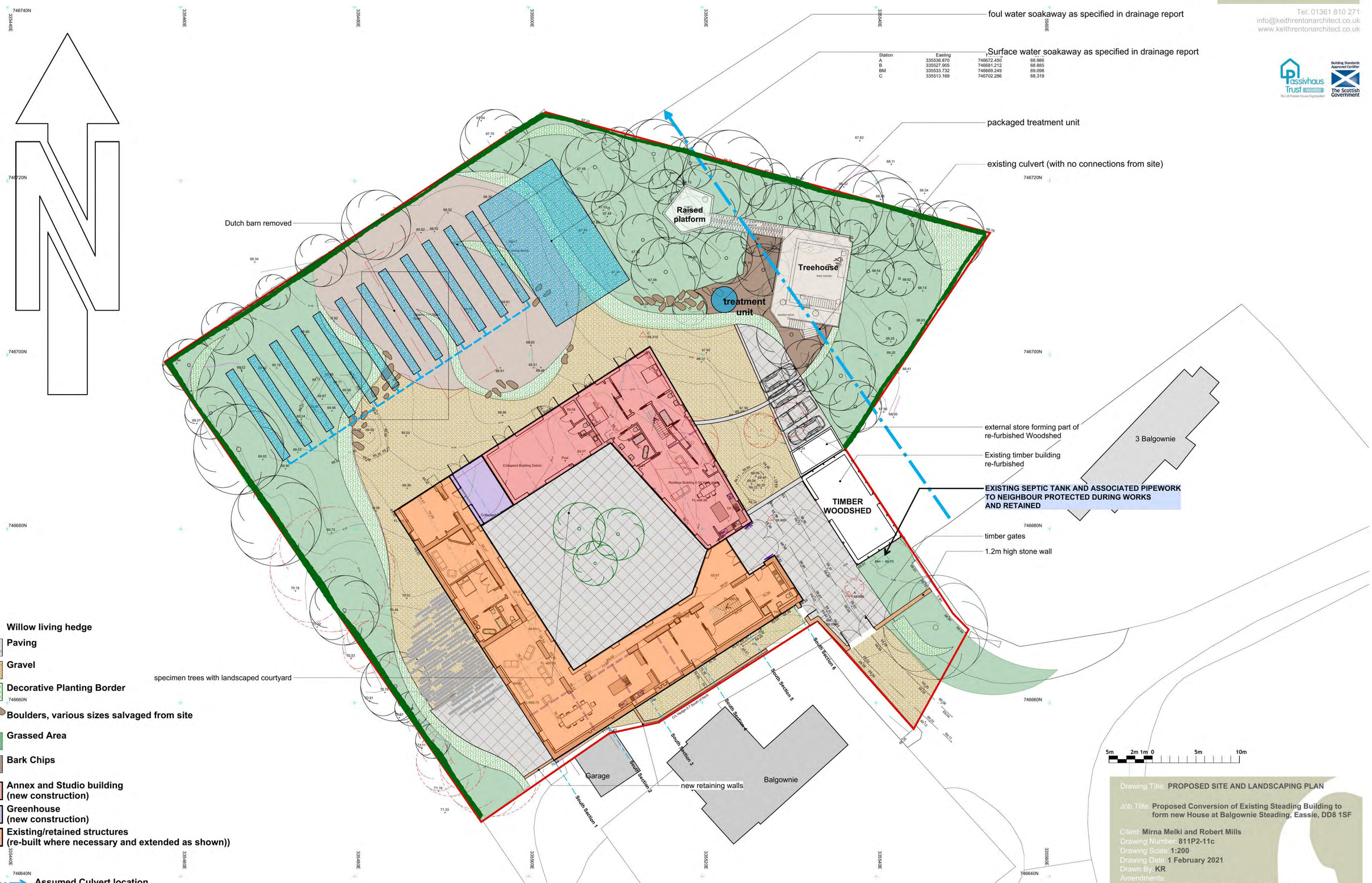
Passivhaus Trust MEMBER
The UK Passive House Organisation
Building Standards Approved Certifier
The Scottish Government



Station	Easting		
A	335536.870	746672.450	68.986
B	335527.905	746681.212	68.885
BM	335533.732	746669.249	69.098
C	335513.169	746702.286	68.319

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Drawing Title: **PROPOSED SITE AND LANDSCAPING PLAN**

Job Title: **Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF**

Client: **Mirna Melki and Robert Mills**
Drawing Number: **811P2-11c**
Drawing Scale: **1:200**
Drawing Date: **1 February 2021**
Drawn By: **KR**
Amendments:
a) 27-05-21, removed tress shown to accord with tree survey
b) 13-07-21, alltered drainage and surface water disposal shown with soakaways on site.
c) 22-06-23, revisions to surface and foul water soakawys to accord with drainage report

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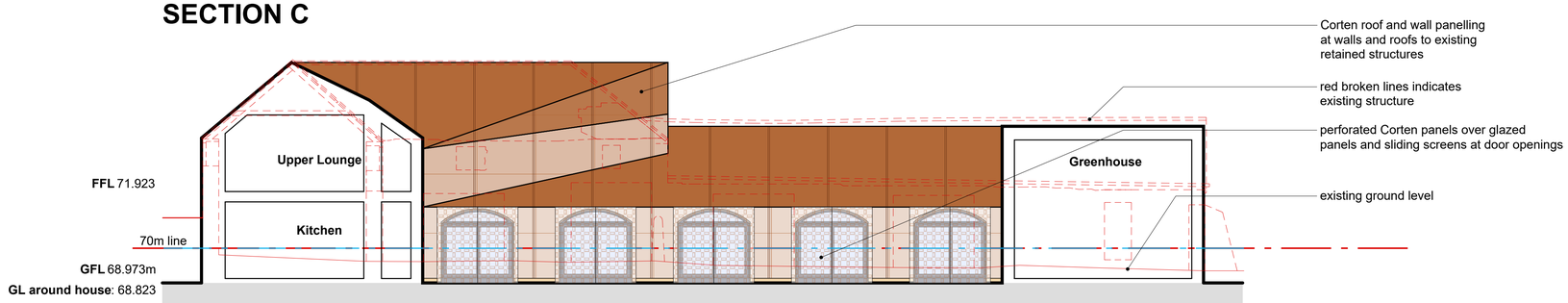
SECTION A

SECTION B

SECTION C



SECTION D

2m 1m 0 5m 10m

Drawing Title: **PROPOSED SECTIONS**

Job Title: **Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF**

Client: **Mirna Melki and Robert Mills**
Drawing Number: **811P-10a**
Drawing Scale: **1:100**
Drawing Date: **1 February 2021**
Drawn By: **KR**
Amendments:
a) 12 June 2023, changes to openings and roof

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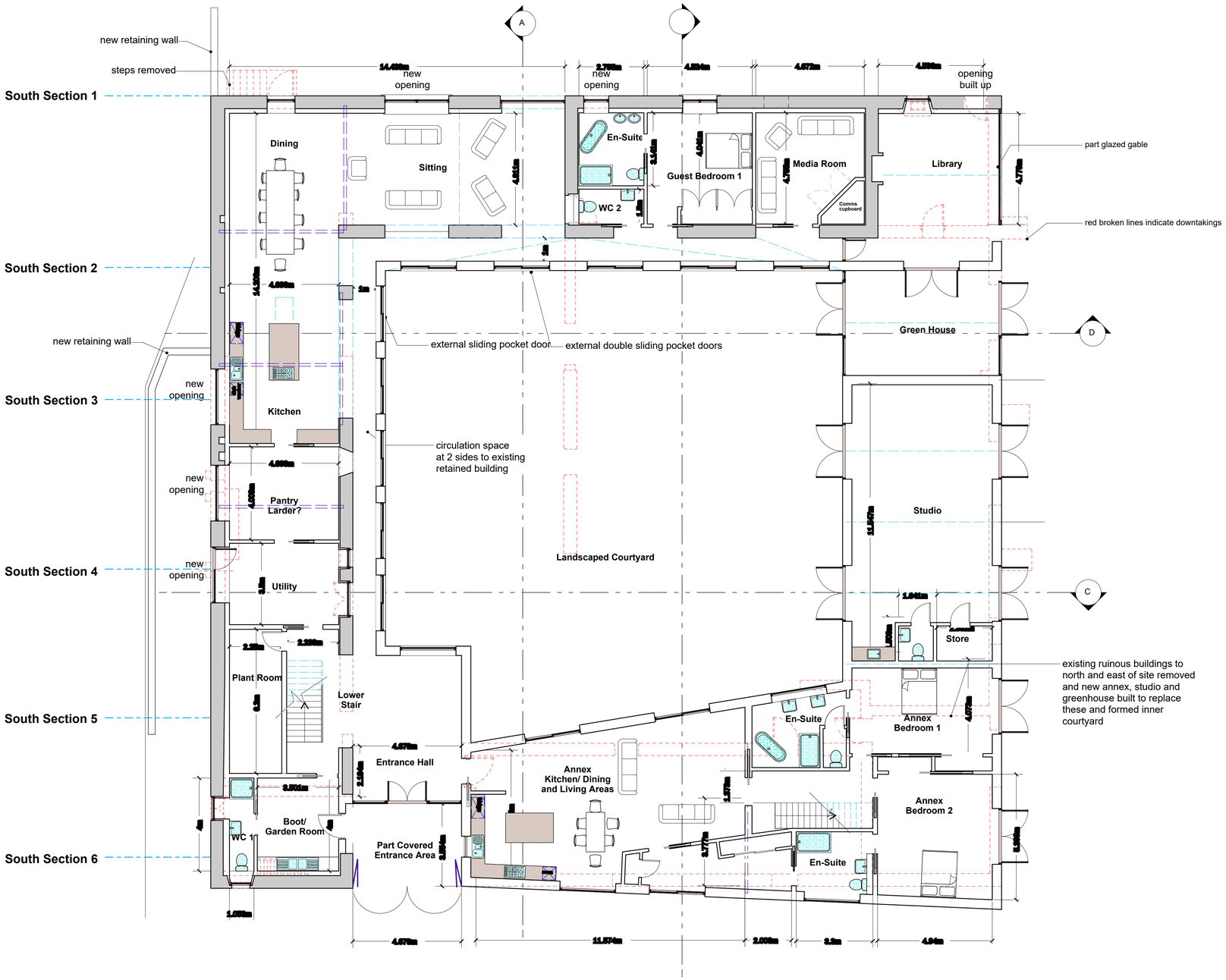
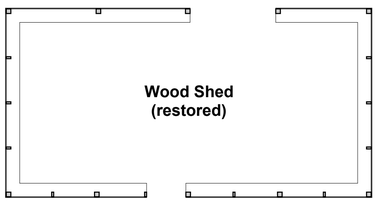


GROUND FLOOR PLAN



2m 1m 0 5m 10m

Drawing Title: **PROPOSED GROUND FLOOR PLAN**

Job Title: **Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF**

Client: **Mirna Melki and Robert Mills**
Drawing Number: **811P2-07a**
Drawing Scale: **1:100**
Drawing Date: **1 February 2021**
Drawn By: **KR**
Amendments:
a) 12 June 2023, changes to openings and roof

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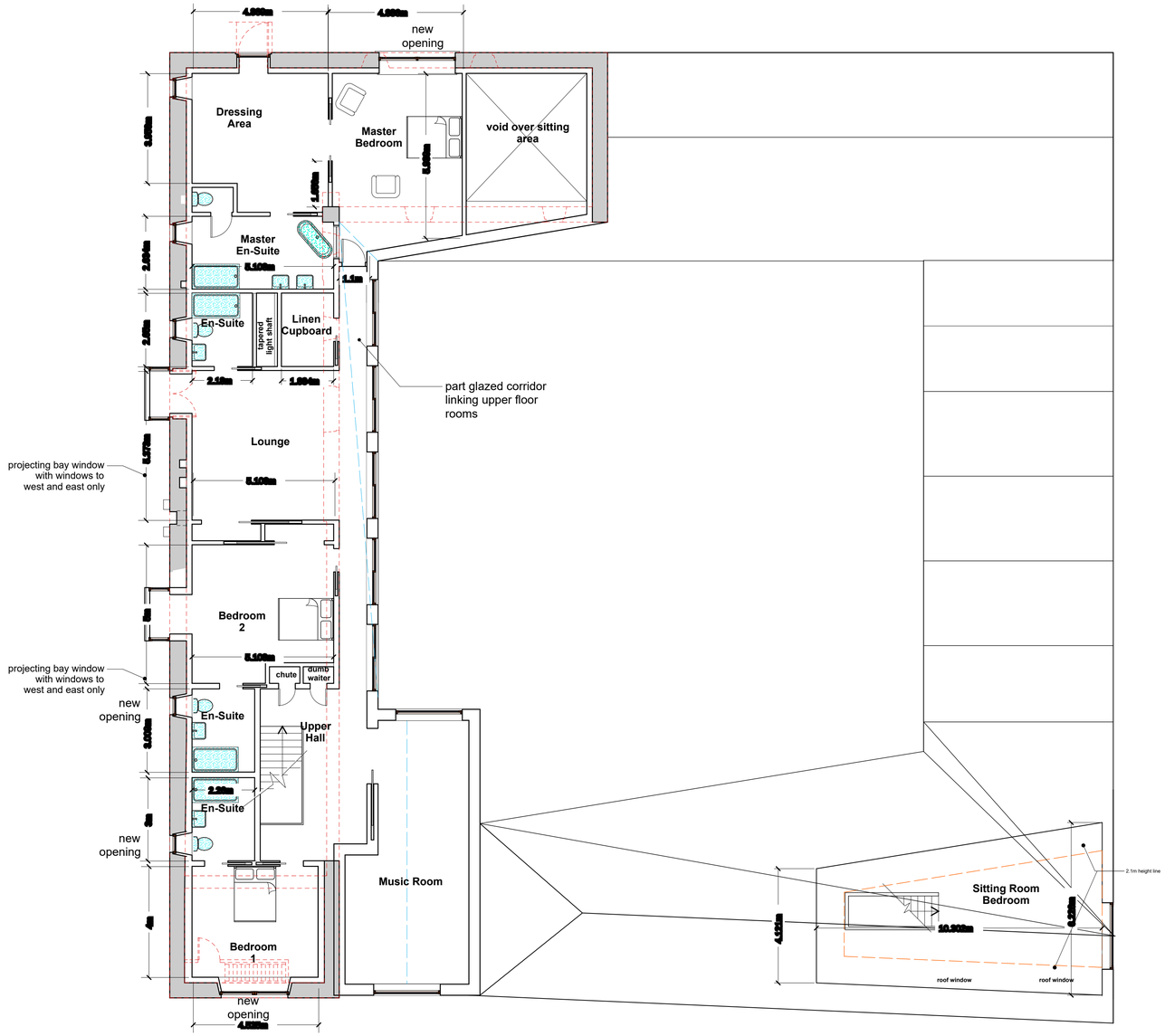

FIRST FLOOR PLAN

Drawing Title: **PROPOSED FIRST FLOOR PLAN**

Job Title: **Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF**

Client: **Mirna Melki and Robert Mills**
Drawing Number: **811P-08a**
Drawing Scale: **1:100**
Drawing Date: **1 February 2021**
Drawn By: **KR**
Amendments:
a) 12 June 2023, changes to openings and roof

2m 1m 0 5m 10m

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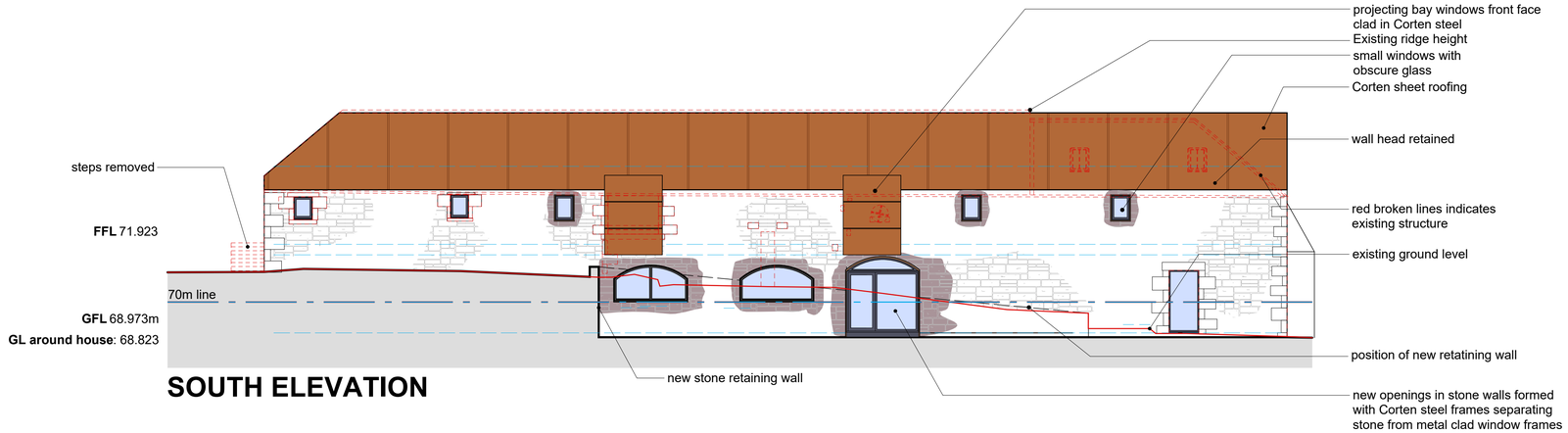
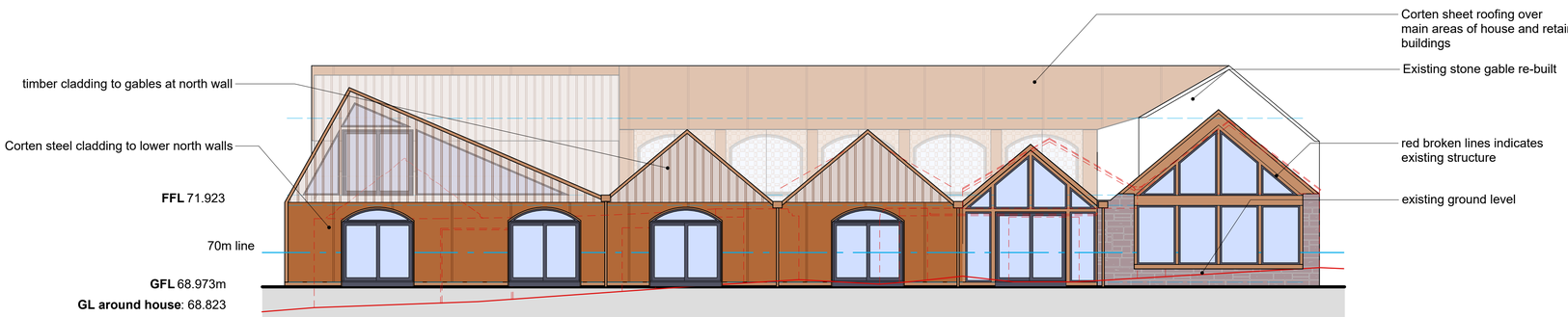
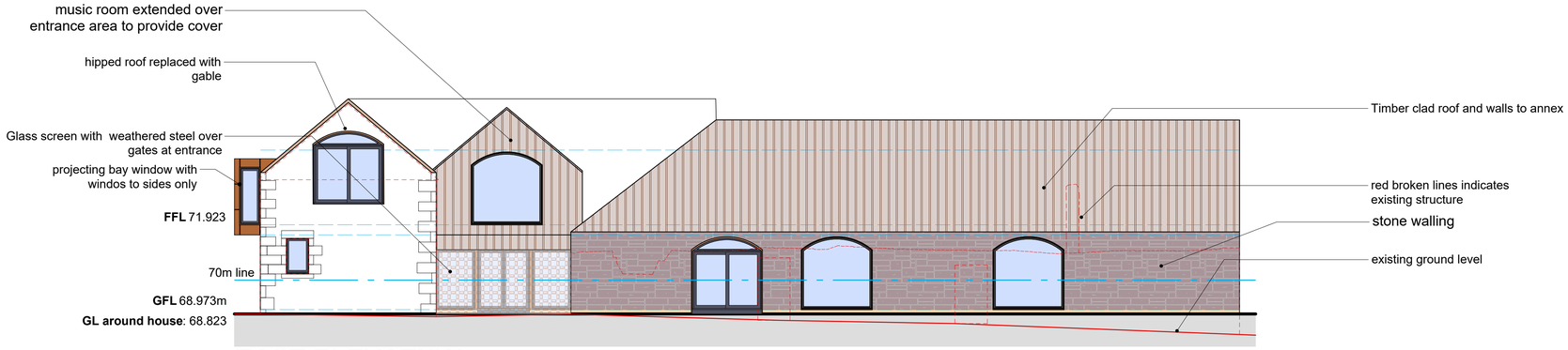


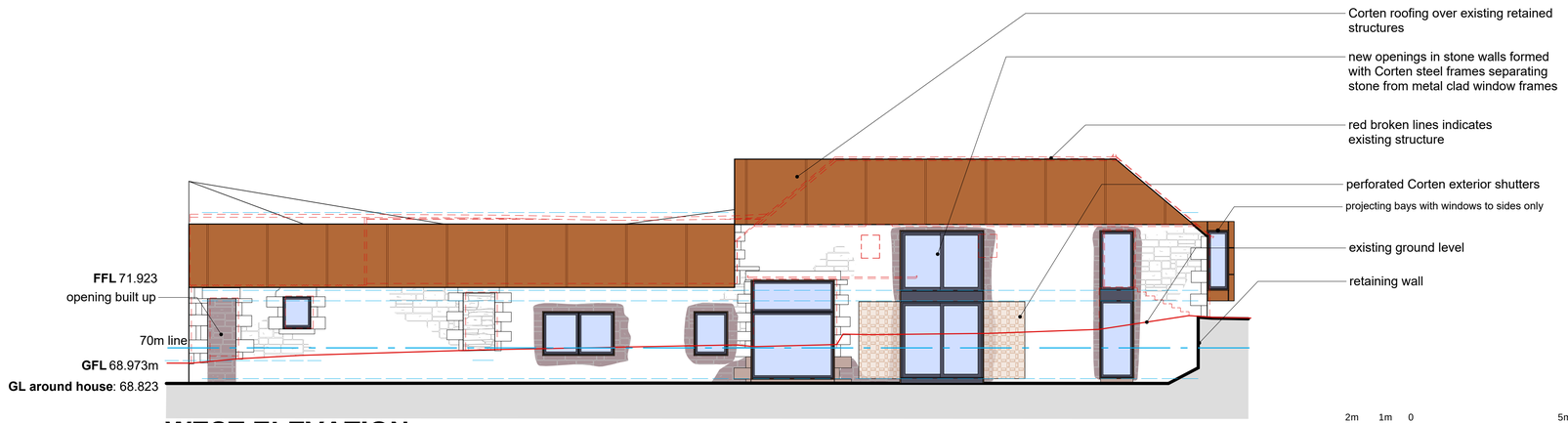
SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION

2m 1m 0 5m 10m

Drawing Title: **PROPOSED ELEVATIONS**

Job Title: **Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF**

Client: **Mirna Melki and Robert Mills**
Drawing Number: **811P-09b**
Drawing Scale: **1:100**
Drawing Date: **1 February 2021**
Drawn By: **KR**
Amendments:
a) 18-02-21, south elevation amended to remove incorrect annex roof profile
b) 12 June 2023, changes to openings and roof

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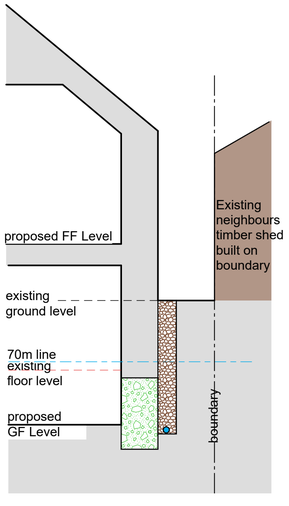
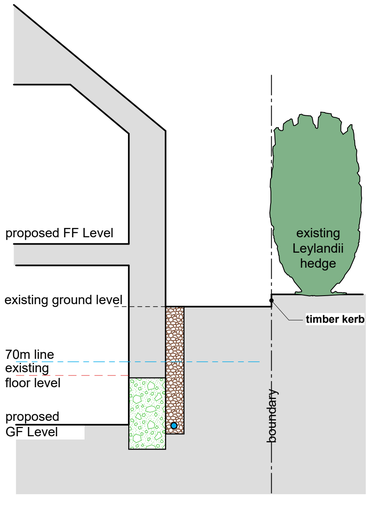


Section 1

Work sequence at Section 1:

1. Provide "hit and miss" mass concrete underpinning to existing external wall to a depth equal to to 450mm below finished ground floor level as directed by engineer

2. Dig narrow trench (300mm with trenching bucket) immediately adjacent to existing external wall to a depth of 150mm below finished floor level, lay perforated drain and back filled with 30- 40mm no fines granular material to ground level

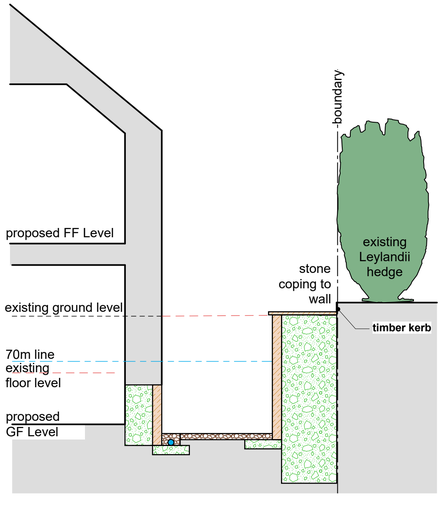


Section 2

Work sequence at Section 2:

1. Provide "hit and miss" mass concrete underpinning to existing external wall to a depth equal to to 450mm below finished ground floor level as directed by engineer

2. Dig narrow trench (300mm with trenching bucket) immediately adjacent to existing external wall to a depth of 150mm below finished floor level, lay perforated drain and back filled with 30- 40mm no fines granular material to ground level



Section 3

Work sequence at Section 3:

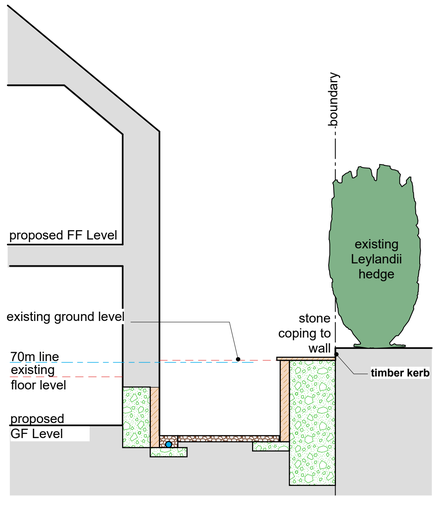
1. Provide "hit and miss" mass concrete underpinning to existing external wall to a depth equal to to 450mm below finished ground floor level as directed by engineer

2. Dig trench adjacent to boundary to depth determined by engineer and trench fill with reinforced concrete to form mass concrete retention.

3. Excavate between external wall and concrete retention to lowered ground level

4. Form strip foundations against underpinning and trench fill. Construct stone face to external wall and concrete retention using stone salvaged elsewhere on site.

5. Finish new ground level with gravel incorporating edge drain



Section 4

Work sequence at Section 3:

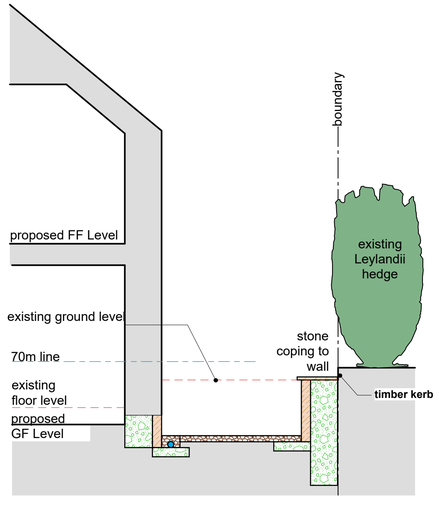
1. Provide "hit and miss" mass concrete underpinning to existing external wall to a depth equal to to 450mm below finished ground floor level as directed by engineer

2. Dig trench adjacent to boundary to depth determined by engineer and trench fill with reinforced concrete to form mass concrete retention.

3. Excavate between external wall and concrete retention to lowered ground level

4. Form strip foundations against underpinning and trench fill. Construct stone face to external wall and concrete retention using stone salvaged elsewhere on site.

5. Finish new ground level with gravel incorporating edge drain



Section 5

Work sequence at Section 5:

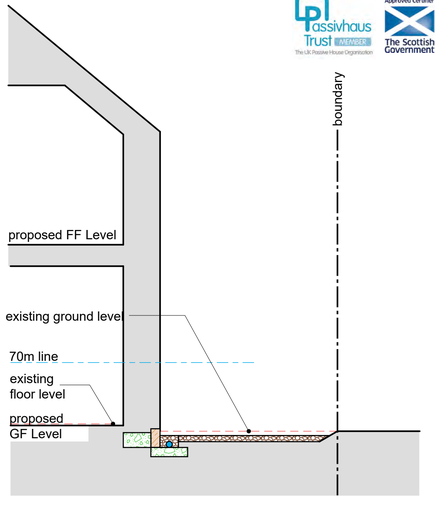
1. Provide "hit and miss" mass concrete underpinning to existing external wall to a depth equal to to 450mm below finished ground floor level as directed by engineer

2. Dig trench adjacent to boundary to depth determined by engineer and trench fill with reinforced concrete to form mass concrete retention.

3. Excavate between external wall and concrete retention to lowered ground level

4. Form strip foundations against underpinning and trench fill. Construct stone face to external wall and concrete retention using stone salvaged elsewhere on site.

5. Finish new ground level with gravel incorporating edge drain



Section 6

Work sequence at Section 6:

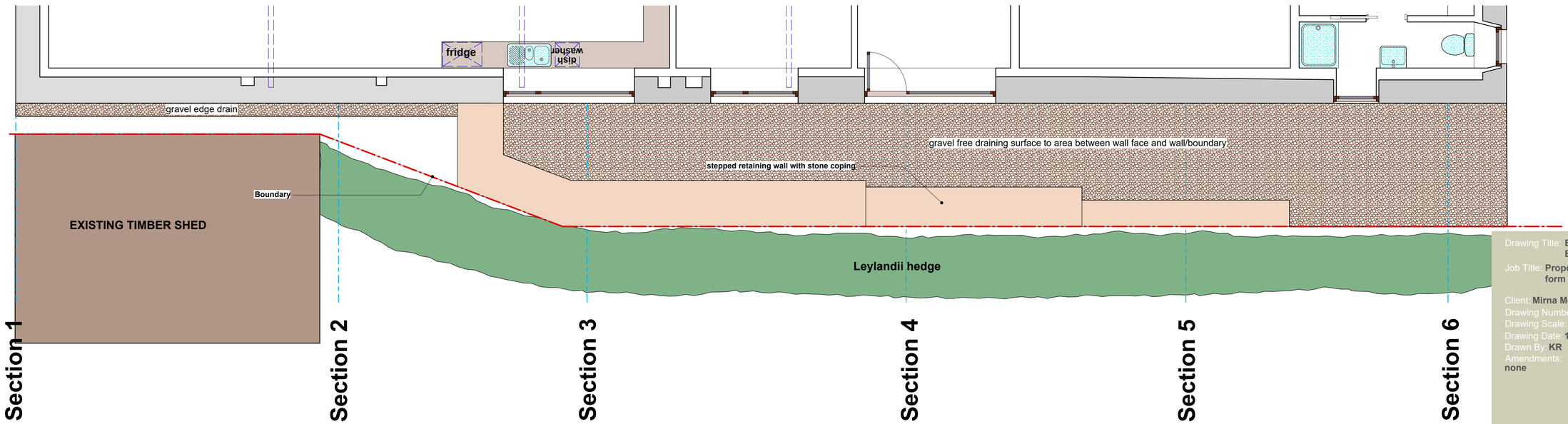
1. Provide "hit and miss" mass concrete underpinning to existing external wall to a depth equal to to 450mm below finished ground floor level as directed by engineer

2. Lower ground level to allow finished ground level 150mm below finished floor level.

3. Make good stone work at external as necessary

4. Grade ground between new ground level and adjacent level at boundary

5. Finish new ground level with gravel incorporating edge drain



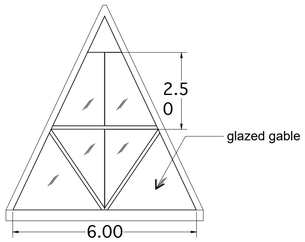
PLAN BETWEEN SOUTH WALL AND BOUNDARY

Drawing Title: **BOUNDARY TREATMENT AND SECTIONS AT SOUTH ELEVATION**
Job Title: **Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF**

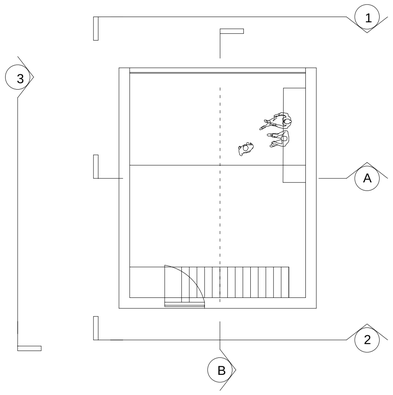
Client: **Mirna Melki and Robert Mills**
Drawing Number: **811P2-14**
Drawing Scale: **1:50**
Drawing Date: **12 May 2021**
Drawn By: **KR**
Amendments:
none

Humestanes Studio, Hume Hall Holdings, Greenlaw, Duns, Berwickshire, TD10 6UW

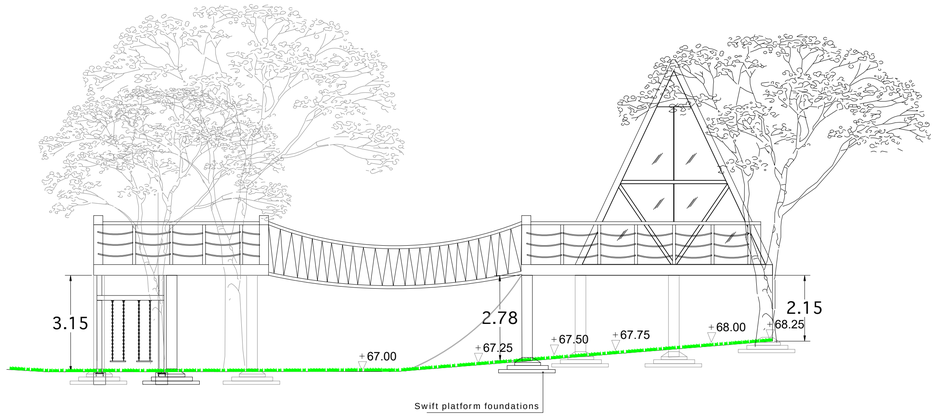
Keith Renton architect
Tel: 01361 810 271
info@keithrentonarchitect.co.uk
www.keithrentonarchitect.co.uk



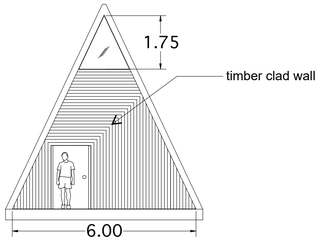
ELEVATION 1-1 (1)



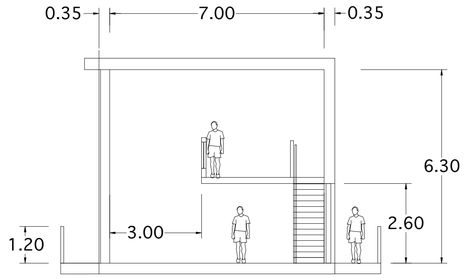
TREE HOUSE PLAN



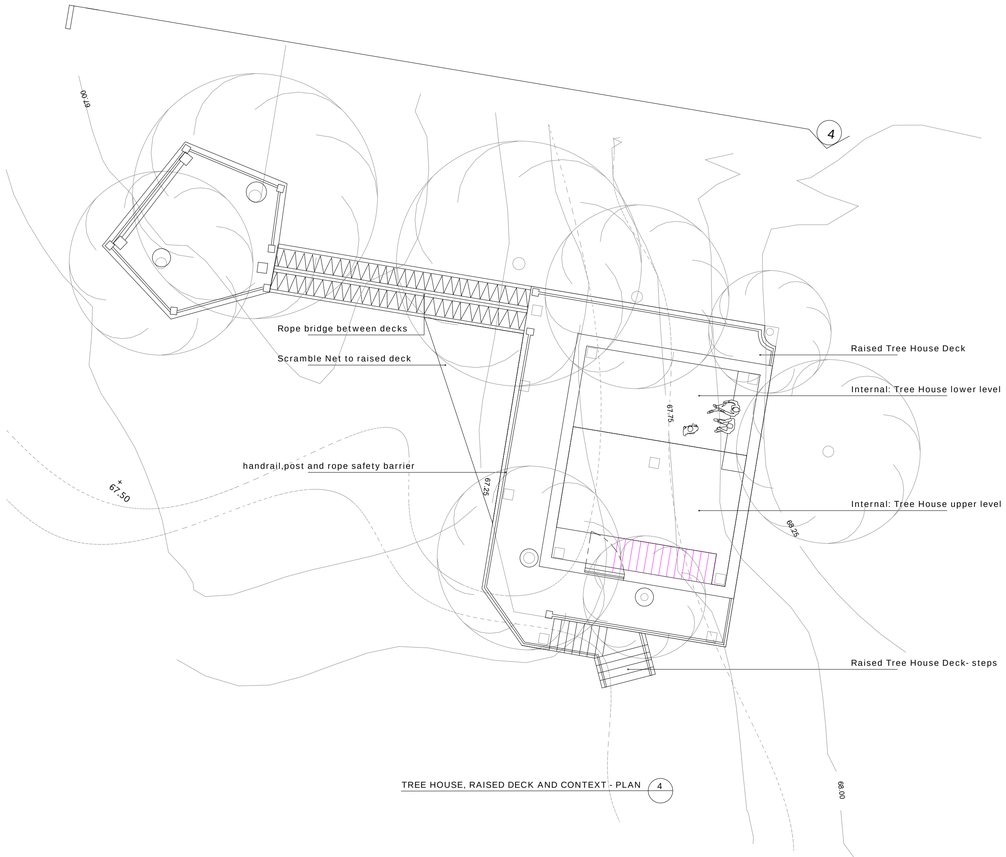
TREE HOUSE, RAISED DECK AND CONTEXT - ELEVATION



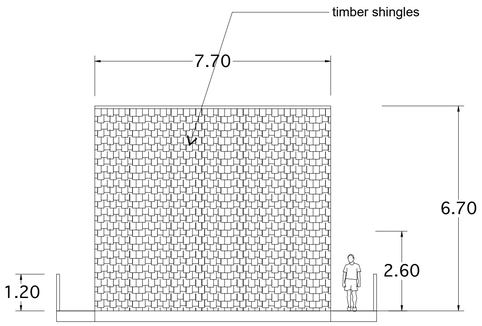
ELEVATION 2-2 (2)



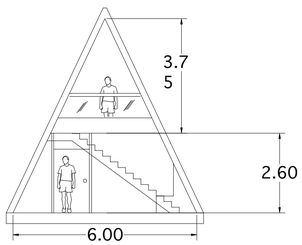
SECTION B-B (B B)



TREE HOUSE, RAISED DECK AND CONTEXT - PLAN (4)



ELEVATION 3-3 (3)



SECTION A-A (A A)

2m 1m 0 5m 10m

Drawing Title: **PROPOSED TREE HOUSE, DECK AND PLATFORM**

Job Title: **Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF**

Client: **Mirna Melki and Robert Mills**
Drawing Number: **811P2-12a**
Drawing Scale: **1:100**
Drawing Date: **1 February 2021**
Drawn By: **KR**
Amendments:
a) 27-05-21 , tree roots removed at section

Humestanes Studio, Hume Hall Holdings, Greenlaw, Duns, Berwickshire, TD10 6UW

ANGUS COUNCIL

AC20

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

PLANNING PERMISSION REFUSAL
REFERENCE : 21/00081/FULL

To **Mr Robert Mills and Mirna Melki**
c/o Keith Renton Architect
Keith Renton
Humestanes Studio
Hume Hall Holdings
Greenlaw
Duns
TD10 6UW

With reference to your application dated 24 February 2021 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works at **Balgownie Farm Steading Eassie** for **Mr Robert Mills and Mirna Melki**

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Refuse Planning Permission (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 proposal is contrary to policy PV12 of the Angus Local Development Plan (2016) and policies 18 and 22 of NPF4 because it has not been demonstrated that appropriate drainage provision can be made and that the development would not materially increase the probability of flooding to existing or planned development.

Amendments:

1 Amended Tree House Plan (drawing number 811P2-12a) submitted on the 08/06/21, Amended Location Plan (drawing number 811P2-01a) submitted on the 07/04/23; Amended Proposed First Floor Plans (drawing number 811P-08a), Amended Proposed Ground Floor plan (drawing number 811P2-07a) Amended Proposed Section Plans (drawing number 811P-10a), Amended Proposed Site plan (drawing number 811P2-11c); Amended Proposed Boundary Treatment and Sections at South Elevation Plan (drawing number 811P2-14) submitted on the 23/06/23; supersede the drawings previously submitted. These drawings show changes to the proposed design of the dwelling, identifies proposed passing places, identifies changes to drainage soakaways to accord with submitted drainage report, clarifies works to the south boundary and corrects errors.

Dated this **3 November 2023**

AC20

Jill Paterson
Service Lead
Planning and Sustainable Growth
Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Planning Decisions – Guidance Note

Please retain – this guidance forms part of your Decision Notice

You have now received your Decision Notice. This guidance note sets out important information regarding appealing or reviewing your decision. There are also new requirements in terms of notifications to the Planning Authority and display notices on-site for certain types of application. You will also find details on how to vary or renew your permission.

Please read the notes carefully to ensure effective compliance with the new regulations.

DURATION

The duration of any permission granted is set out in conditions attached to the permission. Where no conditions are attached the duration of the permission will be in accordance with sections 58 and 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

PLANNING DECISIONS

Decision Types and Appeal/Review Routes

The 'decision type' as specified in your decision letter determines the appeal or review route. The route to do this is dependent on the how the application was determined. Please check your decision letter and choose the appropriate appeal/review route in accordance with the table below. Details of how to do this are included in the guidance.

Determination Type	What does this mean?	Appeal/Review Route
Development Standards Committee/Full Council	National developments, major developments and local developments determined at a meeting of the Development Standards Committee or Full Council whereby relevant parties and the applicant were given the opportunity to present their cases before a decision was reached.	***DPEA (appeal to Scottish Ministers) – See details on attached Form 1***
Delegated Decision	Local developments determined by the Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	***Local Review Body – See details on attached Form 2***
Other Decision	All decisions other than planning permission or approval of matters specified in condition. These include decisions relating to Listed Building Consent, Advertisement Consent, Conservation Area Consent and Hazardous Substances Consent.	***DPEA (appeal to Scottish Ministers) – See details on attached Form 1***

Notification of initiation of development (NID)

Once planning permission has been granted and the applicant has decided the date they will commence that development they must inform the Planning Authority of that date. The notice must be submitted before development commences – failure to do so would be a breach of planning control. The relevant form is included with this guidance note.

Notification of completion of development (NCD)

Once a development for which planning permission has been given has been completed the applicant must, as soon as practicable, submit a notice of completion to the planning authority. Where development is carried out in phases there is a requirement for a notice to be submitted at the conclusion of each phase. The relevant form is included with this guidance note.

Display of Notice while development is carried out

For national, major or 'bad neighbour' developments (such as public houses, hot food shops or scrap yards), the developer must, for the duration of the development, display a sign or signs containing prescribed information.

The notice must be in the prescribed form and:-

- displayed in a prominent place at or in the vicinity of the site of the development;
- readily visible to the public; and
- printed on durable material.

A display notice is included with this guidance note.

Should you have any queries in relation to any of the above, please contact:

Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Telephone 03452 777 780
E-mail: planning@angus.gov.uk
Website: www.angus.gov.uk

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 1

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions decided by Angus Council

1. If the applicant is aggrieved by the decision of the planning authority-

a) to refuse permission for the proposed development;
b) to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may appeal to the Scottish Ministers to review the case under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of appeal should be addressed to The Planning and Environmental Appeals Division, Scottish Government, Ground Floor, Hadrian House, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR. Alternatively you can submit your appeal directly to DPEA using the national e-planning web site https://eplanning.scotland.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 2

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions decided through Angus Council's Scheme of Delegation

1. If the applicant is aggrieved by the decision of the planning authority-

   a) to refuse permission for the proposed development;
   b) to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
   c) to grant planning permission or any approval, consent or agreement subject to conditions,

   the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of review should be addressed to Committee Officer, Angus Council, Resources, Legal & Democratic Services, Angus House, Orchardbank Business Park, Forfar, DD8 1AN.

   A Notice of Review Form and guidance can be found on the national e-planning website https://eplanning.scotland.gov.uk. Alternatively you can return your Notice of Review directly to the local planning authority online on the same web site.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Location plan for Balgownie Steading, Eassie (DD8 1SF)

Balgownie Steading is located half a kilometer east of Hatton of Eassie farm and 2.8km west of the town of Glamis.

Grid Ref: NO355466

X(Easting) 335534;
Y(Northing) 746679

Lattitude 56.607539
Longitude -3.0517784

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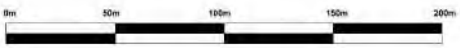

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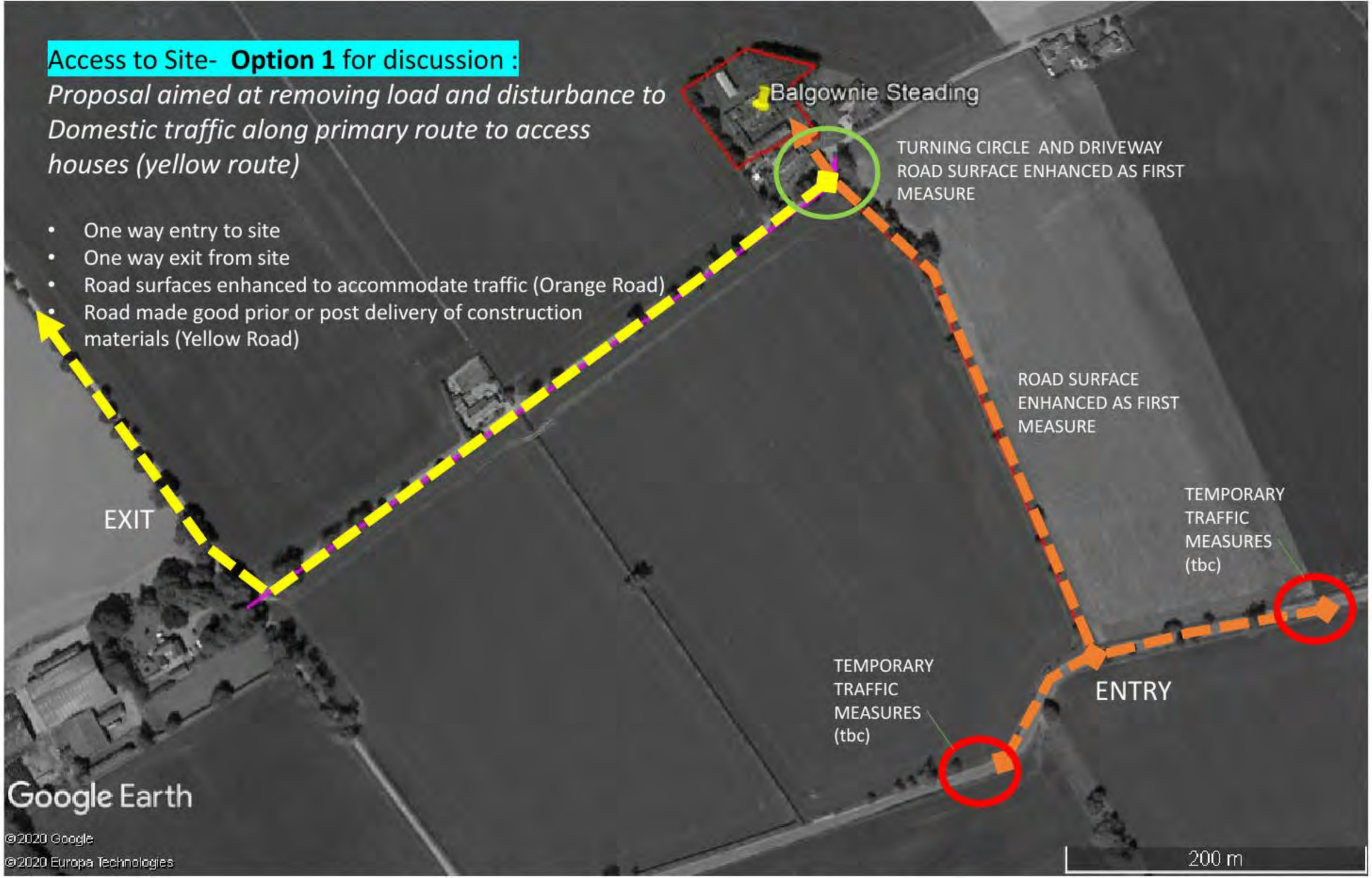
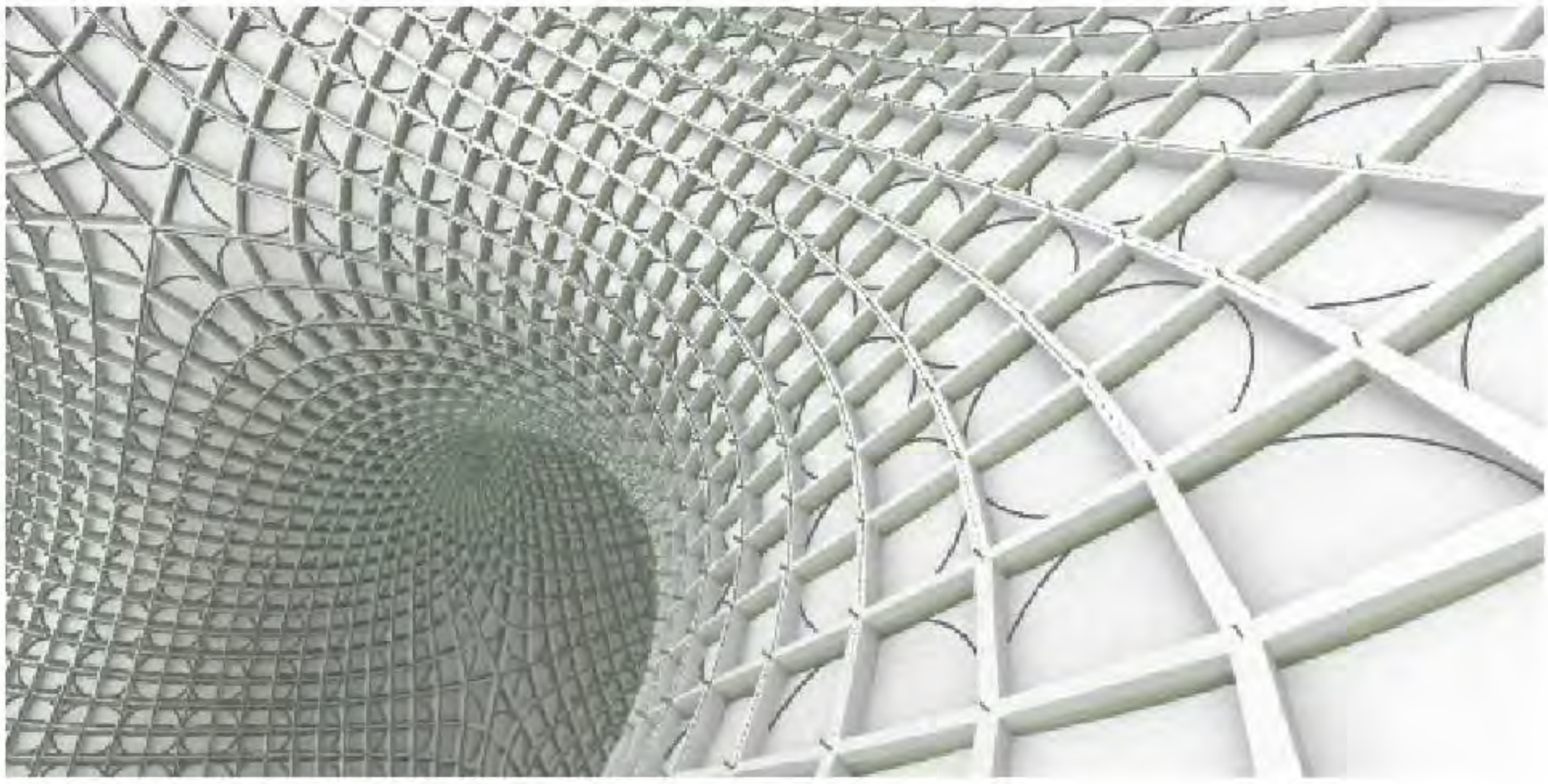
Location plan for
Balgownie Steading,
Eassie (DD8 1SF)
A94
Balgownie Steading
Coupar Angus Road
Hatton of
Eassie Farm
Google Earth
©2020 Google
©2020 Europa Technologies
1 km


Access to Site- **Option 1** for discussion :
Proposal aimed at removing load and disturbance to Domestic traffic along primary route to access houses (yellow route)
• One way entry to site
• One way exit from site
• Road surfaces enhanced to accommodate traffic (Orange Road)
• Road made good prior or post delivery of construction materials (Yellow Road)
Balgownie Steading
TURNING CIRCLE AND DRIVEWAY ROAD SURFACE ENHANCED AS FIRST MEASURE
ROAD SURFACE ENHANCED AS FIRST MEASURE
TEMPORARY TRAFFIC MEASURES (tbc)
TEMPORARY TRAFFIC MEASURES (tbc)
EXIT
ENTRY
Google Earth
©2020 Google
©2020 Europa Technologies
200 m

Access to Site- **Option 2** for discussion :
Proposal aimed at removing load and disturbance to Domestic traffic along primary route to access houses (blue route)
• Two way entry and exit to site (via unused farm road- Orange Road)
• Road surfaces enhanced to accommodate traffic (Orange Road)
• Road traffic measures sufficient to accommodate occasional delivery of materials and vehicles entering and exiting the construction site.
• Balgownie driveway and turning circle immediately opposite the driveway enhanced to accommodate vehicles and deliveries
Balgownie Steading
TURNING CIRCLE AND DRIVEWAY ROAD SURFACE ENHANCED AS FIRST MEASURE
Road upgraded to accommodate construction traffic
TEMPORARY TRAFFIC MEASURES (tbc)
TEMPORARY TRAFFIC MEASURES (tbc)
Google Earth
©2020 Google
©2020 Europa Technologies
200 m

CHRISTIE GILLESPIE
CONSULTING ENGINEERS LTD.



BALGOWNIE STEADING, EASSIE, ANGUS, DD8 1SF

ASSESSMENT OF STRUCTURAL CONDITION OF EXISTING BUILDINGS

CLIENT: MS MIRNA MELKI AND MR ROBERT MILLS

Revision: First Issue
Date of Issue: 23 October 2020
PROJECT N^{O} 2020-617

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Confidential

QUALITY MANAGEMENT

Issue/revision	First issue	Revision 1	Revision 2	Revision 3
Remarks				
Date	22/10/20			
Prepared by	A Christie			
Signature				
Checked by				
Signature				
Authorised by	A Christie			
Signature	[redacted]			
Project number	2020-617			
Report number	N/A			
File reference	2020-617/Documents/Internal			

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3. SURVEY FINDINGS AND ASSESSMENT.....3

4. SUMMARY CONCLUSIONS AND RECOMMENDATIONS 5

APPENDICES

APPENDIX A DRAWINGS

APPENDIX B PHOTOGRAPHS

1. INTRODUCTION

Christie Gillespie Consulting Engineers were instructed to carry out a structural assessment of the property by the current owners. The purpose of the assessment was to determine the nature and condition of the existing buildings remaining at the site and provide advice and recommendations with regard to the extent of any demolition and repairs necessary in the context of the proposed development. The proposed development includes the retention and refurbishment where feasible of the buildings to provide a conversion and redevelopment of the property to form a new dwelling.

The inspection was carried out in 2016 and the findings have been reviewed in reference to further recent photographs of the building taken this year and provided by the client. Photographs of the relevant areas are provided in Appendix B.

2. SITE DESCRIPTION

The site is located between the villages of Eassie and Glamis just south off the A94 at Balgownie Farm. The existing steading buildings consist of a collection of varying height single storey sandstone buildings with pitched slated roofs. The buildings have been derelict and unused for a considerable period of time and are in varying states of condition. The roofs and walls of some of the buildings have collapsed and others are at risk of further disintegration and potential collapse in the near future. A plan of the existing buildings along with summary notes of the condition is provided in Appendix A. Photographs of the buildings are included in Appendix B.

3. SURVEY FINDINGS AND ASSESSMENT

The various buildings as shown on the drawing in Appendix A and the reference numbers in this report for each building are indicated on this plan. The site was originally visited in July 2016 and although more photographs taken recently of some of the buildings have been provided

Building 1

3.1.1 This building comprises what is effectively a two storey high masonry building which lies on the east boundary of the site. It is open full height to the underside of the walls and roof. It has thick external masonry walls up to around 550mm thick with pitched timber trussed roof with slates. The east and south elevations are intact with relatively minor defects in the stone and mortar joints. There is a crack in the north east gable which extends from eaves down to the top of the ground floor window.

3.1.2 A crack of this type is not unusual in this form of construction. It appears that the crack may have initiated from some relative movement between the gable and adjacent elevations and this has been exacerbated over a long period of time through weathering and freeze thaw action. It was noted that the gutter is no longer in place on this elevation and there is a damp patch on the wall next to the crack. Whilst this crack is relatively wide, it is capable of repair with stainless steel straps or ties cut into and across the crack a grouted in place. The residual gap can be grouted and filled with a suitable mortar that is compatible with the stonework. This gable is otherwise in good condition and does not show any evidence of ongoing settlement or structural distress.

3.1.3 On the north west elevation at the south end where there are larger openings, the stonework at higher level is leaning and bowing outwards. The stonework below is still in a stable condition and although there was damage to the pier evident between the two openings, it is considered that this is repairable. There has been further deterioration of the higher level stonework in this area according to the recent photographs. Because of the area of bowing, the wall will need to be removed down to the level of the window heads. The remaining section of wall should be propped in the meantime. Some of this area of façade stonework can be repaired but will require some temporary propping.

3.1.4 The roof structure is in relatively good condition although there are a number of damaged areas where water has penetrated. There are also signs of some rot and infestation with the likelihood of repairs required to the extent that it would be more economical to replace the roof entirely. A suitable temporary propping arrangement will need to be designed to protect the walls during the reconstruction works whilst the roof is removed.

3.1.5 The foundations consist of broader stones laid at the base of the walls and are shallow as would be expected for a building of this type and age, Underpinning will be required to some of the walls to maintain the stability where levels are being reduced for any future development and this will be done on a hit and miss basis when casting the new ground floor slabs.

Building 2

3.1.6 With the exception of the north east elevation of this building, the masonry is in reasonable condition with areas that have weathered and where the mortar has become friable as a result of water ingress but are repairable. On the north east elevation, the lintel over the east door opening has cracked and the inner timber safe lintel has failed with the loss of stone and rubble fill above. The remaining sections of wall around this area are not stable and will need to be removed and reconstructed as required. Some small areas of this wall at the lower level below lintel height may be salvageable with repairs.

3.1.7 The roof structure is in poor condition with many missing slates and areas of sarking and it has partially collapsed in places. The roof structure is not economically repairable and will need to be removed and replaced.

Building 3 and 3a

3.1.8 These are adjacent single storey masonry buildings. The roof structure is in very poor condition with significant areas that have partially collapsed in places. The roof structure is not economically repairable and will need to be removed and replaced. The western end of the north east elevation wall has a lean towards the west side and generally the mortar is in poor condition. This wall will require more extensive repairs than the general repairs noted for other walls in the buildings. The section of wall which leans will need to be at least partially taken down and rebuilt.

3.1.9 The south west elevation is in reasonable condition although again some general patching and repointing remedial work will be required. This could be retained but is being removed as part of the design proposals. The western end of the south east elevation wall also leans outwards around the door and window opening and there is a slight lean at eaves height along part of the length of this wall. Some partial reconstruction of this wall will be necessary around the openings and along the upper sections from just below lintel height and above. The remainder of this wall will also need to be patched and repointed.

Building 4

3.1.10 This is a single storey shed with timber roof and corrugated metal cladding. It is partly supported on building 3. It has partially collapsed in places and is not repairable. This building needs to be demolished.

Buildings 5 and 5a

3.1.11 These buildings were sheds originally supported on cast iron columns and have effectively completely collapsed. The remainder of any standing framed structure and roof needs to be taken down and removed completely. The single storey height buttressed masonry wall along the north west elevation is in poor condition. Part of the wall has collapsed and the wall head has been exposed to water penetration with vegetative growth on top of the wall in places. Because this wall has been exposed to water penetration through the head of the wall, the overall condition is not considered to be structurally suitable to retain as the wall and mortar will have been weakened by the prolonged period of water ingress into the core of the wall. It is recommended that this wall also be demolished. This is also the case for the single storey height freestanding wall at the south east side of these buildings where the wall head has been exposed to water penetration for a prolonged period and there is vegetation growing from the top of the wall.

Buildings 6 and 7

3.1.12 These are single storey buildings in the north corner of the site. Areas of the roof have collapsed and similarly to the masonry walls around buildings 5 and 5a, there has been a prolonged period where water has penetrated through the wall head with significant vegetative growth. The mortar is in poor condition and has been significantly eroded from the joints. It is considered that the walls are not structurally suitable for retention and re-use and the buildings require to be demolished.

4. SUMMARY CONCLUSIONS AND RECOMMENDATIONS

4.1.1 The buildings on the site are in varying conditions and have suffered to a lesser or greater extent as a result of exposure and weathering over a long period of time. The original survey was carried out in 2016 and it is noted from more recent photographs that there has been some deterioration since. However significant areas of the masonry that have remained largely protected are capable of retention and repair. Some of the walls in such a condition that they need to be demolished. The walls that have been exposed at the head and as such have allowed water penetration over a long period are not structurally suitable to be retained and will require to be removed.

4.1.2 The drawing provided in Appendix A shows the sections of wall that require to be demolished. Repair and remedial works will be necessary to the majority of the remainder of the walls which are suitable for retention as structural elements for the new development. Such repairs will be in the form of local patching of stone and raking out and repointing of loose and friable mortar in the joints will be necessary. This will need to be based on a detailed schedule of works to be prepared as part of the development.

Appendix A

DRAWING

2016-240-S001 – Layout of Buildings and Scope of Works

CDM - RESIDUAL RISKS

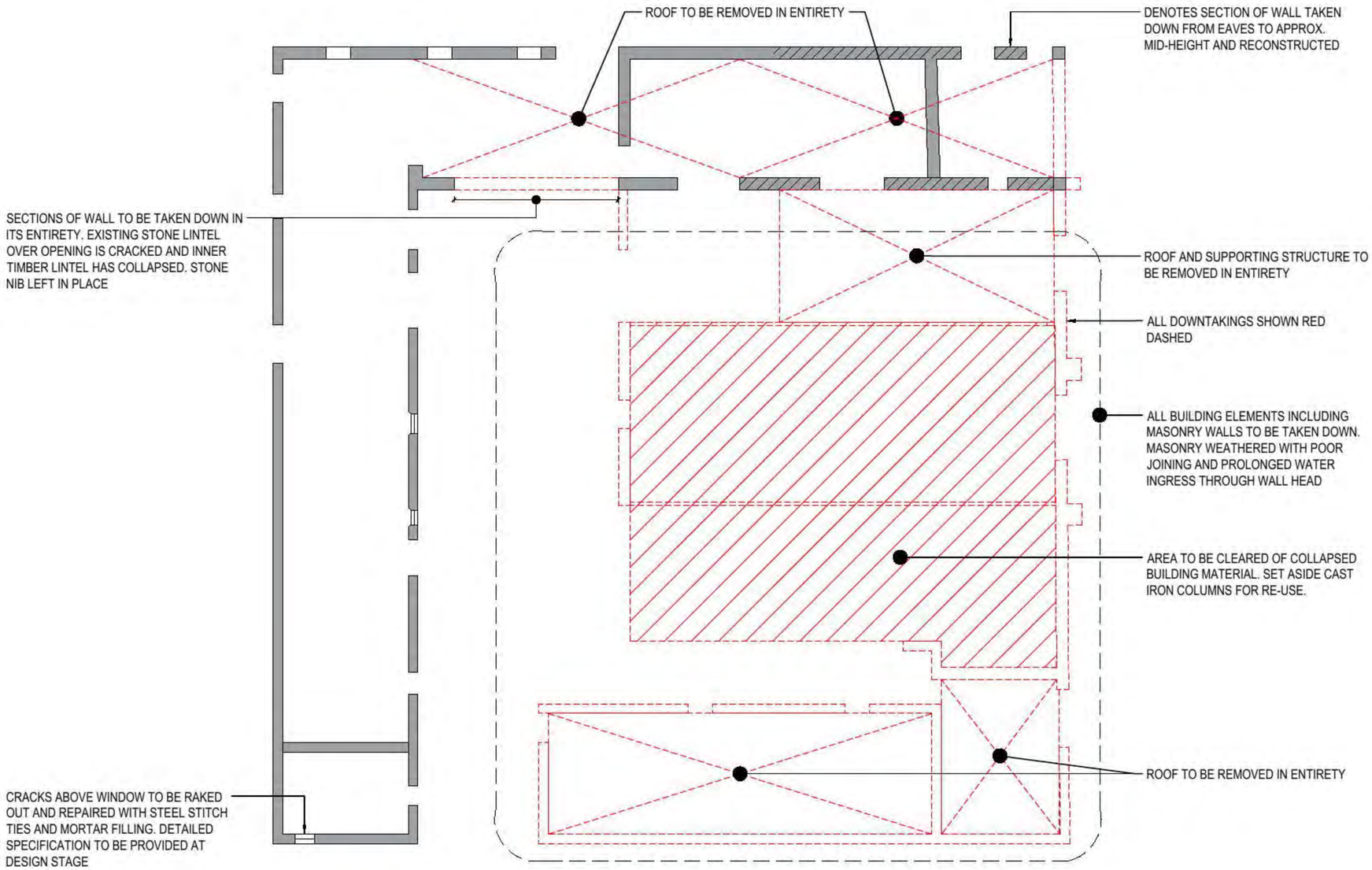
THERE ARE CONSIDERED TO BE NO RESIDUAL RISKS ASSOCIATED WITH THE STRUCTURAL ASPECTS OF THIS PROJECT

IMPORTANT NOTE:
SINGLE HATCHED AREAS SHOW SECTIONS OF WALL WHERE REMOVAL OF APPROX. TOP 600mm OF WALL AND REBUILD REQUIRED TO CORRECT LOCALISED BOWING

GENERAL NOTES

1. DO NOT SCALE FROM THIS DRAWING.
2. ALL SIZES/DIMENSIONS TO BE CONFIRMED ON SITE PRIOR TO CONSTRUCTION.
3. THIS DRAWING HAS BEEN PREPARED TO SHOW EXTENT OF EXISTING BUILDING ELEMENTS THAT ARE NOT STRUCTURALLY SUITABLE FOR RETENTION AND AN OUTLINE OF REPAIRS REQUIRED TO AREAS THAT ARE SUITABLE TO RETAIN AND INCORPORATE IN THE NEW DEVELOPMENT

MASONRY REPAIRS
ALL MASONRY WALLS TO BE RETAINED WILL REQUIRE GENERAL PATCHING (INDENTS) AND REPAIR AND REPLACEMENT OF AREAS OF LOOSE/FRIABLE MORTAR WITH REPOINTING GENERALLY



LAYOUT OF EXISTING BUILDINGS
(SHOWING EXTENT OF STRUCTURAL REMOVALS AND REPAIRS BASED ON CONDITION ASSESSMENT
SCALE 1:200

STATUS: **PLANNING**

REV	DETAILS	DATE	DRAWN	CHK'D	APP'D

CLIENT
MS M. MELKI & MR R. MILLS

PROJECT
PROPOSED CONVERSION TO BALGOWNIE STEADING, EASSIE, GLAMIS

DRAWING TITLE
LAYOUT OF BUILDINGS SHOWING STRUCTURAL REMOVALS & REPAIRS BASED ON CONDITION ASSESSMENT

DRG No	REV	SCALE	DATE
2020-617-S001	-	AS NOTED	23/10/2020
DRAWN BY		CHECKED BY	APPROVED BY
D.M		A.C	A.C

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A3 SHEET SIZE

Appendix B

PHOTOGRAPHS

Building 1 - North East Elevation showing cracks above window.

Building 1 – Interior from south west corner

Buildings 1 and 2 – north west and north east elevations respectively

Building 2 – section of north east elevation to be removed.

Wall between Building 2 and 3 from building 2

Building 3 - roof to be removed

Building 3 – north east elevation and adjacent building 4

Buildings 5 and 5A – collapsed

Buildings 4, 5 and 7 – north west elevations

Building 3A south west elevation showing lean and general condition of stonework

Building 5 and 5A – north east elevation freestanding wall to be demolished

Building 6 – south west elevation showing missing roof, loss of wall head stones, loss of mortar jointing and vegetative growth

Building 6 – part of wall previously removed and tank constructed. Wall head exposed with vegetation

Building 7 showing missing roof and loss of support for remainder of roof, exposed wall head.

Building 5 and 5A north west elevation showing partial collapse, open joints and vegetation

Stone's Wildlife Management
Unit 6 Southpark Industrial Estate, Peebles EH45 9ED
Tel 01721 726462 Fax 01721 723075 Mobile [redacted]

Ecological Mitigation for Balgownie Steading, Angus
Additional information as requested 11th May 2021.

Bats

As per my previous report a licence from NatureScot will need to be applied for before any works can be carried out on the building.

Bat boxes need to be erected before any works start. We have already identified the boxes on the link below. Four to six of these 'wood crete' bat boxes will need to be fixed on the trees as per fitting instructions.
2F Schwegler Bat Box (General Purpose) | NHBS Practical Conservation Equipment

In addition, two to four 'bat bricks' will need to be added to the plans for the walls. These are permanent bricks, and two of which must be within 1-2 meters of the original roost site.
Integrated Eco Bat Box, Cavity (wildcare.co.uk)

Breeding birds

If any vegetation clearance is to be carried out between March and mid Sept a breeding bird survey will have to be carried out before this work commences. Please see attached document.

I would suggest in mitigation 1 -2 house sparrow terraces are erected on the building as per fitting instructions.

1SP Schwegler Sparrow Terrace | NHBS Practical Conservation Equipment

Also 4-6 Swallow nest cups which need to be fitted under a gutter near a down pipe.

Swallow Nests (gardenature.co.uk)

However, at all times we would recommend that all people working on the site and especially the site foreman is made aware of the accepted standard procedures of working with bats. See Bats in Buildings leaflet (3NB) 250311 which is available from ww.bats.org.uk **If bats were to be found work must stop and a suitably qualified person or Naturescot are contacted to discuss how to proceed.**

Any questions please email or call

Dougie McKenna
Stones Wildlife Management
01721726462

[redacted]

Species Protection Plan for breeding birds

Any removal of trees and scrub between Oct and end of February will not need a breeding bird survey or plan

The plan laid out below is to check the Trees shrubs and ground cover or structures that have been marked for removal demolition or refurbishment during the breeding bird season which is 1st March till 30th September depending on species of bird

Area for removal is to be surveyed using fix point survey to observe any territorial signs from male birds and or any feeding signs where food is being taken into the cover or structure, if nothing is recorded a destructive search will take place and then.

If none are found the works can procced

If an active nest is found it should be clearly marked and protected (this depends on the breed of bird and where the nest is) so no works get carried out in the vicinity which could disturb the breeding birds

The nest will have to be checked to find out at what stage the breeding is at, then a time scale can be put in place to make sure no disturbance is caused, the nest will them be checked at said time to see if the young have fledged if they have and no other birds have started breeding, if this is the case the works can commence/ carry on

These surveys need to be carried out by somebody with suitable experience not necessarily a member of a professional organisation

BB 03/02/21

PART 1

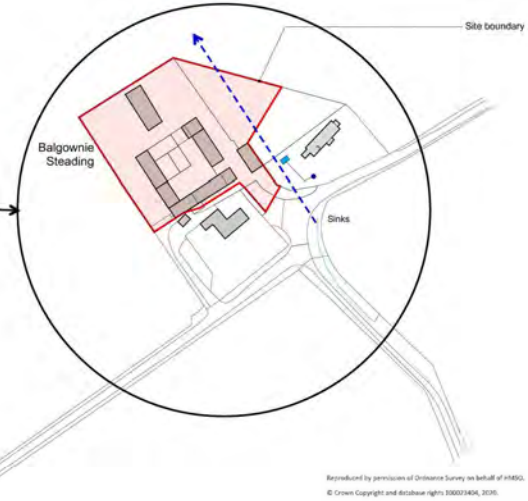
BALGOWNIE STEADING WATER DISPOSAL OPTIONS REPORT-
Mr & Mrs Mills – Planning Application # **20/00515/FULL - Balgownie Steading**
MAY 2021

Supplemental information for Planning - Private /Single Domestic Dwelling

Location plan for Balgownie Steading, Eassie (DD8 1SF)

Balgownie Steading is located half a kilometer east of Hatton of Eassie farm and 2.8km west of the town of Glamis.

56°36'27.16"N
3°3'7.91"W



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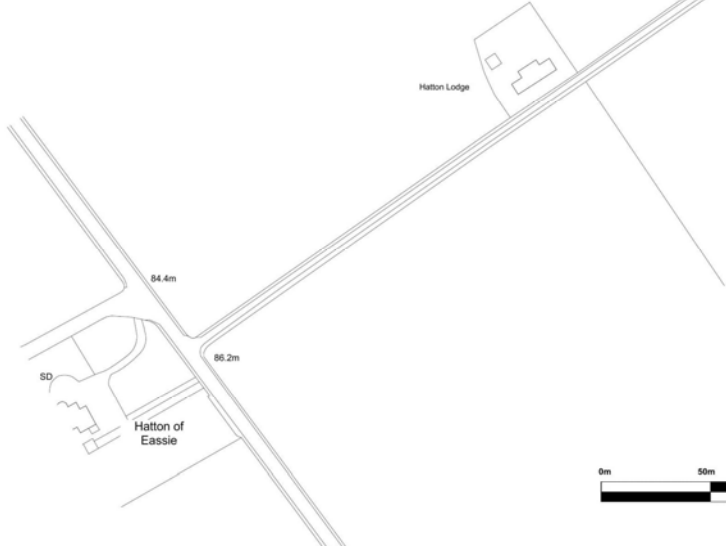


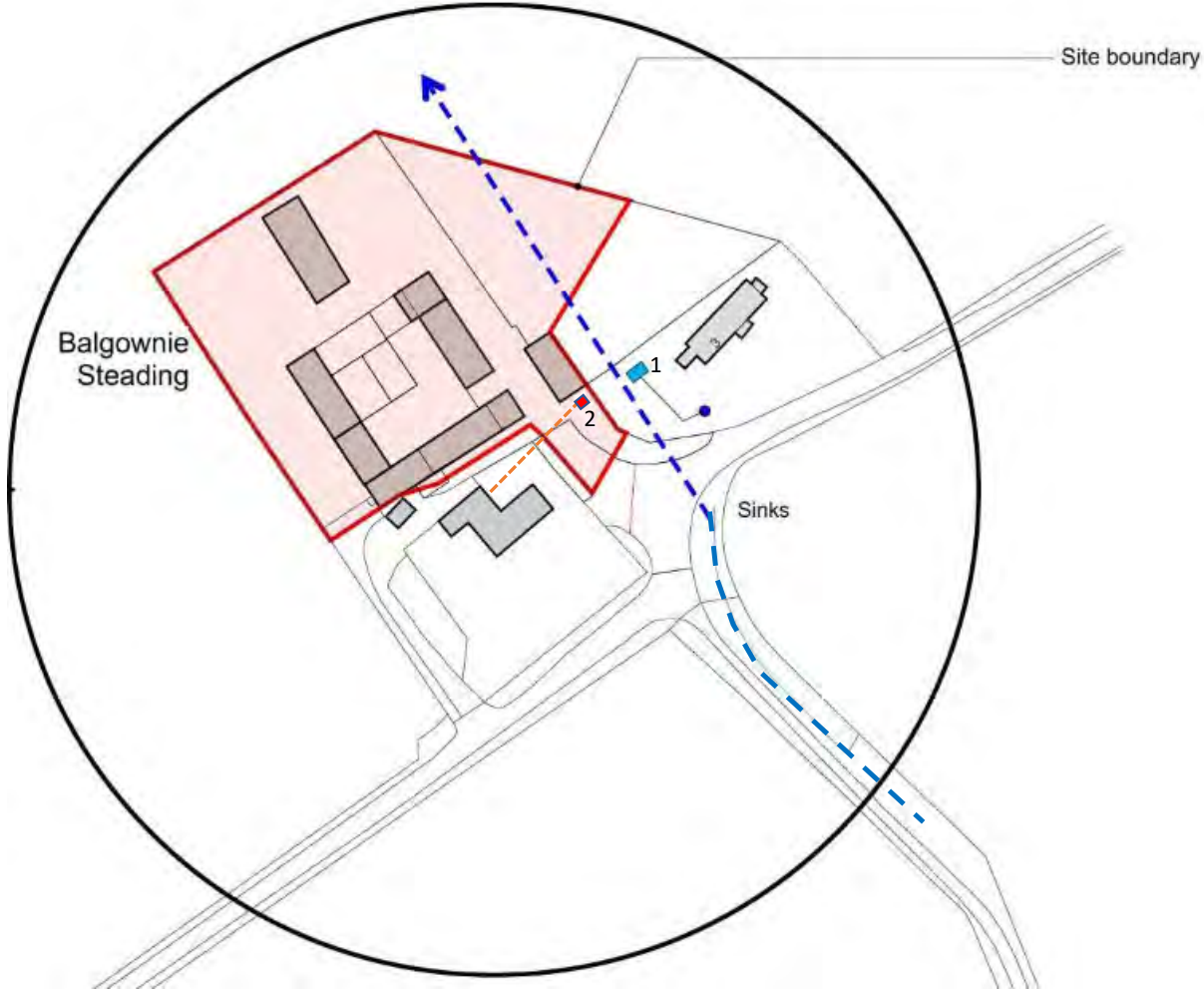
Surface Water Disposal Options for Balgownie Steading, Eassie (DD8 1SF)

AC25

1- #3 Balgownie Cottage Septic Tank
2- #2 Balgownie Cottage Septic Tank

Site area of 0.46 ha indicated in red on plan , comprises of a collection of disused farm buildings previously uninhabited and classed as an industrial building. There is no evidence of piped water connection to these buildings.

A culvert lies to the east of the property and this is discharged to a nearby stream.



AC25
Eassie Burn
Balgownie Mill
Balgownie Steading
56°36'27.16"N
3°3'7.91"W
© 2020 Google

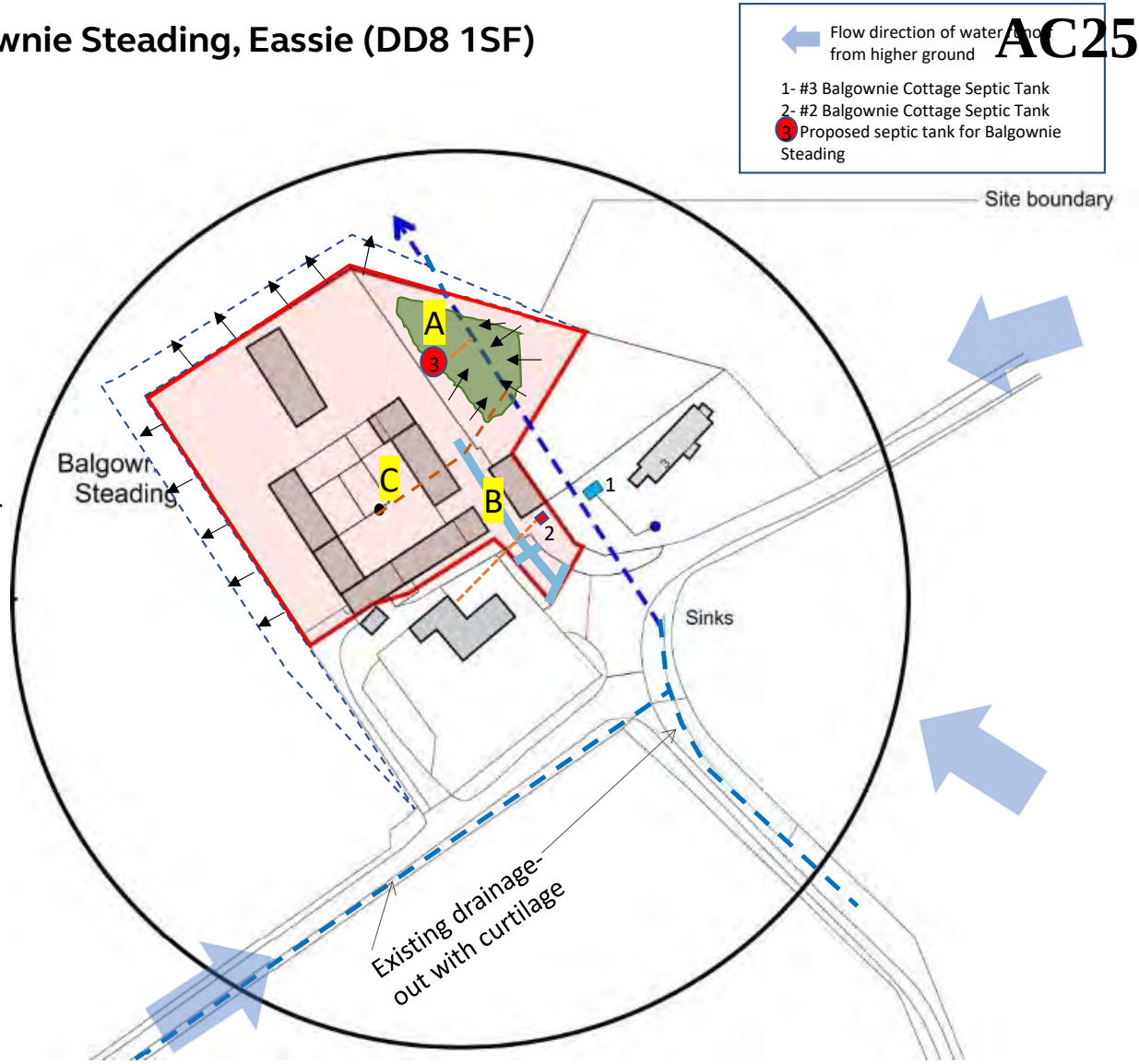
Surface Water Disposal Options for Balgownie Steading, Eassie (DD8 1SF)

AC25

Site area of 0.46 ha indicated in red on plan , comprises of a collection of disused farm buildings previously uninhabited and derelict. There is no evidence of piped water connection to these buildings or current water management on site.

An existing culvert lies to the east of the property and this is discharged to a nearby stream. All other contextual water management is taken care of by roadside ditches leading to a buried culvert pipe-under **Hatton of Eassie farm ownership**.

Existing Balgownie Steading site topography provides natural attenuation (indicated as area[A]) in the form of a depressed small woodland .Proposed developed site's attenuation and driveway collection trench is indicated as [B]. Future inner courtyard drain will also lead to attenuation/collection drain(indicated as [C])



Balgownie Steading combined plan , Eassie (DD8 1SF)

AC25

AC25

PART 2

BALGOWNIE STEADING WATER DISPOSAL OPTIONS REPORT

MAY 2021

Supplemental information for Planning
Private /Single Domestic Dwelling

SEPA - FLOOD HAZARD AND RISK INFORMATION FOR DD8 1SF

Extract taken from SEPA Flood Hazard and Risk information Portal for DD8 1SF

AC25

Flood Hazard and Risk Information

Long term flood risk information for the area around:

3 BALGOWNIE COTTAGES, ACCESS FROM ZC16 VIA BALGOWNIE FARM AND COTTAGES TO BALGOWNIE MILL, EASSIE, DD8 1SF

Surface Water

Medium Risk

— What does this mean?

This information gives the likelihood of surface water flooding within a 50 metre radius of this location.

Medium likelihood means that each year this area has a 0.5% chance of flooding.

This does not take into account the effect of any flood defences.

Surface water flooding happens due to heavy rainfall when drains and watercourses are not able to cope with the amount of water run-off from buildings, footpaths and roadways.

Rivers

No Specific Risk

— What does this mean?

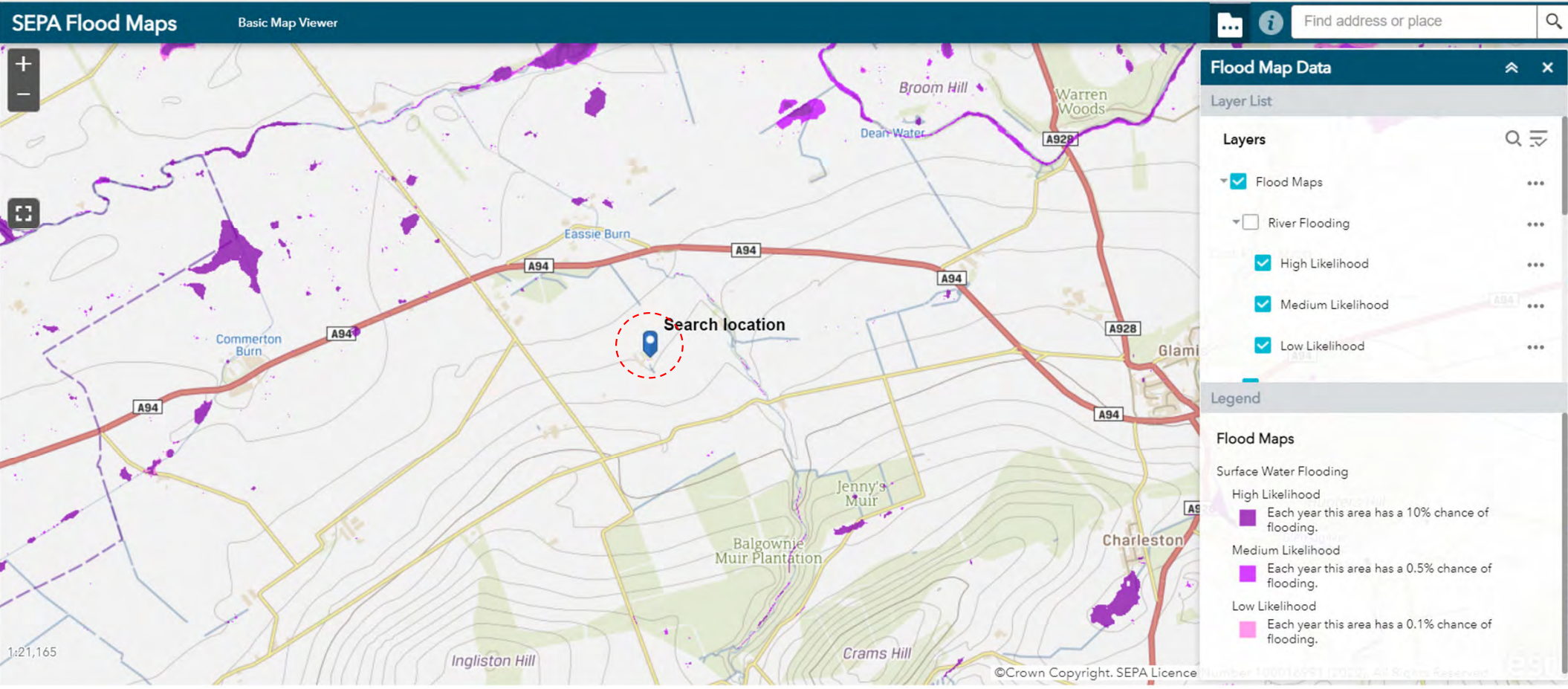
This information gives the likelihood of river flooding within a 50 metre radius of this location.

There is no specific likelihood of river flooding identified for this area but there could still be localised effects from flooding in some places.

SEPA Flood Hazard and Risk information Portal for DD8 1SF-

SURFACE WATER FLOODING MAP

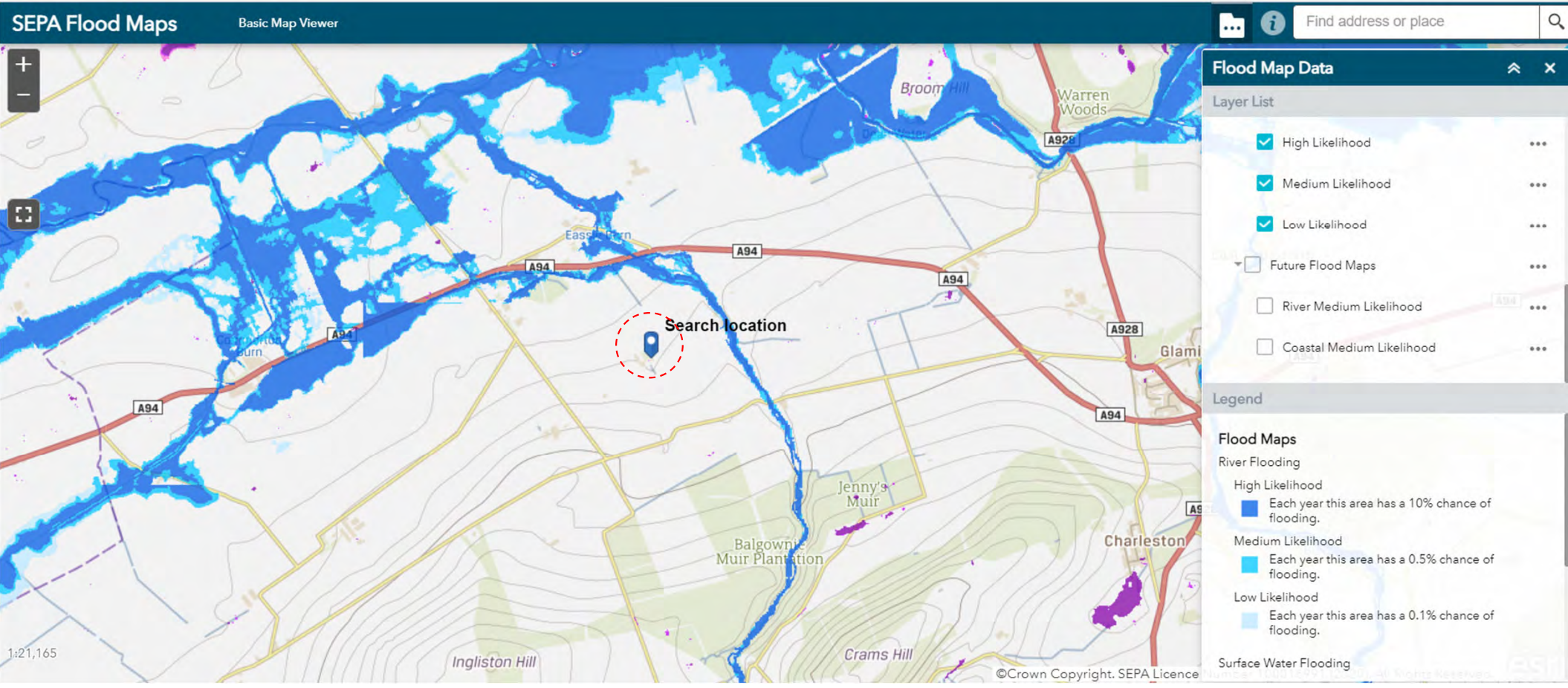
AC25



SEPA Flood Hazard and Risk information Portal for DD8 1SF-

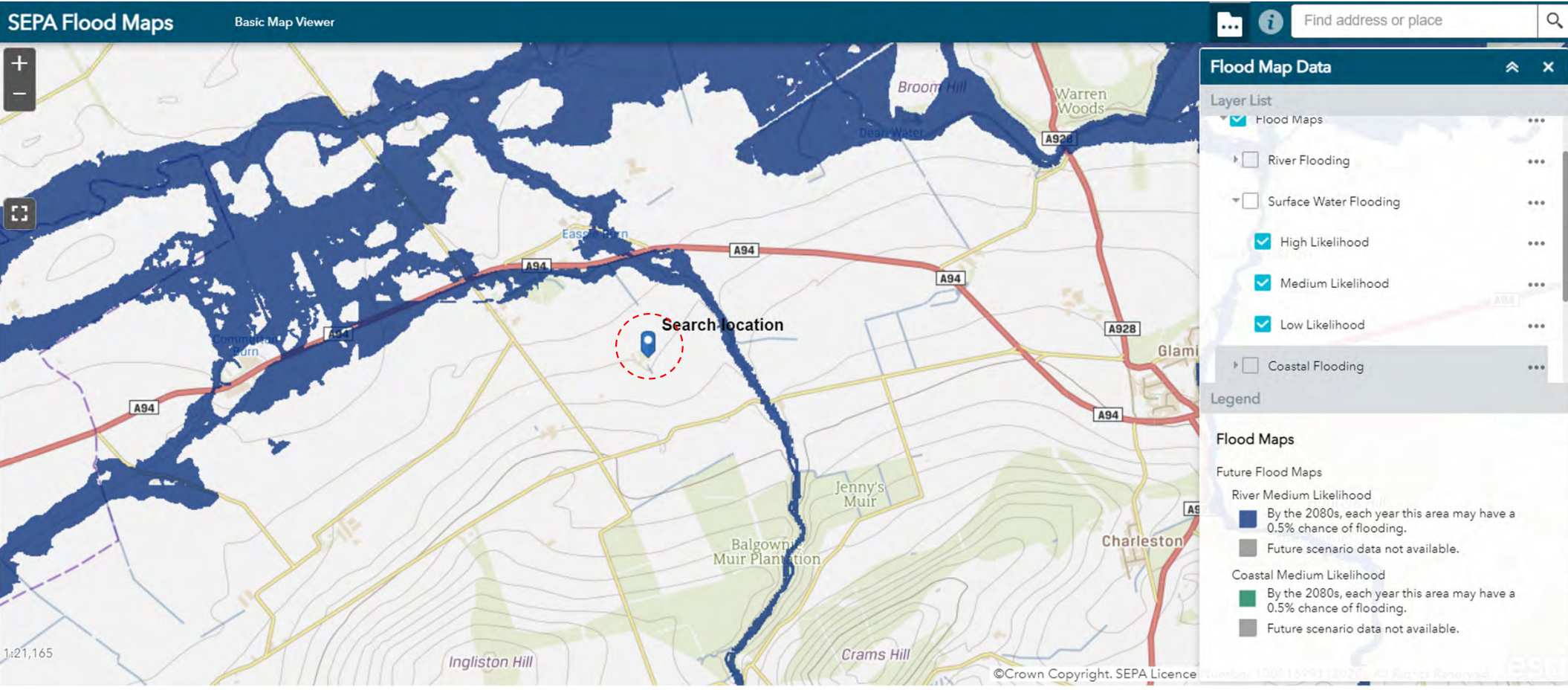
RIVER FLOODING MAP

AC25



SEPA Flood Hazard and Risk information Portal for DD8 1SF- FUTURE FLOOD MAP

AC25



AA026

Hinshelwood Arboricultural Consultants

Urban Tree Specialists

BS 5837:2012 Tree Survey
Balgownie Steading.

DD18SF

On Behalf of Mirna Melki

24 May 2021

Executive Summary

On behalf of Mirna Melki (The Client), Hinshelwood Arboricultural Consultants (HAC) carried out a tree survey to BS 5837:2012 'Trees In Relation To Design, Demolition and Construction-Recommendations' in May 2021 at Balgownie Steading, Glamis. The survey records all trees within the site and all those which may be affected by development proposals within the site boundary, recording a number of parameters including species, crown spread and Root Protection Area (RPA). The RPA of any given tree is the area of ground around that tree which should not be disturbed by excavation, compaction, changes in level or other construction/demolition operations.

An arboricultural survey has been carried out and this report prepared to support a full planning application to construct a new detached residential property at Balgownie Steading, Glamis. This report provides information in compliance with British Standard BS 5837:2012, Trees in relation to design, demolition and construction and considers the effect the proposed development has on the local character from a tree perspective. The report's purpose is to allow the local planning authority to assess the tree information as part of the planning submission. Arboricultural advice has been given during the design stage which has helped inform the design. Three individual trees have been assessed in accordance with BS 5837.

Six trees are to be removed directly as a result of the proposal. One early mature birch and five small poorly formed rowans. Eight further trees have been recommended for removal due to condition.

The focus of the report is on the small woodland accommodating the "Treehouse", the spruce at the proposed entrance and the line of trees found adjacent to the west of the steading. Works, although minor, are proposed within the root protection area of some of these trees and specialist methods of design and construction are to be employed to minimise the impact on these trees and to be acceptable to the local planning authority. The proposals have been designed to have a levels above the existing grade and to be supported by foundations positioned to minimise the impact on the trees and soil structure. Hard surfacing will be designed and constructed using a no-dig, porous system, also to have a minimal impact on the tree. The report contains a draft arboricultural method statement heads of terms in accordance with recommendations in Table B1 of BS 5837. It is recommended that a detailed arboricultural method statement is produced in response to a planning condition following planning consent. This will describe in detail how retained trees will be protected from the development and methods of work close to trees. This report contains general details such as tree barriers and ground protection which are common to most developments. If the recommendations made within this report are followed, the development should be achievable in arboricultural terms and should be acceptable to the local planning authority.

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1.0 Introduction

1.1 Purpose and Scope of the Survey

Hinshelwood Arboricultural Consultants was instructed by Mirna Melki (the 'Client') to undertake a Tree Survey to BS 5837:2012 standard. The survey was undertaken at Balgownie Steading, Glamis (hereafter referred to as 'the Site'). The survey was undertaken on 20 May 2021. The Site location and the area surveyed are shown below. The survey was undertaken in order to inform a planning application for the development of the Site for residential use.

The aims of the Tree Survey were to:

- Identify the individual tree species present at the Site by means of visual inspection.
- To define the approximate age, condition and canopy spread of all individual mature trees identified and the value of these within the development.
- To identify any trees that present a risk to existing or proposed foundations or other structures that may be constructed on the Site and recommend actions to remove this risk; and Recommend tree management or mitigation measures where appropriate.

1.2 Site Description

The Site is centred at Balgownie Steading, Glamis. The Site covers an area of approximately 4800m^2 and comprises a disused farm steading with an access track and small early mature woodland. The active construction areas are the creation of the access road, the formation of a "treehouse" in the area of woodland and the raising of the levels on the western boundary. Fences form the boundaries along with scattered trees present along the field margins. The area surveyed comprised the within the redline boundary of the current application.

The Site is surrounded by agricultural fields with two residential dwellings to the west and south of the proposal.

1.3 Proposed Development

It is understood from the drawing provided that the Site is to be developed for a residential property with new access from the existing track into the site on the south. Trees divide the development forming buffers along the boundaries.

Other information included in this report.

1.4 The following information is included in the appendices:

- instruction and brief.
- report limitations.
- background information and design input
- legal constraints, liabilities and planning context.
- site information.
- tree root influence.
- survey methodology.
- reference documents.

1.5 Glossary

1.5.1 Technical jargon has been kept to a minimum but where necessary, explanation of terms, can be found in **Appendix 2**.

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2.0 Appraisal

2.1 The Site

2.1.1 The site is located at Balgownie Steading, Glamis. It is a large area of farm buildings long disused and now derelict. The site has individual properties developed on the southern and eastern boundaries.

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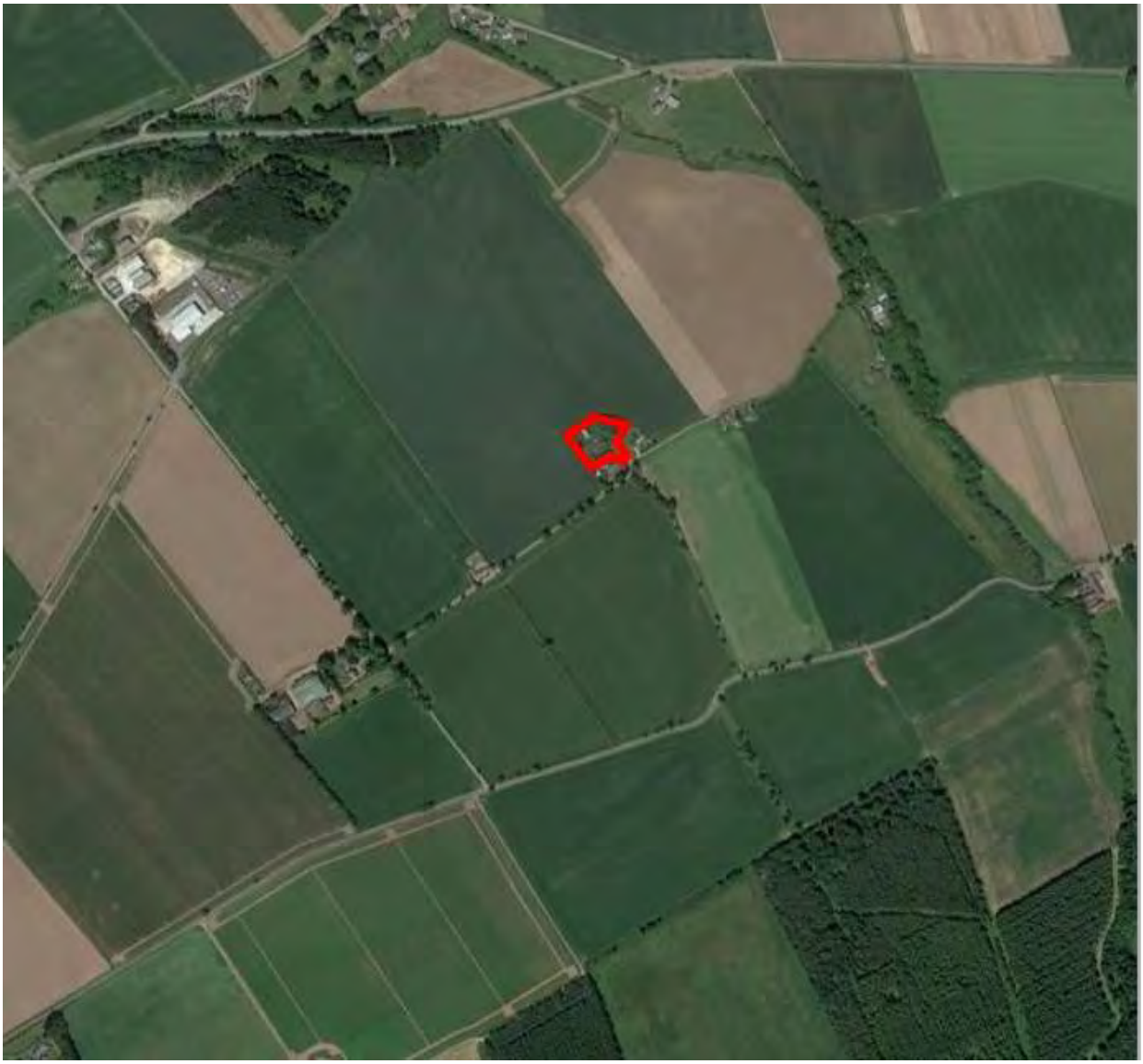
2.2 Trees in the local area and landscape character

2.2.1 The surrounding area is open countryside and commercial woodland with working agricultural holdings, large industrial units and individual properties.



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2.3 The subject trees

2.3.1 Forty-nine trees are the subjects of this report. Details of the trees as found at the time of the survey are in the tree survey sheets at **Appendix 3** and their locations are found on the plan at **Appendix 4**.

2.3.2 The trees are mainly early mature, including the significant spruce close to the position of the access road. This tree is not a major arboricultural constraint to the project. However, it is the focus of much of this report.

2.4 Assessment of tree constraints

2.4.1 A Tree Constraints Plan was produced during the initial design stage to allow for the proper assessment of tree constraints. These can be categorised in two areas as follows:

Below Ground Constraints

- A root protection area (RPA)is a layout design tool indicating the minimum area surrounding the tree that contains sufficient rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority. Clause 4.6.2 of BS 5837 states that the RPA may be changed in shape, taking into account local site factors, species tolerance, condition and root morphology. BS 5837 states that no construction works should be carried out within RPAs except in exceptional circumstances, which may need demonstrating.

Above Ground Constraints

- These are indicated by the crown spread of trees to be retained, including their ultimate spread, along with a shade pattern shown for each tree, where relevant. This is shown as an arc from north-west to due east. This gives an indication of the patterns of shadows created by trees around midday in the summer. This is as recommended by BS 5837 (Section 5.2.2) however actual shade patterns throughout the year will vary widely. Where shading is likely to be a serious constraint, a more detailed analysis of shade pattern using proprietary software may be deemed necessary.

2.5 Methodology

The methodology set out below is a detailed summary of the suggested approach to tree assessment as described in British Standard 5837:2012. This Report has applied the methodology to all significant individual trees or groups of trees present at or near to the Site. Trees below 15 cm trunk diameter were generally excluded from the survey. All floral names follow the nomenclature of Stace (2010).

2.5.1 Trees

Trees have been assessed based on guidance set out within the British Standard BS 5837:2012 Trees in Relation to Design, Development and Construction. This standard provides recommendations and guidance on the principles to be applied to achieve successful integration of development with trees, shrubs and hedgerows. Where development is to occur, the standard provides guidance on the approach needed to decide which trees are appropriate for retention, and the means for protecting these trees during the development (including demolition and construction works) and the means of incorporating trees into the developed landscape.

Trees on or adjacent to the Site have been divided into one of four categories (based on the cascade chart for tree quality assessment). These are classed as A, B, C or U (Section 4 of BS 5837) within Table 1. This gives an indication as to the tree's importance in relation to the Site, the local landscape and, also, the value and quality of the existing trees on-Site. This assists informal decisions concerning which trees should be removed or retained should development occur. For a tree to qualify under any given category it should fall within the scope of that category's definition (see below).

Categories A, B and C cover trees that should be a material consideration in the development process, each with three further sub-categories (i, ii, iii) which are intended to reflect arboricultural, landscape and cultural (nature conservation) values. Category U trees may have no significant landscape value but it is not presumed that there is any overriding need to remove these unless stated otherwise in the description and recommendations. They are for this reason not considered as being significant within the planning process. In assigning trees to the A, B or C categories, the presence of any serious disease or tree–related hazard is taken into account. If the disease is considered fatal and/or irremediable, or likely to require sanitation for the protection of other trees it may be categorised as U with a recommendation for work or even removal, even if they are otherwise of considerable value.

Category (A): Trees whose retention is most desirable and are of high quality and value. These trees are considered to be in such a condition as to be able to make a lasting contribution (a minimum of 40 years) and may comprise:

- Trees which are particularly good examples of their species, especially rare or unusual, or essential components of groups or of formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue).
- Trees, or groups of trees, which provide a definite screening or softening effect to the locality in relation to views into or out of the Site, or those of particular visual importance (e.g. avenues or other arboricultural features assessed as groups); and
- Trees or groups of significant conservation, historical, commemorative or other value (e.g. Veteran).

Category (B): Trees whose retention is considered desirable and are of moderate quality and value. These trees are considered to be in such a condition as to make a significant contribution (a minimum of 20 years) and may comprise:

- Trees that might be included in the high category but because of their numbers or slightly impaired condition (e.g. presence of remediable defects including unsympathetic past management and minor storm damage), are downgraded in favour of the best individuals.
- Trees present in numbers such that they form distinct landscape features and attract a higher collective rating than they would as individuals. Individually these trees are not essential components of formal or semi-formal arboricultural features, or trees situated mainly internally to the Site and have little visual impact beyond the Site; and
- Trees with clearly identifiable conservation or other cultural benefits.

Category (C): Trees that could be retained but are considered to be of low quality and value. These trees are in an adequate condition to remain until new planting could be established (a minimum of ten years) or are young trees with a stem diameter below 150 mm and may comprise:

- Trees not qualifying in higher categories.
- Trees present in groups or woodlands, but without this conferring on them significantly greater landscape value and or trees offering low or only temporary screening benefit; and
- Trees with limited conservation or other cultural benefits.

Category (U): Trees that are considered to have no significant landscape value but it is not presumed that there is any overriding need to remove these unless stated otherwise in the description and recommendations. They are for this reason not considered as being significant within the planning process. These trees will be in such a condition that any existing value would be lost within 10 years and which should in the current context be ignored or removed for reasons of sound arboricultural management. Trees within this category are:

- 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.
- Trees that are dead or are showing signs of significant, immediate or irreversible overall decline; and
- 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.

Species have been recorded by common and scientific name. Height has been estimated in metres and stem diameter measured in centimetres unless impractical, taken at a height of 1.5 m from the base of the tree.

In the assessment particular consideration has been given to:

a) The health, vigour and condition of each tree.

b) The presence of any structural defects in each tree and its life expectancy.

c) The size and form of each tree and its suitability within the context of the proposed scheme; and

d) The location of each tree relative to existing Site features, e.g. its value as a screen or as a skyline feature.

Age class is assessed according to the age class categories referred to in BS 5837.

Y: Young trees age less than 1/3 life expectancy.

SM: Middle age trees 1/3 – 2/3 life expectancy.

M: Mature trees over 2/3 life expectancy; and

OM: Over mature – declining or moribund trees of low vigour.

The overall condition of any individual tree, or group of trees, has been referred to using one of the definitions listed below. A more detailed description of condition has been noted in the Tree Schedule:

G **Good:** A sound tree or trees needing little, if any, attention.

F **Fair:** A tree or trees with minor but rectifiable defects or in the early stages of stress, from which it may recover.

P **Poor:** A tree or trees with major structural and physiological defects or stressed such that it would be expensive and inappropriate to retain; and

D **Dead:** A tree or trees no longer alive. However, this could also apply to those trees that are dying and will be unlikely to recover, or are becoming, or have become dangerous.

Major defects or diseases and relevant observations have also been recorded. Dead wood has been defined as the following:

Twigs and small branch material	-	Up to 5 cm in diameter.
Minor dead wood	-	5 cm to 10 cm in diameter.
Major dead wood	-	10 cm in diameter and above.

The survey was completed from ground level only. Aerial inspections were not undertaken. Evaluations of tree conditions given within this assessment apply to the date of survey and cannot be assumed to remain unchanged, and it may be necessary to review these within 24 months, in accordance with good arboricultural practice.

Balgownie Steading, Glamis
24 May 2021

Birch to be removed.

Rowans to be removed with birch to the right of shot. Woodshed to rear

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Spruce at site entrance to be retained

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3.0 Arboricultural impact assessment

3.1 **Trees to be removed.**

Table 1

BS 5837 category, tree number & species	Reason for removal	Impact
A (high quality)		
None	-	-
B (moderate quality)		
T859 "Birch (Betula sp.)" T884 "Rowan x5 (Sorbus aucuparia)"	**To facilitate development** **To facilitate development**	**No impact** **No impact**
C (low quality)		
None	-	-
U (unsuitable for retention)		
T901 "Poplar (Populus sp.)" T903 "Birch (Betula sp.)" T906 "Cypress x6 (Chamaecyparis sp.)"	**Tree Condition** **Tree Condition** **Tree Condition**	**No impact** **No impact** **No Impact**

3.2 **Trees requiring tree surgery works.**

Table 2

BS 5837 category, tree number & species	Work requirements
A (high quality)	
T858 "Spruce (Picea sp.)"	**Crown lift to 3 metres for pedestrian access**
B (moderate quality)	
T877 "Ash (Fraxinus sp.)" T879 "Ash (Fraxinus sp.)" T880 "Ash (Fraxinus sp.)"	**"Crown lift to 3 metres for pedestrian access. Dead wood (major greater than 25mm)."** **"Crown lift to 3 metres for pedestrian access. Dead wood (major greater than 25mm)."** **"Crown lift to 3 metres for pedestrian access. Dead wood (major greater than 25mm)."**

T882 "Ash (Fraxinus sp.)"	**"Crown lift to 3 metres for pedestrian access. Dead wood (major greater than 25mm)."**
T883 "Ash (Fraxinus sp.)"	**"Crown lift to 3 metres for pedestrian access. Dead wood (major greater than 25mm)."**
T890 "Ash (Fraxinus sp.)"	**"Crown lift to 3 metres for pedestrian access. Dead wood (major greater than 25mm)."**
T878 "Ash (Fraxinus sp.)"	**Dead wood (major greater than 25mm).**
T881 "Ash (Fraxinus sp.)"	**Dead wood (major greater than 25mm).**
T885 "Ash (Fraxinus sp.)"	**Dead wood (major greater than 25mm).**
C (low quality)	
None	-

3.2.1 Tree surgery works to be undertaken in accordance with BS 3998:2010 Recommendations for tree works, or industry best practice.

3.2.2 Where appropriate, the arisings from tree felling and pruning should be retained on site as ecological features. The advice of the project ecologist should be sought.

3.2.3 The Tree Protection Plan – Demolition stage, indicates those trees to be removed and those requiring tree surgery works. It can be found in **Appendix 4**.

3.3 Root protection area incursions

3.3.1 Compaction of compressible soils is probably the single most common cause of death or damage to retained trees on development sites. Soil compaction reduces soil pore space, which in turn reduces soil air, the passage of water and available nutrients. These anaerobic conditions prevent root growth and the proliferation of soil microbes essential to tree health. Symptoms in trees will include crown die-back, sparse, and small foliage, poor extension growth etc., however these may not be evident until well after the occurrence of compaction. Even one pass of a vehicle in wet conditions can cause irreparable soil compaction.

3.3.2 Any proposed incursions into RPAs have taken account of the recommendations set out in 5.3 of BS 5837 (reproduced courtesy of BSI below).

5.3 Proximity of structures to trees

5.3.1 The default position should be that the structures (see 3.10) are located out with the RPAs of trees. However, where there is an overriding justification for construction in the RPA, technical solutions might be available that prevent damage to the trees (see Clause 7). If operations within the RPA are proposed, the project arboriculturist should:

a) demonstrate that the trees can remain viable and that the area lost to encroachment can be compensated for elsewhere, contiguous with its RPA

b) propose a series of mitigation measures to improve the soil environment that is used by the tree for growth.

5.3.2 The cumulative effects of incursions into the RPA, e.g., from excavation for utility apparatus are damaging and should be avoided. Where there is evidence that a tree has been previously subjected to damage by construction activity, this should be taken into account when considering the acceptability of further activity within the RPA.

3.3.3 The RPA of the spruce extends to the driveway area; therefore, any proposed building works will be within the RPA. Given that there is no other space to utilise for the proposed driveway, a technical solution has been developed to ensure that the tree can remain viable following the development. Given the existing site levels, this will allow the creation of the driveway to be above existing grade level avoiding excavation within the RPA.

3.3.4 Although the exact location of services is often difficult to establish until construction is in progress, services are likely to come from the existing building and should have a minimal impact if carefully planned. Trenchless installation should be the preferred option where within RPAs, but if that is not feasible, any excavation must be carried out by hand or using a compressed air lance under arboricultural supervision or by following the methodology in **Section 4**.

3.3.5 Details of work methodology close to trees can be found in **Section 4** of this report. Certain works will need describing in full in a detailed arboricultural method statement conditioned following planning consent.

3.3.6 On some sites, there may be a requirement to excavate soil as part of investigation or remediation works not directly connected to the development, such as archaeological investigations, contaminated soil or Japanese knotweed control etc. This has the potential to be very damaging to trees which must be considered in any proposals and the project arboriculturist should be consulted on any excavation within RPAs.

3.4 Existing and proposed finished levels.

3.4.1 During design, consideration should be given to changes in ground levels. This should be dealt with in the detailed AMS; however, it is important at the planning stage to recognise any significant changes. Even where this occurs outside the RPA of a retained tree it still can impact on the tree and methods of dealing with the change in levels such as retaining walls, slopes etc. should be achievable without incursion into the RPA.

Table 3 Trees affected by RPA incursions.

BS 5837 category, tree number & species	RPA incursion, precautions & specialised methodology required
A (high quality)	
T858 "Spruce (Picea sp.)"	May require minor excavation and soil moving within the RPA. Conventional construction methods have the potential to damage tree roots and soil structure. Works must be designed to minimise damage and may entail hand excavation to work around significant roots, bridging significant roots, the use of porous materials etc. See **Section 4** for further details. • minimise impact on tree roots – hand-dug exploratory holes to determine location drain connection. • Soil structure to be preserved throughout – mats and ground protection to be used at all stages. • New hard surfacing to be porous and utilising a minimal or no-dig cellular confinement system (CCS). • All works within RPA to be carried out under arboricultural supervision. • See **Section 4** for further details.
B (moderate quality)	
NONE	.
C (low quality)	
NONE	

3.5 Impact on public amenity to the local landscape

3.5.1 The protection of the retained trees and the specialist methods of construction to be employed, means the existing trees will continue to provide their current level of visual amenity.

3.6 Protection of retained trees.

3.6.1 Protection measures, usually a combination of barriers and ground protection must be in place before any works, including site clearance or demolition, begin, and stay in place for as long as a risk of damage remains. The protection of trees must take account of the buildability of the proposal, including services, and ensure that all activities such as storage of materials, parking and the use of plant and vehicles can be accommodated outside of RPAs. Care and planning are necessary for the operation of excavators, lifting machinery and cranes to ensure all vehicle movements and lifting operations will not impact on retained trees.

3.6.2 Details of tree protection barriers and ground protection can be found in the draft arboricultural method statement in **Section 4** of this report.

3.6.3 The position of the barriers should be confirmed by the project arboriculturist following the first site monitoring visit.

3.6.4 The trunk of the spruce will be protected by a box of plywood, details of which can be found in **Section 4** of this report. Signs fixed to the box will make it clear to site operatives that the RPA of this tree extends to include the ground protection and not just the boxed section. See **Section 4** of this report.

3.7 Contractors' compound and car parking

3.7.1 Space will be limited on site, so it is important that space is allocated during the design stage for temporary welfare buildings, site storage, car parking etc. all vehicles, plant, materials etc. will need to be out with the RPA. In addition to adequate ground protection great care will be needed to ensure no spillage or run-off of fuel, cement etc. can occur.

3.8 Post-development pressures

3.8.1 The crown of the T858 Spruce will be close to the proposed drainage provision and the main access. The design of the civil engineering works has taken account of this and the tree will add to the setting of the building. It is recommended that the tree be regularly inspected by a competent arboriculturist and provided normal maintenance of the tree is carried out the tree and building will be able to coexist successfully. Normal maintenance may include the removal of deadwood and crown-lifting the lower branches where they impact on the use of the site.

3.9 New planting

3.9.1 Planting locations should be determined at the planning stage and protected during the development to preserve soil structure.

4.0 Arboricultural Method Statement – Heads of Terms

4.1 Heads of terms arboricultural method statement

4.1.1 An arboricultural method statement (AMS) describes how operations which may affect trees will be carried out to minimise any adverse effect on them. Details of site management, detailed construction methods, materials etc. can only be finalised once the post-consent detailed design begins. For that reason, at this stage in the process, only a list of heads of terms summary is given and this will need more detailed consideration once consent is issued. This is as recommended in Table B1 of BS 5837 (reproduced courtesy of BSI below).

Table B1 Delivering tree related information into the planning system

Stage of process	Minimum detail	Additional information
Pre application	Tree Survey	Tree retention/removal plan (Draft)
Planning application	Tree survey (in the absence of pre application discussions) Tree retention/removal plan (finalised) Retained trees and RPAs shown on proposed layout. Strategic soft and hard landscape design, including species and locations of new planting. Arboricultural impact assessment	Existing and proposed finished levels. Tree Protection Plan Arboricultural method statement – heads of terms Details for all special engineering within the RPA and other relevant construction details

Reserved matters/planning conditions	Alignment of utility apparatus (including drainage), where outside the RPA or where outside installed using a trenchless method. Dimensioned tree protection plan Arboricultural method statement – detailed Schedule of work to retained trees e.g., access fluctuation pruning. Detailed hard and soft landscape design.	Arboricultural site monitoring schedule Tree and landscape management plan Post construction remedial works Landscape maintenance schedule

4.1.2 Generic tree protection information such as tree barriers and ground protection can be found in **Appendix 6**. This enables consideration to be given to this at an early stage. The preliminary location of tree protection barriers and any ground protection can be found on the tree protection plan in **Appendix 5**.

Table 4 Heads of terms arboricultural method statement

Heads of terms	Outline of appropriate protective measures. Greater detail post-consent will be required in response to a planning condition
Areas to be protected	The draft tree protection plan shows all areas where protective measures are required. Tree protection is shown as barriers and/or ground protection defining the Tree Protection Zone (TPZ)1. Where necessary, areas outside the TPZ but still within the RPA are indicated. Any works within these areas will require arboricultural supervision and likely to require specialist techniques.
Tree works	Tree pruning and tree removal close to trees to be retained must be carried out by bona fide tree surgeons undertaken in accordance with BS 3998:2010 Recommendations for tree works, or industry best practice.
Protective barriers	Tree protection barriers must be fit for the purpose of excluding site personnel and machinery. The default specification detailed within Section 6 of BS 5837 is to be used unless a different specification has been agreed with the LPA.
Ground protection	Where the full extent of the RPA cannot be protected with barriers alone, ground protection is to be used (see Appendix 4). This could, for example, be for access by pedestrians or machinery across RPAs and ground protection will be fit for the purpose of preventing compaction of the soil structure and damage to roots.

Site set-up, clearance, grading of soil and changes in ground levels	Tree protection MUST be in place before site set-up or clearance is undertaken. If necessary, localised vegetation clearance to install the protection is to be undertaken using hand tools only (including chainsaws, brushcutters etc.) but without the use of tracked or wheeled plant and machinery. Where site hoarding, signs etc. are within RPAs, it will be necessary to show that account has been taken of retained trees in respect to positioning and installation methodology, such as avoiding important roots and lining post holes to avoid the caustic effect of wet concrete on tree roots. Details of proposed soil level changes, whether lowering or raising and mounding and removal of spoil will be required. Soil level changes should not occur within RPAs, however even when outside RPAs significant soil level changes can alter soil hydrology and have other consequences for retained trees.
Site investigation and remediation works	Soil and archaeological investigations, contaminated soil removal, Japanese knotweed control and other works not strictly part of the development often require extensive excavation. This has the potential to damage trees if within RPAs and therefore any proposals will need to be reviewed as part of the detailed AMS
Demolition and removal of existing structures and hard surfaces	Specialist methods will be required to minimise impact on trees, roots and soil structure. Buildings within or adjacent to RPAs must be demolished by pulling inwards, away from the tree. Removal of foundations within RPAs must be undertaken from within the footprint of the building, away from the tree, with excavation on the tree side of the foundation kept to the strict minimum required to effect removal. This operation should be supervised by the appointed arboriculturist. If trenches left by removal of foundations are not to be reused as part of the development, they must be backfilled with topsoil suitable for root growth, where within RPAs. The use of conventional tracked and wheeled machinery causes damage to soil structure from compaction and damage to roots from excavation and must not be used within the RPA. All areas of hard surfacing requiring removal within an RPA will be broken up using a handheld pneumatic drill or mounted hydraulic breaker attached to a digger located outside the RPA. The broken rubble will then be removed by hand. The only exception to this is where the hard surface is of such a size as not to be reachable from outside the RPA. In this situation, a rubber tracked mini digger will be used. The maximum working height of the machine must be less than the lowest branch of any overhanging trees. Removal of fences, sheds, garden structures, low walls etc., must be undertaken by hand where within RPAs.
New structures within RPAs	During the design stage, every effort must be made to keep all new structures and services outside RPAs. Any excavations within RPAs will require supervision by the project arboriculturist. Foundation design that minimises the impact on soil structure and roots is acceptable. It may also be necessary to direct rainfall beneath the slab depending on the percentage of the RPA affected and existing ground conditions.
New hard surfaces within RPAs	Any proposal for new surfacing within RPAs must be able to demonstrate a minimal impact on soil structure and roots and this includes the ability for movement of water and air in and out of the soil. The use of no-dig (a maximum of 50mm of vegetation debris can be removed), cellular

	confinement systems using porous sub-base and finished surface materials can be acceptable in some circumstances. This has implications for finished levels. Various companies supply CCS and the following link is given by way of example. www.geosyn.co.uk/cellweb.
New and existing services	The location and direction of new underground services should be designed to allow services to be routed away from RPAs of retained trees. When existing services within RPAs require upgrading or it is unavoidable for new services to be installed in RPAs, conventional excavation techniques are usually unacceptable. Trenchless installation should be the preferred option but if that is not feasible, any excavation is likely to have to be carried out by hand or using a compressed air lance under arboricultural supervision. The methodology used must comply with NJUG Volume 4: Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees. Overhead services such as lighting, electricity, telecoms etc., should be routed outside the present and future canopy spread of retained trees. This is especially important with CCTV cameras to avoid the need for regular pruning in the future.
Removal of protection	Barriers and other protection must remain in place until all construction activity is complete and there is no realistic risk of damage to soil surfaces.
Landscaping	Landscape operations have the potential to damage trees if not carried out appropriately; in addition, the removal of protective barriers to carry out landscape operations may allow other contractors into previously protected areas. The method statement will need to detail methods to protect RPAs, installation of hard surfaces, fences, topsoil, planting and any other operations within RPAs.
Other risks to trees	Piling rigs, cranes and other high and wide plant and machinery have the potential to damage trees and site operations must be planned to take account of retained trees in advance of any potential conflict. Proposed locations and routes on and off the site should be supplied to the project arboriculturist. 4.1.4 Accidental spillage of any materials which could cause damage to a tree even if outside of an RPA, including dust. Fires must be avoided where heat could affect foliage or branches.

Other information required within a detailed AMS	
Order of work	It is not the project arboriculturist's role to determine the timing and implementation of works on site, however, an input into the process can avoid issues once work is underway.
Responsibility and site management	It is the responsibility of the main contractor or assigned agent to ensure that details regarding tree protection are understood and followed by all site personnel and should be incorporated into site inductions.
Contacts	Contact details of: • Site manager or another person on site responsible for ensuring tree protection is complied with. • The LPA tree officer and/or case officer. • The project arboriculturist. • Any other relevant party.
Auditable system of arboricultural site monitoring and supervision	A project arboriculturist shall be appointed to advise on tree protection and to attend an initial pre-commencement site meeting before works start and regular site visits to monitor compliance with tree protection and/or to supervise works which could affect trees. The frequency of such visits will be determined during the detailed design stage and will be guided by the LPA and the likely risk to trees (at least fortnightly during the construction phase is recommended). Site monitoring/supervision reports should be issued as an audit trail for the client and LPA.
Contractor areas/site facilities	The location of site facilities, areas for loading, unloading, and storage of materials and plant, temporary services, car parking etc. must be sited to ensure minimal impact on retained trees. No discharge of potential contaminants should occur within 10m of a retained tree, or where there is a risk of run-off into an RPA.
Movement of plant and machinery	Haul routes and other means of movement of plant and machinery around the site.
Post construction damage and amelioration	How post-construction damage such as compaction will be ameliorated.

5.0 Conclusions

- The site was inspected on 20 May 2021.
- Six trees are to be removed as a direct result of the development. Eight will be removed for reasons of good husbandry.
- The focus in tree terms is the spruce to the new access and the small woodland. The proposed driveway will be within the RPA of these trees and considerable thought has been given to minimising the impact on it by hand digging the trenches and the use of cellular confinement systems to construct the access. For the treehouse, the support pads and positions have been carefully selected as to have a zero impact on the woodland.
- The finished floor level of the dwelling will be above the existing grade level. Any new foundations will be positioned on the existing to minimise any impact.
- The correct execution of the proposed works will be critical in achieving the aim of having minimal impact on the retained trees. A detailed arboricultural method statement produced post planning consent, along with a thorough understanding of the issues by the main contractor and monitoring by the project arboriculturist, will enable the development to be achieved and the trees to continue contributing into the future.
- Provided tree protection and methods of work close to trees outlined in this report are followed, the impact of the development on trees will be minimal
- In consideration of the development there is no reason why the local planning authority can offer any objections towards the proposal with regards to tree loss and impact on the local setting.
- This proposal should be a positive opportunity to redevelop the site while creating a landscape fit for purpose that will relate to the character of the adjacent spaces and streetscape

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6.0 Recommendations

- That post planning consent a detailed arboricultural method statement is produced with the design team to ensure all works proposed within root protection areas can be achieved with minimum impact on retained trees. This should cover all works and in particular the foundations.
- During construction, the arboricultural method statement should be followed by all site personnel and supervised at key stages by the project arboriculturist. A copy of it and associated plans should be kept on site and be part of the site induction where applicable. Supervision/monitoring reports to be issued after each inspection as a record of compliance and audit trail for the local authority.
- The routes of proposed services should be assessed by the project arboriculturist and be part of the detailed arboricultural method statement produced in conjunction with the services engineer and contractor if services are to be routed within root protection areas.
- Tree protection barriers and any ground protection must be in place before any works begin.
- That the project arboriculturist reviews proposals for archaeological investigations, contaminated soil remediation or Japanese knotweed control, to assess any impact on retained trees and if there is a conflict, advise on mutually acceptable solutions.
- Foundation design should take into account trees to be retained, trees to be removed and new trees to be planted.

APPENDICES

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Appendix 1 - Further information

1 Instruction and brief

1.1 Hinshelwood Arboricultural Consultants was instructed in May 2021 by Mirna Melki to survey trees and to produce an Arboricultural Impact Assessment for a proposed conversion of a farm steading to residential at Balgownie Steading. Glamis.

2 Documents and information provided.

2.1 Topographical drawing.

2.2 Proposed layout

3 Copyright

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4 Report limitations

4.1 Trees are dynamic living organisms and their condition can change rapidly and therefore this report is valid for a period of 12 months. This period may be reduced if significant changes occur to the trees or the ground conditions close to them.

4.2 A ground level only survey was undertaken. No specialist decay detection equipment was used with simply basic sounding and probing tools used where necessary. No soil samples or investigations were carried out.

4.3 The report covers arboricultural issues, however, non-arboricultural matters may be referred to such as soils, ecology, construction methods etc. This should be viewed as provisional and the appropriate expert should be consulted where required.

4.4 The survey and this report is not a safety assessment of trees. Any obvious faults, hazards or health issues will be commented on; however, this must not be relied on to ensure the tree owner's Duty of Care has been fulfilled.

4.5 The suggested ultimate height of trees is based on physiological and site conditions and may differ from industry tables. Its purpose is to inform shading, visual aspects and post-development pressures and not necessarily foundation design.

5 Background information & design input

5.1 An Arboricultural Site Appraisal was carried out in May 2021.

6 Legal & planning constraints

6.1 It is not known if any of the subject trees are protected by a tree preservation order (TPO).

6.2 If the site is within a conservation area. This means six weeks written notice must be given to the LPA of the intention to carry out works to trees. The LPA then has the option to allow the works or to place a TPO on the tree/s to manage the works. Tree work agreed as part of planning consent overrides the need to notify separately.

6.3 The tree protection status is correct at the time of report production but can be subject to change. It is, therefore, the responsibility of any persons undertaking tree works operations to the trees which are the subject of this report and in accordance with our recommendations, to undertake their own statutory tree protection checks with the local planning authority, to include TPO, conservation area, and planning conditions prior to works commencing. Tree work agreed as part of full planning consent overrides the need to apply separately although pre-commencement planning conditions may need to be discharged first.

6.4 The following is a brief description of legal constraints as they apply to trees. Please note the information is for guidance only and is not a definitive interpretation of the law as it affects trees.

- **Tree preservation orders**: A tree preservation order gives statutory protection to trees and makes it a criminal offence to carry out most work to them without written permission from the local planning authority. Tree work necessary to implement full planning consent overrides the need to apply separately. Please note there may be a need to discharge pre-commencement conditions before tree works can be undertaken.
- **Conservation areas**: If trees are within a conservation area, a minimum of six weeks' written notice must be given to the LPA of the intention to carry out works to trees. The LPA then has the option to allow the works or to place a TPO on the tree/s to manage the works. Tree work necessary to implement full planning consent overrides the need to notify separately. Please note there may be a need to discharge pre-commencement conditions before tree works can be undertaken.
- **Trees and the planning system**: LPAs have a statutory duty to consider the protection and planting of trees when granting planning permission. The potential effect of development on trees is a material consideration, whether statutorily protected (e.g. by a TPO or by being within a CA) or not.
- **Other legal restrictions:** Restrictive covenants and existing planning conditions sometimes restrict works to trees. Sites within or adjacent to Sites of Special Scientific Interest, Ancient Semi-Natural Woodland, nature reserves and other land designations, restrict some works to trees. Legal advice may be required in some of these cases.
- **Common Law:** This enables pruning back of the crown and roots of trees on adjacent land where they overhang neighbouring property, providing the work is reasonable and does not cause harm. This right does not override TPO and CA legislation.

- **Ecological constraints:** The Wildlife and Countryside Act 1981, as amended, The Conservation of Habitats and Species Regulations 2010 and the Countryside and Rights of Way Act 2000, provide statutory protection to species of flora and fauna including birds, bats and other species that are associated with trees. These could impose significant constraints on the use and timing of access to the site. It is the responsibility of the main contractor and tree surgery contractor to ensure that no protected species are harmed whilst carrying out site clearance or tree surgery works. Unless competent to do so, the advice of an ecologist must be sought.

7 References

- British Standards Institution (2012) BS 5837: Trees in relation to design, demolition and construction – Recommendations.
- British Standards Institute (2010) BS 3998: Tree work – Recommendations.
- National Joint Utilities Group (2007) Volume 4, Issue 2: Guidelines for the planning, installation and maintenance of utility apparatus in proximity to trees.
- DTLR (2001) Principles of Tree Hazard Assessment and Management - David Lonsdale.

8 Site visit

8.1 A site visit was undertaken on 20 May 2021 by Graham Hinshelwood. The weather was clear and dry and visibility was not impeded.

9 Survey method

9.1 All trees with a trunk diameter of 75mm or above were surveyed, as recommended in BS 5837. Obvious hedges and shrub masses were identified where appropriate. Information collected is in accordance with recommendations in subsection 4.4.2.5 of BS 5837 and includes species, height diameter, branch spread, crown clearance, age class, physiological condition, structural condition, and remaining contribution. Each tree was then allocated one of four categories (U, A, B or C) to reflect its suitability as a material constraint on development.

9.2 The trees were surveyed from ground level without detailed investigations.

9.3 The height of approximately one in ten trees were measured using a clinometer and this height was used to estimate the height of trees nearby.

9.4 The stem diameters were measured in millimetres at 1.5m above ground level and otherwise in accordance with Annex C of BS 5837 unless indicated otherwise.

9.5 Crown spreads were measured using a laser measurer or tape, or estimated where access was difficult.,

Appendix 2 - Key to tree survey sheets & glossary

Table 5 - Key to survey sheets

Tree number	T: Tree G: Group – trees which form cohesive arboricultural features. W: Woodland H: Hedge – regularly maintained domestic hedges just species and height noted. – hedgerows and substantial internal hedges are specified in the tree schedule S: Shrub mass – just species and height noted
Age class	NP: Newly planted Y: Young - an establishing tree that could be easily transplanted. SM: Semi-mature - an established tree still to reach its ultimate height and spread and with considerable growth potential. EM: Early mature - a tree reaching its ultimate height and whose growth is slowing, however, it will still increase considerably in stem diameter and crown spread. M: Mature - a tree with limited potential for further significant increase in size although likely to have a considerable safe useful life expectancy. LM: Late mature - a senescent tree, in decline, although may still have a useful life expectancy. V: Veteran – has features associated with advanced age for its species but not necessarily very old chronologically. A: Ancient - a tree older than typical for the species and of great ecological, cultural or aesthetic value.
Dia.	The diameter of the stem in millimetres at 1.5m above ground level for single-stemmed trees or in accordance with Annex C of BS 5837 for multi-stemmed trees or trees with low forks or irregular stems. If trees were inaccessible for any reason the diameter is estimated. This is shown with an (e) after the entry.
Stems	Numbers of stems or M/S = multi-stemmed.
Ht. Ult. ht.	Height in metres. Usually estimated. Approximately one in ten tree heights is measured with a clinometer for accuracy with other tree heights taken from the known heights. Ultimate height likely to be achieved for this tree in this location. The suggested ultimate height of trees within this report is based on physiological and site conditions and may differ from industry tables. Its purpose is to inform shading, visual aspects and post-development pressures and not necessarily foundation design.
Cr.ht. 1 Cr.ht. 2	The height of canopy above ground level. Estimated. The height of canopy above ground level. Estimated.
NESW	Crown spread at the four cardinal points. Paced or measured where critical. If estimated, this is indicated with an (e) after the entry.
BS cat.	U: Unsuitable for retention. Existing condition is such that they cannot be realistically retained as living trees in the context of the current land use

	for longer than 10 years. Note, category U trees can have existing or potential conservation value which it might be desirable to preserve. A: High quality and value (non-fiscal) with at least 40 years remaining life expectancy. B: Moderate quality and value with at least 20 years remaining life expectancy. C: Low quality and value with at least 10 years remaining life expectancy, or young trees with a stem diameter below 150 mm. A, B and C category trees are additionally graded into 1) Mainly arboricultural values; 2) Mainly landscape values; 3) Mainly cultural values including conservation.
Cond.	Physiological & structural condition. G = good; F = fair; P = poor; D = dead.
Life exp.	Estimated remaining useful contribution in years. This is not necessarily the ultimate life expectancy of the tree as trees can often exist in a collapsed, decayed form for many years, however, this may not be appropriate in the site context.
RPR	Root protection radius in metres based on stem diameter.
Preliminary recommendations	Preliminary recommendations for tree surgery found within the tree survey sheets are based on findings at the time of the tree survey and are not based on any development proposal and are usually works for safety or sound arboricultural reasons and are irrespective of any change in land use.

Glossary

- **Cellular confinement system** – Geosynthetic systems with an open, usually honeycomb-like construction, filled with aggregate to give a three-dimensional structure, to provide a load bearing, no-dig surface.
- **Crown lifting** - The removal or shortening of the branches that form the lower part of the crown of a tree.
- **Deadwood** – In the growth and development of a tree, branches compete and weaker branches are eventually suppressed and die. The dead branches, collectively called deadwood, are then liable to fall, particularly if lacking in durable heartwood. Deadwood begins to develop naturally, largely in the inner and lower crown, in all trees that are mature and unmanaged. It develops relatively quickly if vigour is low. Deadwood in the outer crown of a mature tree signifies a decline that might either be progressive or due to some prejudicial episode in the past (root damage, summer drought, pest or disease etc.) from which the tree has since recovered. Deadwood is a vital component of a properly functioning woodland or forest ecosystem. It plays an important role in sustaining biodiversity and in delivering ecosystem services such as soil formation and nutrient cycling. In the UK, up to a fifth of woodland species depend on dead or dying trees for all or part of their life cycle and many of these species are rare or threatened.
- **Deadwood removal** – The removal of only that proportion of deadwood present in a tree that poses a significant risk to person or property, retaining all stable dead material, reducing longer branches by cutting them back as necessary to assure adequate safety

margins. • Dieback - The death of part of a plant, usually starting from a distal point and often progressing proximally in stages.

- **Epicormic** - Pertaining to shoots or roots which are initiated on mature woody stems; shoots can form in this way from dormant buds or they can be adventitious.
- **No-dig hard surface** – A surface built largely on top of the ground, usually using a cellular confinement system to spread the load. Used to provide a hard surface with minimal damage to soil structure and roots beneath.
- **Pollard** - A term for a pollarded tree
- **Pollarding** - The complete or partial removal of the crown of a young tree to encourage the development of numerous branches; also, further cutting to maintaining this growth pattern.
- **Vitality** - In tree assessment, an overall appraisal of physiological and biomechanical processes, in which high vitality equates with near-optimal function, in which high vitality equates with healthy function.

Appendix 3 - Survey sheets

Table 6

Ref	Species	Full Structure	Measurements	Spread	General Observations	Retention Category	RPA	Comments	Measurements2	Recommendations
T858	Spruce (Picea sp.)	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 5N, 5E, 5S, 5W Crown Clearance (m): 3 Lowest Branch (m): 2(N) Life Stage: Mature Rem. Contrib.: 10+ Years	N:5 E:5 S:5 W:5	Good overall Physiological and Structural condition.	A2	Radius: 7.2m. Area: 165 sq. m.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Good Bat Habitat: None	Preconstruction: Crown lift to 3 metres for pedestrian access During construction: Manual Excavation for ground drainage Ground protection for construction traffic Post construction: No action required.
T859	Birch (Betula sp.)	Tree	Height (m): 7 Stem Diam (mm): 400 Spread (m): 3N, 3E, 3S, 3W Crown Clearance (m): 2 Lowest Branch (m): 2(S) Life Stage: Early Mature Rem. Contrib.: 10+ Years	N:3 E:3 S:3 W:3	Good overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 81 sq. m.	These trees will have to be removed to facilitate a proposed future development.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Good Bat Habitat: Low	Preconstruction: Remove tree. During construction: No action required. Post construction: No action required.

T860	Sycamore (Acer pseudoplatanus)	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 3N, 1E, 3S, 2W Crown Clearance (m): 4 Lowest Branch (m): 3 Life Stage: Mature Rem. Contrib.: 10+ Years	N:3 E:1 S:3 W:2	Good/Fair/Poor overall Physiological and Structural condition.	B2	Radius: 7.2m. Area: 181 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T861	Sycamore (Acer pseudoplatanus)	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 3N, 1E, 3S, 2W Crown Clearance (m): 4 Lowest Branch (m): 3 Life Stage: Mature Rem. Contrib.: 10+ Years	N:3 E:1 S:3 W:2	Good/Fair/Poor overall Physiological and Structural condition.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T862	Sycamore (Acer pseudoplatanus)	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 3N, 1E, 3S, 2W Crown Clearance (m): 4 Lowest Branch (m): 3 Life Stage: Mature Rem. Contrib.: 10+ Years	N:3 E:1 S:3 W:2	Good/Fair/Poor overall Physiological and Structural condition.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.

T863	Sycamore (Acer pseudoplatanus)	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 3N, 1E, 3S, 2W Crown Clearance (m): 4 Lowest Branch (m): 3 Life Stage: Mature Rem. Contrib.: 10+ Years	N:3 E:1 S:3 W:2	Good/Fair/Poor overall Physiological and Structural condition.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T864	Sycamore (Acer pseudoplatanus)	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 3N, 1E, 3S, 2W Crown Clearance (m): 4 Lowest Branch (m): 3 Life Stage: Mature Rem. Contrib.: 10+ Years	N:3 E:1 S:3 W:2	Good/Fair/Poor overall Physiological and Structural condition.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T865	Sycamore (Acer pseudoplatanus)	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 3N, 1E, 3S, 2W Crown Clearance (m): 4 Lowest Branch (m): 3 Life Stage: Mature Rem. Contrib.: 10+ Years	N:3 E:1 S:3 W:2	Good/Fair/Poor overall Physiological and Structural condition.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.

T866	Sycamore (Acer pseudoplatanus)	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 3N, 1E, 3S, 2W Crown Clearance (m): 4 Lowest Branch (m): 3 Life Stage: Mature Rem. Contrib.: 10+ Years	N:3 E:1 S:3 W:2	Good/Fair/Poor overall Physiological and Structural condition.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T867	Sycamore (Acer pseudoplatanus)	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 3N, 1E, 3S, 2W Crown Clearance (m): 4 Lowest Branch (m): 3 Life Stage: Mature Rem. Contrib.: 10+ Years	N:3 E:1 S:3 W:2	Good/Fair/Poor overall Physiological and Structural condition.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T868	Sycamore (Acer pseudoplatanus)	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 3N, 1E, 3S, 2W Crown Clearance (m): 4 Lowest Branch (m): 3 Life Stage: Mature Rem. Contrib.: 10+ Years	N:3 E:1 S:3 W:2	Good/Fair/Poor overall Physiological and Structural condition.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.

T869	Cherry (Prunus sp. (Cherries))	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 3N, 1E, 3S, 2W Crown Clearance (m): 4 Lowest Branch (m): 3 Life Stage: Mature Rem. Contrib.: 10+ Years	N:3 E:1 S:3 W:2	Good/Fair/Poor overall Physiological and Structural condition.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T870	Sycamore (Acer pseudoplatanus)	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 3N, 1E, 3S, 2W Crown Clearance (m): 4 Lowest Branch (m): 3 Life Stage: Mature Rem. Contrib.: 10+ Years	N:3 E:1 S:3 W:2	Good/Fair/Poor overall Physiological and Structural condition.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T871	Sycamore (Acer pseudoplatanus)	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 3N, 1E, 3S, 2W Crown Clearance (m): 4 Lowest Branch (m): 3 Life Stage: Mature Rem. Contrib.: 10+ Years	N:3 E:1 S:3 W:2	Good/Fair/Poor overall Physiological and Structural condition.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.

T872	Sycamore (Acer pseudoplatanus)	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 3N, 1E, 3S, 2W Crown Clearance (m): 4 Lowest Branch (m): 3 Life Stage: Mature Rem. Contrib.: 10+ Years	N:3 E:1 S:3 W:2	Good/Fair/Poor overall Physiological and Structural condition.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T873	Sycamore (Acer pseudoplatanus)	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 3N, 1E, 3S, 2W Crown Clearance (m): 4 Lowest Branch (m): 3 Life Stage: Mature Rem. Contrib.: 10+ Years	N:3 E:1 S:3 W:2	Good/Fair/Poor overall Physiological and Structural condition.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T874	Sycamore (Acer pseudoplatanus)	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 3N, 1E, 3S, 2W Crown Clearance (m): 4 Lowest Branch (m): 3 Life Stage: Mature Rem. Contrib.: 10+ Years	N:3 E:1 S:3 W:2	Good/Fair/Poor overall Physiological and Structural condition.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.

T875	Sycamore (Acer pseudoplatanus)	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 3N, 1E, 3S, 2W Crown Clearance (m): 4 Lowest Branch (m): 3 Life Stage: Mature Rem. Contrib.: 10+ Years	N:3 E:1 S:3 W:2	Good/Fair/Poor overall Physiological and Structural condition.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T876	Birch (Betula sp.)	Tree	Height (m): 6 Stem Diam (mm): 400 Spread (m): 2N, 2E, 2S, 2W Crown Clearance (m): 2 Lowest Branch (m): 2 Life Stage: Mature Rem. Contrib.: 10+ Years	N:2 E:2 S:2 W:2	Fair overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 72 sq. m.	This tree will form the constraint to the XXXX side of the site. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T877	Ash (Fraxinus sp.)	Tree	Height (m): 9 Stem Diam (mm): 500 Spread (m): 3N, 2E, 4S, 3W Crown Clearance (m): 1 Lowest Branch (m): 1(S) Life Stage: Mature Rem. Contrib.: <10 years	N:3 E:2 S:4 W:3	Poor overall Physiological and Structural condition. Dieback - poor foliage. Dead wood.	B2	Radius: 6.0m. Area: 126 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. The RPA does not include ... These trees will have to be removed to facilitate a proposed future development.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Poor Structural Cond: Collapsing Bat Habitat: Low	Preconstruction: Crown lift to 3 metres for pedestrian access. Dead wood (major greater than 25mm). During construction: No action required. Post construction: No action required.

T878	Ash (Fraxinus sp.)	Tree	Height (m): 9 Stem Diam (mm): 600 Spread (m): 2N, 3E, 4S, 3W Crown Clearance (m): 3 Lowest Branch (m): 3 Rem. Contrib.: 10+ Years	N:2 E:3 S:4 W:3	Good/Fair/Poor overall Physiological and Structural condition. Dieback - poor foliage.	B2	Radius: 7.2m. Area: 181 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. The RPA includes ... This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Medium	Preconstruction: Dead wood (major greater than 25mm). During construction: No action required. Post construction: No action required.
T879	Ash (Fraxinus sp.)	Tree	Height (m): 9 Stem Diam (mm): 500 Spread (m): 3N, 2E, 4S, 3W Crown Clearance (m): 1 Lowest Branch (m): 1(S) Life Stage: Mature Rem. Contrib.: <10 years	N:3 E:2 S:4 W:3	Poor overall Physiological and Structural condition. Dieback - poor foliage. Dead wood.	B2	Radius: 6.0m. Area: 113 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. The RPA does not include ... These trees will have to be removed to facilitate a proposed future development.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Poor Structural Cond: Collapsing Bat Habitat: Low	Preconstruction: Crown lift to 3 metres for pedestrian access. Dead wood (major greater than 25mm). During construction: No action required. Post construction: No action required.
T880	Ash (Fraxinus sp.)	Tree	Height (m): 9 Stem Diam (mm): 500 Spread (m): 3N, 2E, 4S, 3W Crown Clearance (m): 1 Lowest Branch (m): 1(S) Life Stage: Mature Rem. Contrib.: <10 years	N:3 E:2 S:4 W:3	Poor overall Physiological and Structural condition. Dieback - poor foliage. Dead wood.	B2	Radius: 6.0m. Area: 113 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. The RPA does not include ... These trees will have to be removed to facilitate a proposed future development.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Poor Structural Cond: Collapsing Bat Habitat: Low	Preconstruction: Crown lift to 3 metres for pedestrian access. Dead wood (major greater than 25mm). During construction: No action required. Post construction: No action required.

T881	Ash (Fraxinus sp.)	Tree	Height (m): 9 Stem Diam (mm): 600 Spread (m): 2N, 3E, 4S, 3W Crown Clearance (m): 3 Lowest Branch (m): 3 Rem. Contrib.: 10+ Years	N:2 E:3 S:4 W:3	Good/Fair/Poor overall Physiological and Structural condition. Dieback - poor foliage.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. The RPA includes ... This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Medium	Preconstruction: Dead wood (major greater than 25mm). During construction: No action required. Post construction: No action required.
T882	Ash (Fraxinus sp.)	Tree	Height (m): 9 Stem Diam (mm): 500 Spread (m): 3N, 2E, 4S, 3W Crown Clearance (m): 1 Lowest Branch (m): 1(S) Life Stage: Mature Rem. Contrib.: <10 years	N:3 E:2 S:4 W:3	Poor overall Physiological and Structural condition. Dieback - poor foliage. Dead wood.	B2	Radius: 6.0m. Area: 113 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. The RPA does not include ... These trees will have to be removed to facilitate a proposed future development.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Poor Structural Cond: Collapsing Bat Habitat: Low	Preconstruction: Crown lift to 3 metres for pedestrian access. Dead wood (major greater than 25mm). During construction: No action required. Post construction: No action required.
T883	Ash (Fraxinus sp.)	Tree	Height (m): 9 Stem Diam (mm): 500 Spread (m): 3N, 2E, 4S, 3W Crown Clearance (m): 1 Lowest Branch (m): 1(S) Life Stage: Mature Rem. Contrib.: <10 years	N:3 E:2 S:4 W:3	Poor overall Physiological and Structural condition. Dieback - poor foliage. Dead wood.	B2	Radius: 6.0m. Area: 113 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. The RPA does not include ... These trees will have to be removed to facilitate a proposed future development.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Poor Structural Cond: Collapsing Bat Habitat: Low	Preconstruction: Crown lift to 3 metres for pedestrian access. Dead wood (major greater than 25mm). During construction: No action required. Post construction: No action required.

T884	Rowan x5 (Sorbus aucuparia)	Group 5 trees	Height (m): 5 5 stems, avg.(mm): 200 Spread (m): 1N, 1E, 1S, 1W Crown Clearance (m): 1 Lowest Branch (m): 1 Life Stage: Early Mature Rem. Contrib.: 10+ Years	N:1 E:1 S:1 W:1	Poor overall Physiological and Structural condition. Stem/limb decay. Target cankers. Dieback - poor foliage.	U	Area: 272 sq. m.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Decaying Bat Habitat: Low	Preconstruction: Remove trees. During construction: No action required. Post construction: No action required.
T885	Ash (Fraxinus sp.)	Tree	Height (m): 9 Stem Diam (mm): 600 Spread (m): 2N, 3E, 4S, 3W Crown Clearance (m): 3 Lowest Branch (m): 3 Rem. Contrib.: 10+ Years	N:2 E:3 S:4 W:3	Poor overall Physiological and Structural condition. Dieback - poor foliage.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. The RPA includes ... This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Medium	Remove tree.
T886	Ash (Fraxinus sp.)	Tree	Height (m): 6 Stem Diam (mm): 400 Spread (m): 2N, 2E, 2S, 2W Crown Clearance (m): 2 Lowest Branch (m): 2 Life Stage: Mature Rem. Contrib.: 10+ Years	N:2 E:2 S:2 W:2	Fair overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 72 sq. m.	This tree will form the constraint to the XXXX side of the site. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	
T887	Birch (Betula sp.)	Tree	Height (m): 6 Stem Diam (mm): 400 Spread (m): 2N, 2E, 2S, 2W Crown	N:2 E:2 S:2 W:2	Fair overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 72 sq. m.	This tree will form the constraint to the XXXX side of the site. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural	During construction:

			Clearance (m): 2 Lowest Branch (m): 2 Life Stage: Mature Rem. Contrib.: 10+ Years						Cond: Fair Bat Habitat: Low	
T888	Birch (Betula sp.)	Tree	Height (m): 6 Stem Diam (mm): 400 Spread (m): 2N, 2E, 2S, 2W Crown Clearance (m): 2 Lowest Branch (m): 2 Life Stage: Mature Rem. Contrib.: 10+ Years	N:2 E:2 S:2 W:2	Fair overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 72 sq. m.	This tree will form the constraint to the XXXX side of the site. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	No action required.
T889	Alder (Alnus sp.)	Tree	Height (m): 6 Stem Diam (mm): 400 Spread (m): 2N, 2E, 2S, 2W Crown Clearance (m): 2 Lowest Branch (m): 2 Life Stage: Mature Rem. Contrib.: 10+ Years	N:2 E:2 S:2 W:2	Fair overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 72 sq. m.	This tree will form the constraint to the XXXX side of the site. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	
T890	Ash (Fraxinus sp.)	Tree	Height (m): 9 Stem Diam (mm): 500 Spread (m): 3N, 2E, 4S, 3W Crown Clearance (m): 1 Lowest Branch (m): 1(S) Life Stage: Mature Rem.	N:3 E:2 S:4 W:3	Poor overall Physiological and Structural condition. Dieback - poor foliage. Dead wood.	B2	Radius: 6.0m. Area: 113 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. The RPA does not include ... These trees will have to be removed to facilitate a proposed future development.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Poor Structural Cond: Collapsing Bat Habitat: Low	Post construction:

			Contrib.: <10 years							
T891	Alder (Alnus sp.)	Tree	Height (m): 6 Stem Diam (mm): 400 Spread (m): 2N, 2E, 2S, 2W Crown Clearance (m): 2 Lowest Branch (m): 2 Life Stage: Mature Rem. Contrib.: 10+ Years	N:2 E:2 S:2 W:2	Fair overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 72 sq. m.	This tree will form the constraint to the XXXX side of the site. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	No action required.
T892	Hawthorn (Crataegus sp.)	Tree	Height (m): 6 Stem Diam (mm): 200 Spread (m): 2N, 2E, 2S, 2W	N:2 E:2 S:2 W:2	Good overall Physiological and Structural condition.	B2	Radius: 2.4m. Area: 20 sq. m.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Good Structural Cond: Good Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T893	Oak (Quercus sp.)	Tree	Height (m): 8 Stem Diam (mm): 400 Spread (m): 3N, 2E, 3S, 2W Life Stage: Early Mature Rem. Contrib.: 10+ Years	N:3 E:2 S:3 W:2	Fair overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 81 sq. m.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Medium	Preconstruction: No action required. During construction: No action required. No action required.
T894	Lime (Tilia sp.)	Tree	Height (m): 5 Stem Diam (mm): 400 Spread (m): 2N, 2E, 2S, 2W Life Stage: Early	N:2 E:2 S:2 W:2	Fair overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 81 sq. m.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair	Preconstruction: No action required. During construction: No action required. Post construction: No action required.

			Mature Rem. Contrib.: 10+ Years						Bat Habitat: Low	
T895	Field Maple (Acer campestre)	Tree	Height (m): 6 Stem Diam (mm): 400 Spread (m): 3N, 2E, 2S, 3W Life Stage: Early Mature Rem. Contrib.: 10+ Years	N:3 E:2 S:2 W:3	Fair overall Physiological and Structural condition.	C2	Radius: 4.8m. Area: 81 sq. m.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Poor Structural Cond: Fair Bat Habitat: Medium	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T896	Oak (Quercus sp.)	Tree	Height (m): 8 Stem Diam (mm): 400 Spread (m): 3N, 2E, 3S, 2W Life Stage: Early Mature Rem. Contrib.: 10+ Years	N:3 E:2 S:3 W:2	Fair overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 72 sq. m.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Medium	Preconstruction: No action required. During construction: No action required. No action required.
T897	Lime (Tilia sp.)	Tree	Height (m): 5 Stem Diam (mm): 400 Spread (m): 2N, 2E, 2S, 2W Life Stage: Early Mature Rem. Contrib.: 10+ Years	N:2 E:2 S:2 W:2	Fair overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 72 sq. m.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T898	Field Maple (Acer campestre)	Tree	Height (m): 5 Stem Diam (mm): 400 Spread (m): 2N, 2E, 2S, 2W Life Stage: Early Mature Rem.	N:2 E:2 S:2 W:2	Fair overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 72 sq. m.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.

			Contrib.: 10+ Years							
T899	Field Maple (Acer campestre)	Tree	Height (m): 5 Stem Diam (mm): 400 Spread (m): 6N, 6E, 6S, 6W Life Stage: Early Mature Rem. Contrib.: 10+ Years	N:6 E:6 S:6 W:6	Fair overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 72 sq. m.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T900	Field Maple (Acer campestre)	Tree	Height (m): 5 Stem Diam (mm): 400 Spread (m): 6N, 6E, 6S, 6W Life Stage: Early Mature Rem. Contrib.: 10+ Years	N:6 E:6 S:6 W:6	Fair overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 72 sq. m.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T901	Poplar (Populus sp.)	Tree	Height (m): 10 Stem Diam (mm): 700 Spread (m): 4N, 5E, 3S, 5W Life Stage: Mature Rem. Contrib.: <10 years	N:4 E:5 S:3 W:5	Poor overall Physiological and Structural condition.	U	None - due to Retention Category of U.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Collapsing Bat Habitat: Medium	Preconstruction: Remove tree. During construction: No action required. Post construction: No action required.
T902	Oak (Quercus sp.)	Tree	Height (m): 8 Stem Diam (mm): 400 Spread (m): 3N, 2E, 3S, 2W Life Stage: Early Mature Rem. Contrib.: 10+ Years	N:3 E:2 S:3 W:2	Fair overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 72 sq. m.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Medium	Preconstruction: No action required. During construction: No action required. No action required.

T903	Birch (Betula sp.)	Tree	Height (m): 5 Stem Diam (mm): 300 Spread (m): 2N, 2E, 2S, 2W Life Stage: Early Mature Rem. Contrib.: <10 years	N:2 E:2 S:2 W:2	Poor overall Physiological and Structural condition.	U	None - due to Retention Category of U.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Poor Structural Cond: Poor Bat Habitat: Low	Preconstruction: Remove tree. During construction: No action required. Post construction: No action required.
T904	Field Maple (Acer campestre)	Tree	Height (m): 5 Stem Diam (mm): 400 Spread (m): 2N, 2E, 2S, 2W Life Stage: Early Mature Rem. Contrib.: 10+ Years	N:2 E:2 S:2 W:2	Fair overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 72 sq. m.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T905	Lime (Tilia sp.)	Tree	Height (m): 5 Stem Diam (mm): 400 Spread (m): 2N, 2E, 2S, 2W Life Stage: Early Mature Rem. Contrib.: 10+ Years	N:2 E:2 S:2 W:2	Fair overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 72 sq. m.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T906	Cypress x6 (Chamaecyparis sp.)	Group 6 trees	Height (m): 8 6 stems, avg.(mm): 500 Life Stage: Early Mature Rem. Contrib.: <10 years		Poor overall Physiological and Structural condition.	U	None - due to Retention Category of U.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Poor Structural Cond: Poor Bat Habitat: Medium	Preconstruction: Remove tree. During construction: No action required. Post construction: No action required.

Appendix 4 - Tree Location Plan

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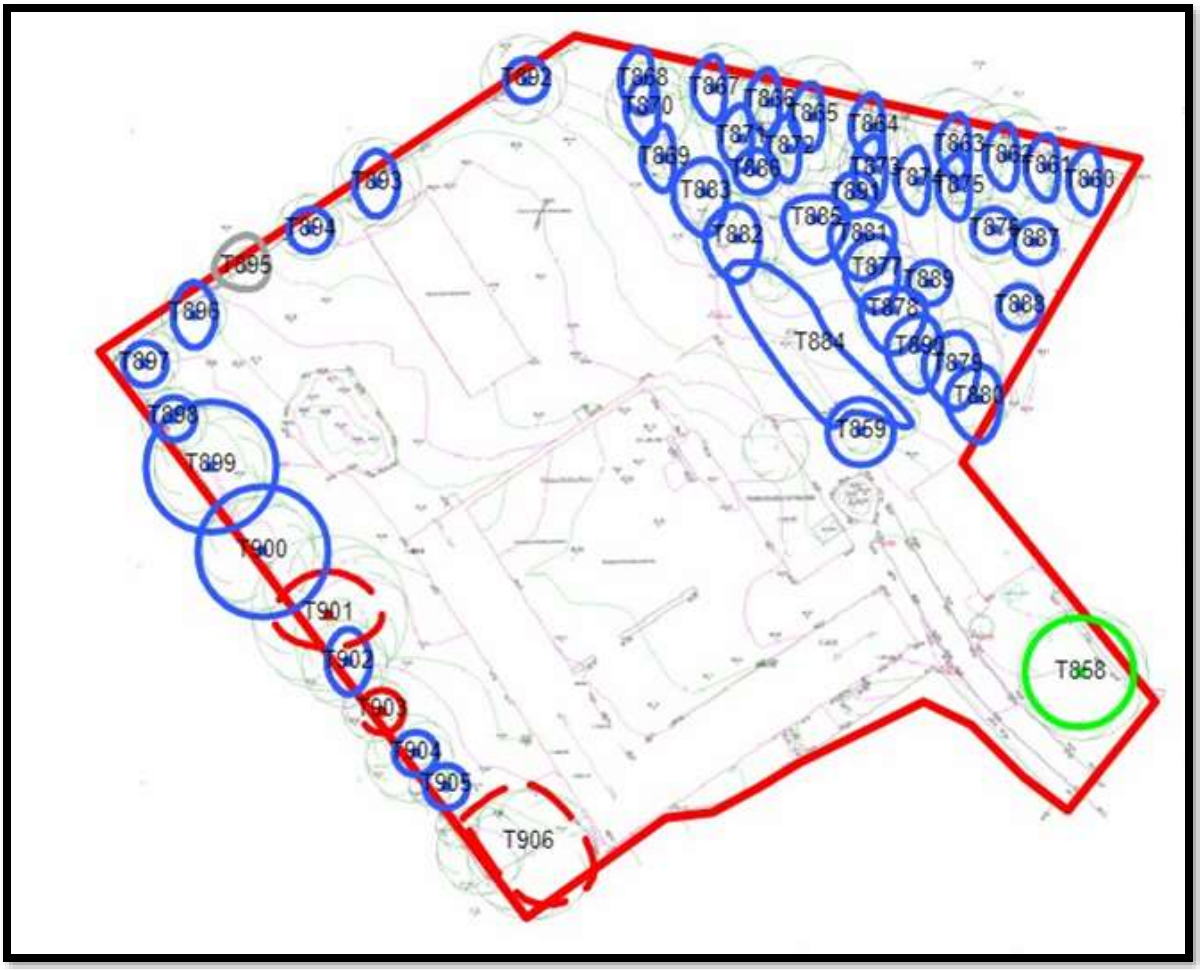

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Layout proposed

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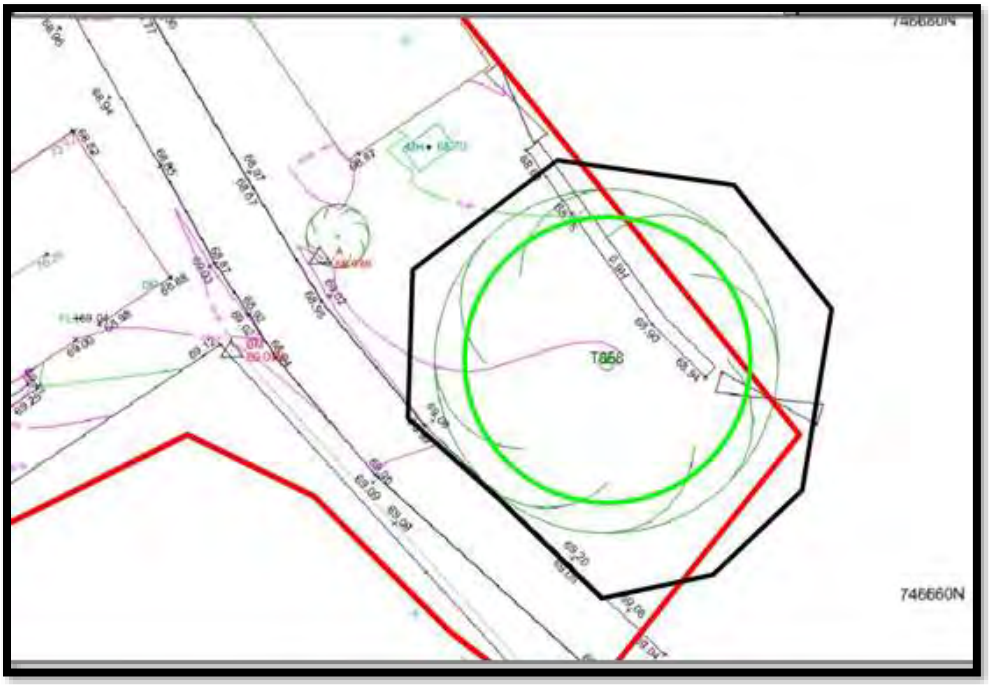
Appendix 5 – Estimated RPA (in black)



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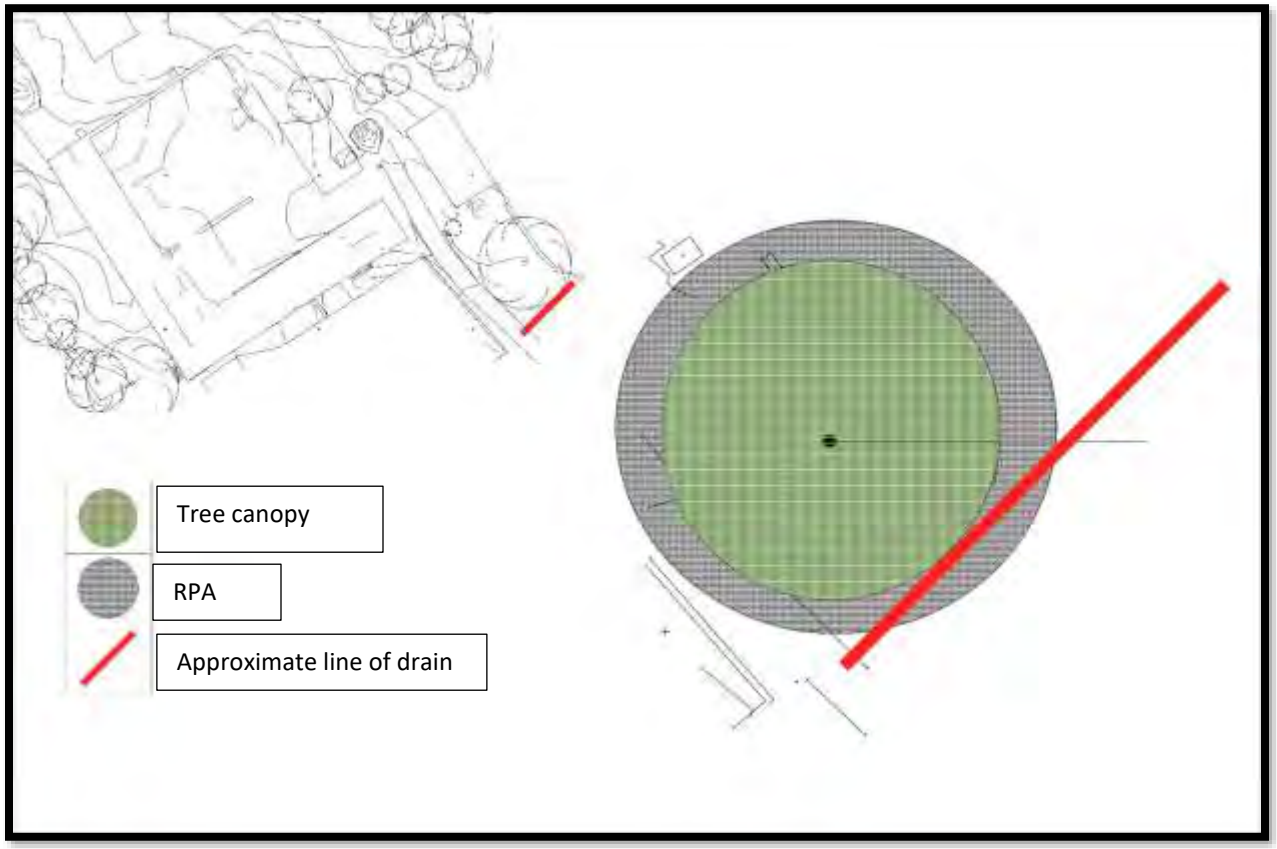
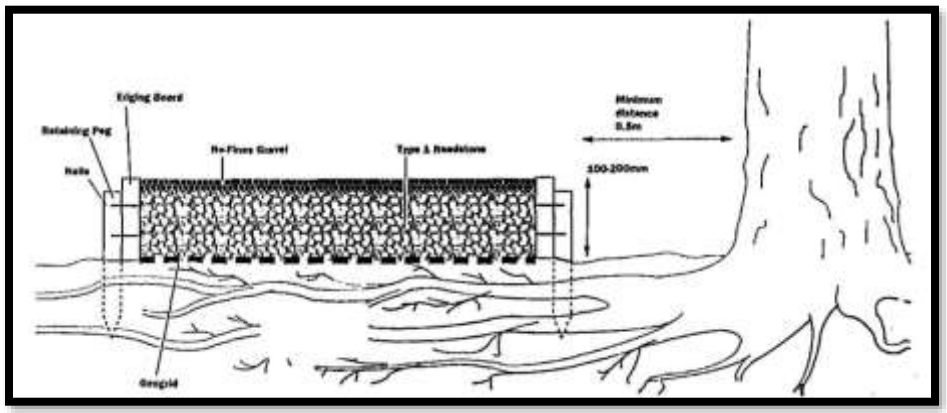
Drainage proposal



Example of road make up



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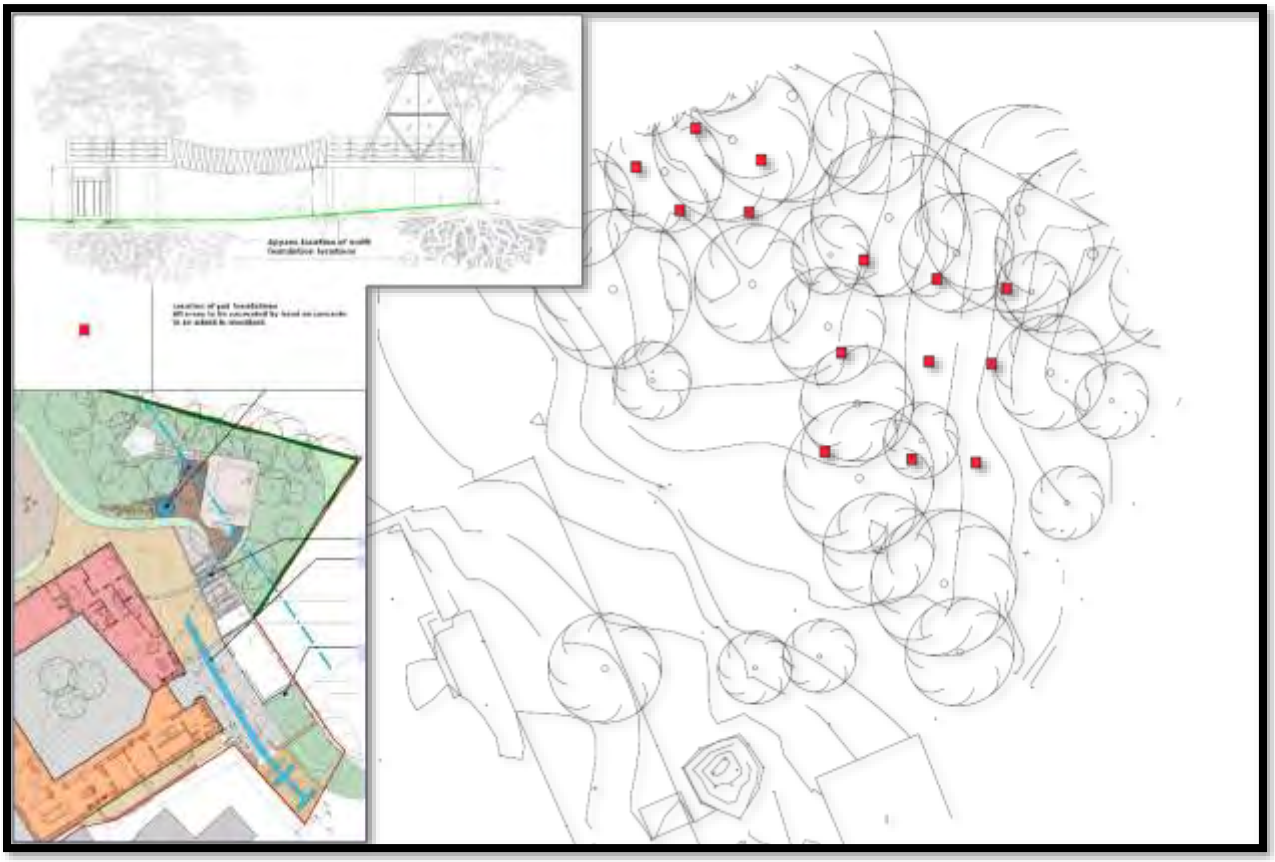
Formation of tree house and position of support pads



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Appendix 6 - Tree protection barriers & ground protection

- Design of welded mesh, Heras type tree protection barrier
- Barriers should be fit for the purpose of excluding construction activity and appropriate to the degree and proximity of work taking place. The default specification should be in accordance with 6.2.2.2 of BS 5837, as set out below.
- **Specifications**: Barrier shall be a minimum 2 m high. It shall consist of a vertical and horizontal scaffold framework, well braced to resist impacts, as illustrated below. The vertical tubes should be spaced at a minimum interval of 3 m and driven securely into the ground. Onto this framework, welded mesh panels should be securely fixed.
- Where site circumstances and associated risk of damaging incursions into the RPA do not necessitate the default level of protection, an alternative specification may be used if agreed with the local authority. An example would be 'Heras' type welded mesh panels on rubber or concrete feet. The panels should be joined together using a minimum of two anti-tamper couplers, installed so that they can only be removed from inside the fence. The panels should be supported on the inner side by stabiliser struts. All-weather notices should be attached to the barrier with words such as 'TREE PROTECTION ZONE - NO ACCESS.
- **Location**: Barriers shall be positioned on the perimeter of the Root Protection Area to define the Tree Protection Zone or as specified in the Tree Protection Plan.
- **Shown on the Tree Protection Plan by a solid black line**.

Example of welded mesh barriers in use

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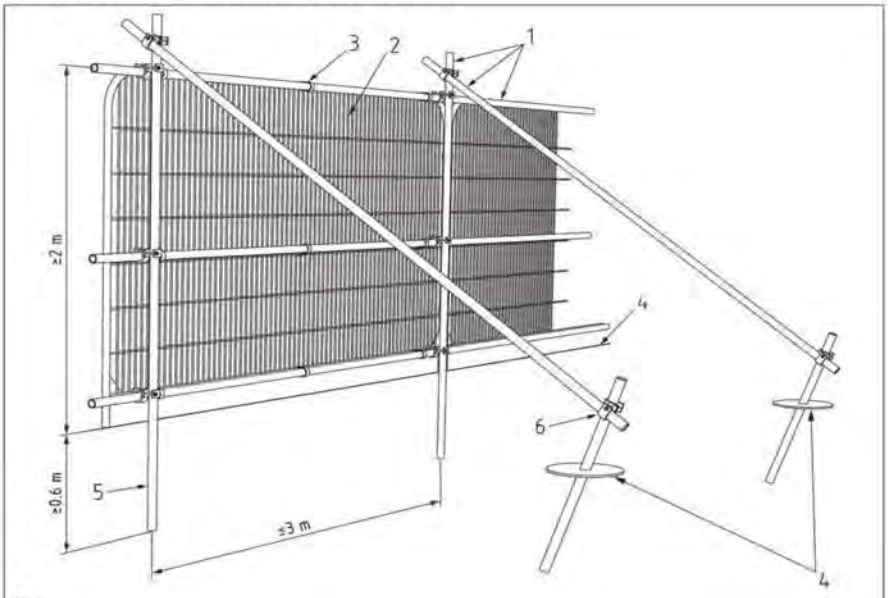
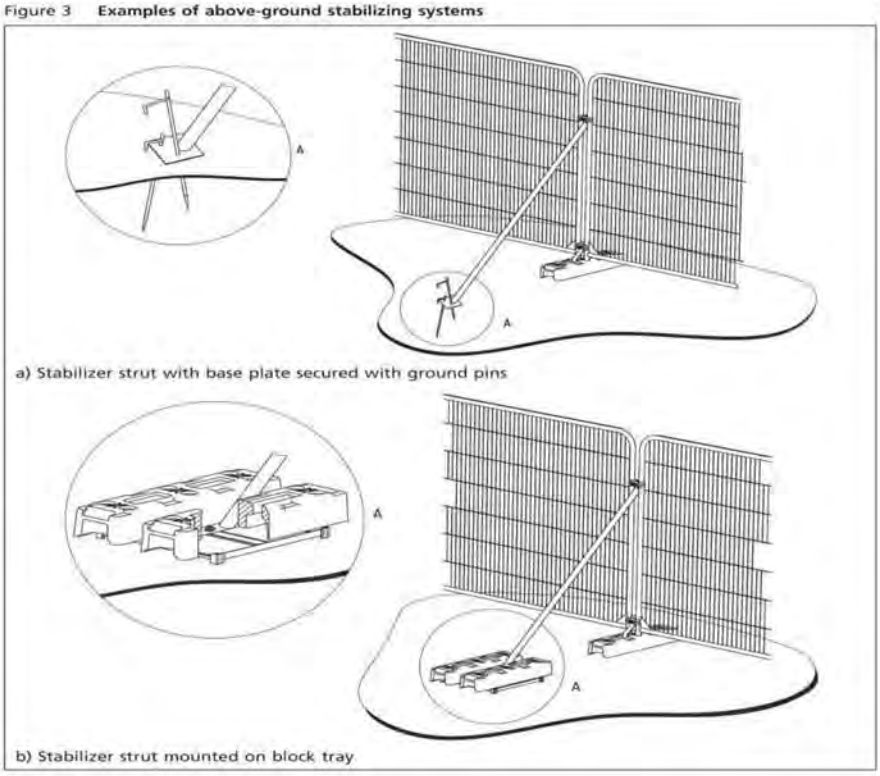
Figure 2 **Default specification for protective barrier**



Key

1 Standard scaffold poles
2 Heavy gauge 2 m tall galvanized tube and welded mesh infill panels
3 Panels secured to uprights and cross-members with wire ties
4 Ground level
5 Uprights driven into the ground until secure (minimum depth 0.6 m)
6 Standard scaffold clamps

Figure 3 **Examples of above-ground stabilizing systems**



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Design of box protection for tree trunks

Tree protection boxes must not be fixed directly to the tree stem as damage could occur either as a direct fixing or by means of transmitting forces to the tree if the box sustains a collision. The box must be self-supporting and ideally anchored to the ground. There must be a minimum of 150mm between the tree stem and any part of the box. The materials used must be robust and durable enough to be fit for the purpose of preventing damage to the trunk and last the lifetime of the development. Usually, 18mm exterior ply fixed to 50mm x 50mm battens is sufficient.

Signs should be fixed to the boxes stating that they are for tree protection and not to be removed.

Annotated on the tree protection plan where specified.

Example of trunk protection box in use

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Suggested protective fencing warning sign format.

Ground protection

In areas where it is not possible to erect protective fencing, ground protection must be used to protect the TPZ of trees. Where it has been agreed during the design stage, and as shown on the tree protection plan, that vehicular or pedestrian access for the construction operation may take place within the TPZ, the possible effects of construction activity should be addressed by a combination of barriers and ground protection. The position of the barrier may be within the TPZ at the edge of the agreed working zone but the soil structure beyond the barrier to the edge of the TPZ should be protected with ground protection. **This must be installed before any site activity, by tracked or wheeled plant or machinery, takes place, to protect soil structure and tree roots.**

Ground protection must be fit for the purpose of supporting any traffic entering or using the site without being distorted or causing compaction of underlying soil. It might comprise one of the following:

- for pedestrian movements or the erection of scaffolding within the RPA the installation of ground protection in the form of a single thickness of scaffold boards either on top of a driven scaffold frame, so as to form a suspended walkway, or on top of a compression-resistant layer (e.g. 100 mm depth of woodchip laid onto a geotextile.
- for pedestrian-operated plant up to a gross weight of 2t, proprietary, inter-linked ground protection boards or panels placed on top of a compression-resistant layer (e.g. 150 mm depth of woodchip), laid onto a geotextile membrane; or
- for wheeled or tracked construction traffic exceeding 2 t gross weight, an alternative system (e.g. proprietary systems or pre-cast reinforced concrete slabs) to an engineering specification designed in conjunction with arboricultural advice, to accommodate the likely loading to which it will be subjected.
- Cellular confinement no-dig systems can also be used.

Examples of proprietary ground protection panels

Appendix 7 - No-dig, cellular confinement systems

Installation of no-dig, cellular confinement systems (CCS)

1. **Prepare the Surface.**

- Remove the surface vegetation using appropriate handheld tools or herbicide (see Note 1).
- Remove any surface rocks, debris and organic material.
- Create a level surface by filling any hollows with clean angular stone or sharp sand.
- Do not level off high spots or compact the soil through rolling.

2. **Lay out the Non-Woven Geotextile such as Treetex™**

- Lay out the geotextile over the prepared area, overlaying the edges of the required area by 300mm.
- Overlap any joins by 300mm minimum or more, depending on soil structure (see Note 2).

3. **Lay out the Cellular Confinement System such as Cellweb® TRP.**

- Lay out the collapsed CCS on top of the geotextile.
- Place a metal J-pin or similar into the centre cell at the end of the panel and secure into the ground.
- Pull out the CCS to its full length and secure its length with another J pin.
- Now pull out to its full width and secure in each of the corners with the J-pins.
- Use sufficient J pins to secure the panel.
- Each cell must be fully extended and under tension.
- Staple adjacent panels together at each cell (see Note 3).
- If a curved path or shape is required, this should be cut when the CCS panel is pinned out ensuring complete cells remain. Do not try to curve or bend the CCS panels into place.
- All cells must be fully opened to the required diameter.

4. **Infill with Clean Angular Stone**

- The infill material must be a clean angular stone, Type 4/20mm or Type 20/40mm (see Note 4).
- Do not use M.O.T type 1 or crushed stone with fines for tree root protection.
- Infill the CCS cells with the clean angular stone, working towards the tree and using the infilled panels as a platform.
- Minimum 25mm overfill of clean angular stone when used in conjunction with a hard surface.
- No compaction is required of the infill. Do not use a whacker plate or other means of compaction.

- Encourage settlement of the stone with the use of a light roller or with 2-3 passes of the construction plant used for installation.
- If the clean angular stone is being used as the final surface; regular maintenance will be required to ensure a minimum overfill of 50mm.

5. Edge restraints

- Excavations for kerbs and edgings should be avoided within the RPAs.
- Where edging is required for footpath and light structures, a peg and treated timber board edging is acceptable.
- Other options include wooden sleepers, kerb edging constructed on top of the CCS system, plastic and metal edging etc.

6. Surface options

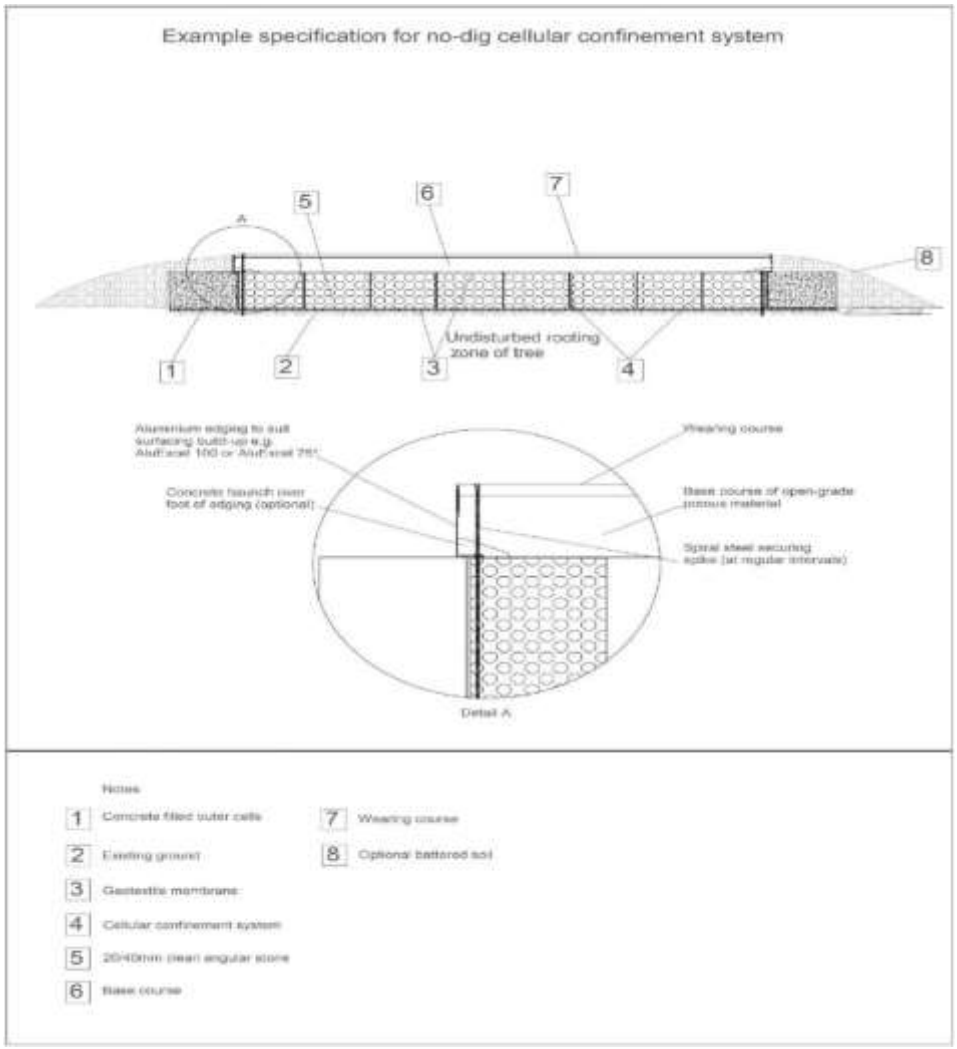
- All surfaces in Root Protection Areas must be porous. Surfaces can include block paving, asphalt, loose gravel, grass and gravel retention systems (e.g. Golpla), resin bound gravel, concrete etc.

NOTES

- **Herbicide**: According to BS5837:2012 “The use of herbicides in the vicinity of existing trees should be appropriate for the type of vegetation to be killed, and all instructions, warnings and other relevant information from the manufacturers should be strictly observed and followed. Care should be taken to avoid any damaging effects upon existing plants and trees to be retained, species to be introduced, and existing sensitive habitats, particularly those associated with aquatic or drainage features.”
- **Geotextile**: We recommend the installation of Treetex™ membrane under the Cellweb® TRP, or under the sub-base if installed. The overlapping between adjacent rolls of Geotextile should be: CBR > 3%: 300mm minimum, CBR between 1% and 3%: 500mm minimum. CBR ≤ 1%: 750mm minimum.
- **Staples**: Number of staples per join: 200mm: 5 staples. 150mm: 4 staples. 100mm: 3 staples. 75mm: 3 staples.
- **Granular Fill**: Open graded sub-base, clean angular stone Type 4/20 or Type 20/40. Please refer to BS7533-13:2009 and to the Design Manual for Roads and Bridges (DMRB), Volume 4 Geotechnics and Drainage, Section 1 Earthworks, HA44/91, Volume 7 – IAN 73/06 Design Guidance for road pavement foundations and Manual of Contract Documents for Highway Works (MCHW), Volume 1 Specification for Highway Works for the construction and maintenance of the fill material.

Various products are available including rigid and flexible systems. Various companies supply suitable products including:

- Geosynthetics – Cellweb www.geosyn.co.uk/cellweb
- InfraGreen Solutions – Infraweb TRP & ArborRaft www.infragreen-solutions.com



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Appendix 8 - Tree surgery schedule

- All works to be undertaken in accordance with BS 3998:2010 Recommendations for tree works, or industry best practice.
- Where appropriate, arisings from tree works should be retained on site as ecological features.
- The project ecologist will be able to advise further. The Tree Removals & Tree Surgery

Ref	Species	Measurements	Recommendation	Retention Category	RPA
T858	Spruce (Picea sp.)	Height (m): 8 Stem Diam (mm): 600 Spread (m): 5N, 5E, 5S, 5W Crown Clearance (m): 3 Lowest Branch (m): 2(N) Life Stage: Mature Rem. Contrib.: 10+ Years	Crown lift to 3 metres for pedestrian access	A2	Radius: 7.2m. Area: 165 sq. m.
T859	Birch (Betula sp.)	Height (m): 7 Stem Diam (mm): 400 Spread (m): 3N, 3E, 3S, 3W Crown Clearance (m): 2 Lowest Branch (m): 2(S) Life Stage: Early Mature Rem. Contrib.: 10+ Years	Dead wood (minor less than 25mm). Remove tree.	B2	Radius: 4.8m. Area: 81 sq. m.
T877	Ash (Fraxinus sp.)	Height (m): 9 Stem Diam (mm): 500 Spread (m): 3N, 2E, 4S, 3W Crown Clearance (m): 1 Lowest Branch (m): 1(S) Life Stage: Mature Rem. Contrib.: <10 years	Crown lift to 3 metres for pedestrian access. Dead wood (major greater than 25mm).	B2	Radius: 6.0m. Area: 126 sq. m.
T878	Ash (Fraxinus sp.)	Height (m): 9 Stem Diam (mm): 600 Spread (m): 2N, 3E, 4S, 3W Crown Clearance (m): 3 Lowest Branch (m): 3 Rem. Contrib.: 10+ Years	Dead wood (major greater than 25mm).	B2	Radius: 7.2m. Area: 181 sq. m.
T879	Ash (Fraxinus sp.)	Height (m): 9 Stem Diam (mm): 500 Spread (m): 3N, 2E, 4S, 3W Crown Clearance (m): 1 Lowest Branch (m): 1(S) Life Stage: Mature Rem. Contrib.: <10 years	Crown lift to 3 metres for pedestrian access. Dead wood (major greater than 25mm).	B2	Radius: 6.0m. Area: 113 sq. m.

T880	Ash (Fraxinus sp.)	Height (m): 9 Stem Diam (mm): 500 Spread (m): 3N, 2E, 4S, 3W Crown Clearance (m): 1 Lowest Branch (m): 1(S) Life Stage: Mature Rem. Contrib.: <10 years	Crown lift to 3 metres for pedestrian access. Dead wood (major greater than 25mm).	B2	Radius: 6.0m. Area: 113 sq. m.
T881	Ash (Fraxinus sp.)	Height (m): 9 Stem Diam (mm): 600 Spread (m): 2N, 3E, 4S, 3W Crown Clearance (m): 3 Lowest Branch (m): 3 Rem. Contrib.: 10+ Years	Dead wood (major greater than 25mm).	B2	Radius: 7.2m. Area: 163 sq. m.
T882	Ash (Fraxinus sp.)	Height (m): 9 Stem Diam (mm): 500 Spread (m): 3N, 2E, 4S, 3W Crown Clearance (m): 1 Lowest Branch (m): 1(S) Life Stage: Mature Rem. Contrib.: <10 years	Crown lift to 3 metres for pedestrian access. Dead wood (major greater than 25mm).	B2	Radius: 6.0m. Area: 113 sq. m.
T885	Ash (Fraxinus sp.)	Height (m): 9 Stem Diam (mm): 600 Spread (m): 2N, 3E, 4S, 3W Crown Clearance (m): 3 Lowest Branch (m): 3 Rem. Contrib.: 10+ Years	Dead wood (major greater than 25mm).	B2	Radius: 7.2m. Area: 163 sq. m.
T890	Ash (Fraxinus sp.)	Height (m): 9 Stem Diam (mm): 500 Spread (m): 3N, 2E, 4S, 3W Crown Clearance (m): 1 Lowest Branch (m): 1(S) Life Stage: Mature Rem. Contrib.: <10 years	Crown lift to 3 metres for pedestrian access. Dead wood (major greater than 25mm).	B2	Radius: 6.0m. Area: 113 sq. m.
T901	Poplar (Populus sp.)	Height (m): 10 Stem Diam (mm): 700 Spread (m): 4N, 5E, 3S, 5W Life Stage: Mature Rem. Contrib.: <10 years	Remove tree.	U	None - due to Retention Category of U.
T903	Birch (Betula sp.)	Height (m): 5 Stem Diam (mm): 300 Spread (m): 2N, 2E, 2S, 2W Life Stage: Early Mature Rem. Contrib.: <10 years	Remove tree.	U	None - due to Retention Category of U.
T906	Cypress x6 (Chamaecy paris sp.)	Height (m): 8 6 stems, avg.(mm): 500 Life Stage: Early Mature Rem. Contrib.: <10 years	Remove tree.	U	None - due to Retention Category of U.

Photographs

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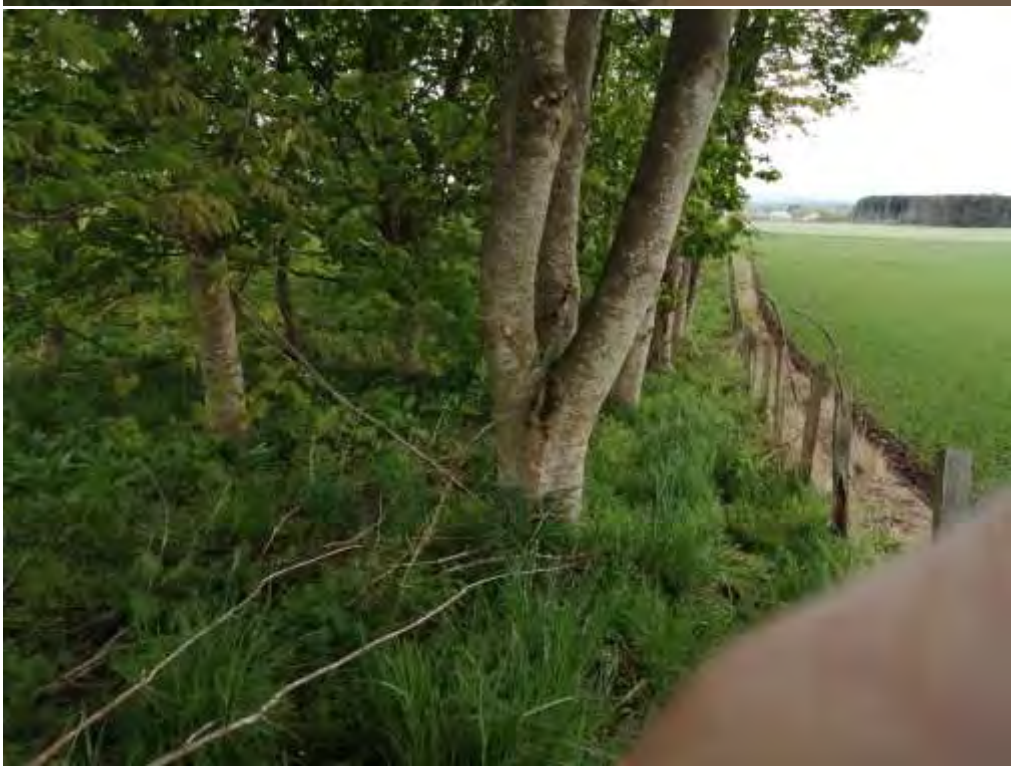

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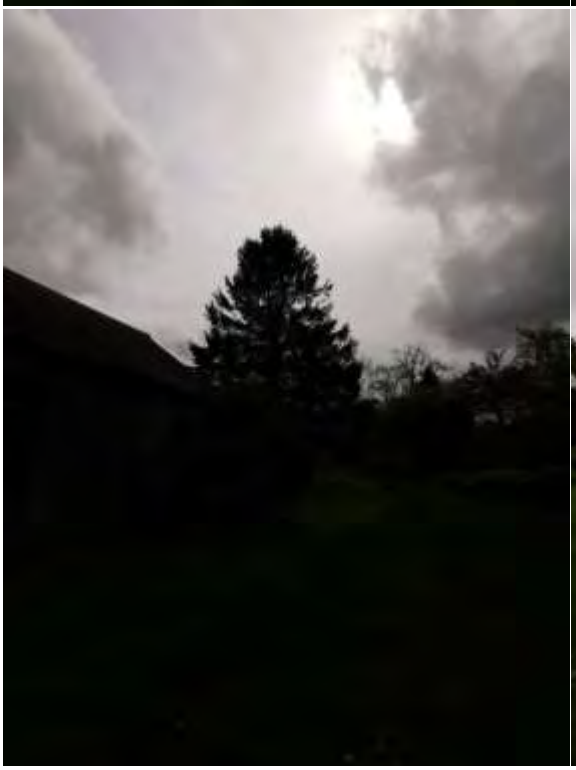

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Stone's Wildlife Management
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Ecological Mitigation for Balgownie Steading, Angus
Additional information as requested July 2021.

Hello a question was asked and a photo sent the below photo is of a Tawny Owl (*Strix aluco*) these are mainly tree nesting birds, and occur throughout all of Scotland, I do not think these will be affected by the refurbishment of the old steading but will suggest a tawny owl nest box is fixed to one of the large trees, Tawny owls could be affected by tree works being carried out at the wrong time of year that is why I stated in earlier mitigation a breeding bird survey would need to be carried out.

Best

Dougie McKenna

CHRISTIE GILLESPIE
CONSULTING ENGINEERS LTD.

Our Ref: 2020-617

14 July 2021

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County Buildings
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Dear Sirs,

Proposed Development at Balgownie Steading, Eassie - 21/00081/FULL
Structural Feasibility of Proposals

Introduction
It is proposed to convert and develop the existing steading buildings at Balgownie to form a new dwelling house. As part of the project, it is necessary to lower the floor in one of the buildings and provide the necessary boundary treatment to enable protection of and access to the building close to the existing boundary.

Civil and Structural Engineering Works

The principles of the works including the engineering aspects are shown on the Drawing No. 811P2-13 by Keith Renton.
In summary to enable lowering of the floor in the building, it is necessary to underpin the existing wall to form foundations at a lower level than the existing. This is done in a sequenced segmental basis known as hit and miss where small sections of the underpinning are done leaving gaps which are filled in later to avoid any risk of settlement of the existing foundations and walls. This is a common practice solution for works of this type. The depth of underpinning required under the building varies along the length but is of a scale that is feasible for the works.
Some of the trenching in Sections 1 and 2 may also need to be formed from the building side due to restricted access and although not straightforward, this is technically feasible.
The remainder of the works from sections 3 onwards are also structurally feasible. The method and details will need to be assessed by the contractor on site to suit specific working method preferences and plant but also under guidance from the structural engineer in terms of design parameters for where temporary works will be required and the particular loading parameters.
From a review of the proposals, it is considered that the design principles of the proposal are technically feasible from an engineering perspective.

Yours faithfully,

[redacted]

Alistair Christie BSc CEng MIStructE
Director

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Yours faithfully,

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Alistair Christie BSc CEng MIStructE
Director

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Please note the following 14 pages are referred to AC29, this should read AC30

BAT AND NESTING BIRD SURVEY REPORT

BALGOWNIE FARM STEADING

FORFAR

21.06.2023 Version 1.1

PREFACE

This document is a report for ecological services to be carried out by the company.

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REVISION AND SIGN OFF

ISSUE DATE	AUTHORS	CHECKED BY	SIGNED OFF	VERSION	CHANGE REFERENCE
21.06.2023	Kiera Hamilton Eilidh McNab Beccy Osborn	Beccy Osborn	Beccy Osborn	1	

EXECUTIVE SUMMARY

Direct Ecology Ltd. was commissioned by Mirna Melki to carry out an update bird and bat day assessment and bat activity surveys of steading buildings which are planned to be converted into a new house at Balgownie Steading, Eassie, DD8 1SF. As works could impact upon any bat roosts or nesting birds present, this survey was commissioned to determine the suitability of the buildings for roosting bats and nesting birds, and to ensure compliance with current guidance and legislation.

Previous ecological survey work undertaken by Stone's Wildlife Management identified a small maternity roost of 34 soprano pipistrelle bats in 2020. A maternity roost was also present in the location in 2016 according to the 2020 report. Planners required bat survey and an update day survey and one nocturnal bat survey was considered to be sufficient update survey effort, undertaken in June 2023. Not of all of the buildings could be surveyed internally due to access and health and safety constraints.

The day survey confirmed numerous potential ingress and roosting opportunities for bats including numerous cracks in the wall, dislodged and missing roof slates, lifted metal flashing; and gaps at the window lintels and doors.

The update nocturnal bat survey confirmed the presence of a Natterer's bat roost within the building, with two bats recorded, as well as single common pipistrelle roost, and an unknown pipistrelle roost. The maternity roost was not recorded as present on the night of the survey.

As the presence of roosting bats has been confirmed, it will be necessary to carry out works under a NatureScot derogation licence. As a maternity roost was identified in 2020 and a Natterer's bat roost was identified in the current survey effort, the works to this building will need to be undertaken using a full site specific European Protected Species Licence from NatureScot and the timings of some of the works will be restricted.

The following recommendations have been made to follow best practice guidance and ensure legal obligations are fulfilled:

- 8 quality bat boxes (at least half woodcrete) should be installed on suitable trees within 100-200 metres of the buildings, prior to the commencement of works.
- Integral roost provision must be built into the renovated steading. The details must be included for the licence application and agreed with a licensed bat worker. Integral boxes should be incorporated into masonry. Access crevices within the roof should be incorporated through the installation of bat access slates. These can be used to provide bats access into the roof itself, or to only form a crevice between the 'slate' and the internal sarking, which is suitable for use by crevice-dwelling bats such as common pipistrelles and soprano pipistrelles. Natterer's bats will require a bat loft area.
- Gaps should be left or created in the mortar to give bats access to small crevices at the wall heads, if the gaps extend through to the internal of the building these can either be sealed internally or boxed in or allow bats access into any loft spaces.
- There should be no breathable membrane used in the area of the access slates/gaps. A traditional Type 1F Bitumen Felt or a certified bat safe membrane may be used if necessary.
- Where lighting is proposed this should be of low intensity, and where possible should be on a motion sensor. It should be positioned near any bat mitigation (bat boxes, access points etc).

- All workers should receive a 'toolbox' talk prior to any works – including asbestos removal – being carried out. During this talk, contractors should be informed of any potential issues regarding protected species on site (including bats and nesting birds) and including the emergency procedure. An emergency procedure should be in place should for example a bat or active bird nest be encountered during operations. All work should cease in the area immediately and a suitably experienced ecologist will be consulted to determine any mitigation requirements i.e., suitable set-backs or buffer zones, and consultation with statutory bodies or licence applications if required.
- The bat worker should supervise initial works within 5m of known roosting sites, as well as within all high potential bat roost areas, until they have determined that in all likelihood, no bats are present. The bat worker should highlight areas that should be dismantled by hand if (e.g., slates removed) and inspect other areas (e.g., cavities at the walls). The supervision will need to be carried out by a licensed bat ecologist and may require scaffolding or a Mobile Elevated Working Platform (MEWP).
- No works to the maternity roost area can be carried out between the start of May and the end of September (inclusive). An update nocturnal survey could be undertaken during this period immediately prior to works, and if no maternity roost was present then it may be possible to carry out works in this area before September.
- Barn owl pellets, and active bird nests, including a wrens nest and a house martins nest were found during the day survey. A recommendation regarding the installation of bird boxes has been made including integral nest provision for barn owl and other bird species.
- If the works commence more than 18 months from these surveys, update surveys should be undertaken.

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1 PROJECT INFORMATION

1.1 SCOPE

This report presents the results of a daytime bat and bird survey and an update bat activity survey undertaken at Balgownie Steading, Eassie, DD8 1SF. It is understood that the current steading building is proposed to be converted to form two new residences (Planning Application 21/00081/FULL, currently with Angus Council). Previous bat survey was undertaken by Stone's Wildlife Management and confirmed a small soprano pipistrelle maternity roost. To ensure compliance with relevant guidance and legislation, the following surveys were undertaken to ascertain the likely currnt impact of the works upon any bat roosts (or nesting birds) present:

- An update bat roost assessment;
- Nesting bird survey;
- Update bat activity survey; and
- Reporting and impact assessment.

1.2 SITE LOCATION AND DESCRIPTION

The site is located, 2.5km east of the village of Eassie, with the main road the A94 found 500metres north of the site. The site is centred around OSGR (Ordnance survey grid reference) NO 35519 46669. The Dean Water River is situated 1.6km north of the site, with the Balgownie Muir Plantation and Ingliston Hill found 720metres south of the site.

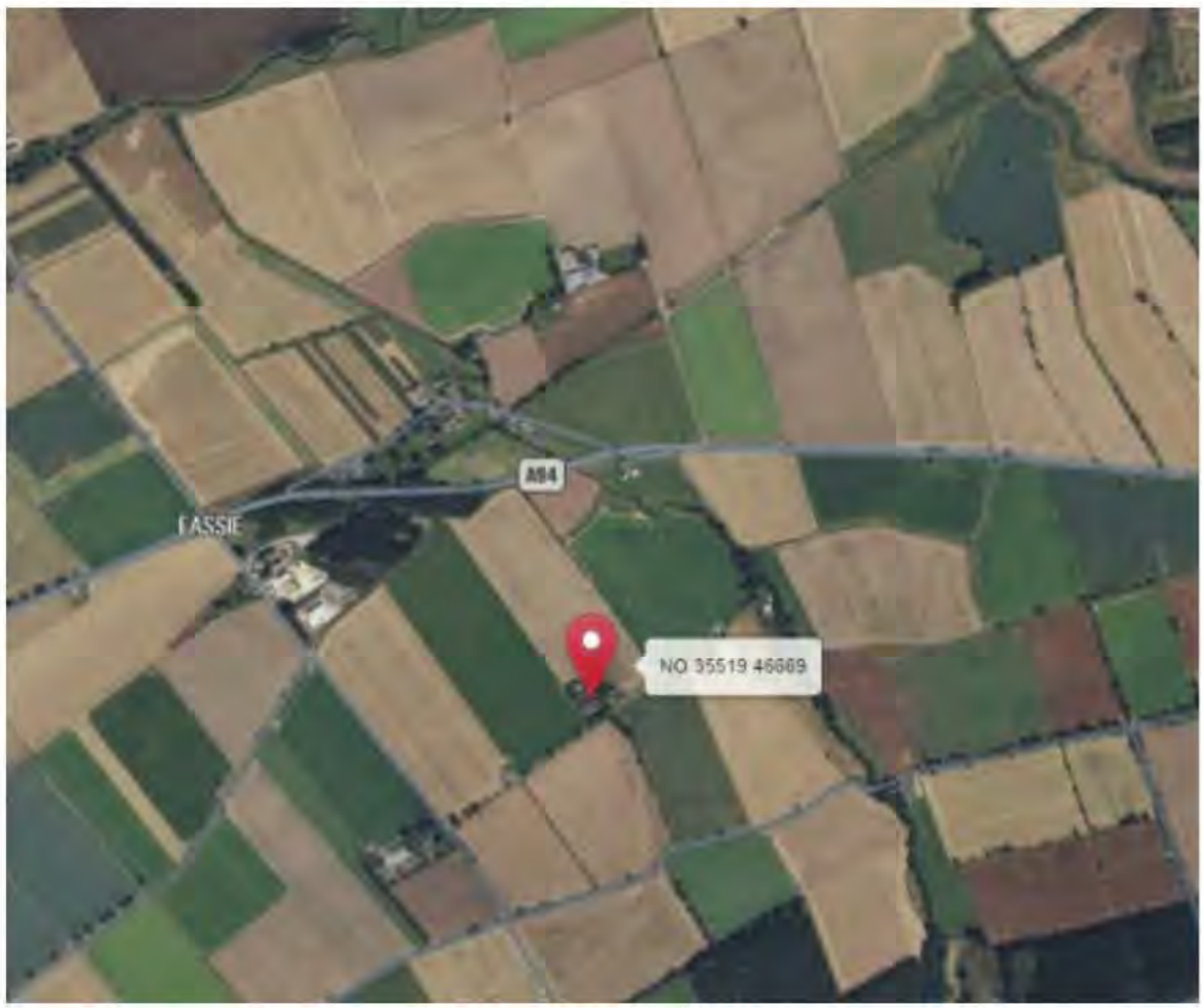


Figure 1: Location plan

1.3 RELEVANT LEGISLATION

Bats and the places they use for shelter or protection (i.e., roosts) receive protection under 'The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). This protection means that bats, and the places they use for shelter or protection, are capable of being a material consideration in the planning process. Details of this legislation and the subsequent protection afforded to bat species can be found in Appendix 1.

2 SURVEY METHODS

2.1 DESK STUDY

With regards to protected species, only records commercially available records from within 2km of the site and within the last 10 years have been included. The following online sources were consulted:

- *National Biodiversity Network (NBN) Atlas* (NBN, 2016)
- *Scottish Biodiversity List (SBL)* (Scottish Government, 2012)
- *Previous bat survey undertaken by Stone's Wildlife Management*

2.2 GENERAL SURVEY METHODS

The survey methods used were based on best practice guidelines including the Bat Conservation Trust (BCT) *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (Collins, 2016). The survey methods, along with the survey limitations, are described below.

2.3 UPDATE ROOST ASSESSMENT

In line with guidance from NatureScot and the Bat Conservation Trust (BCT) (Collins, 2016), a detailed external and survey of the building was conducted, where safe to do so. During the assessment, surveyors searched the buildings for potential or actual bat roosting sites including gaps in the walls, gaps behind metal flashing, and missing roof tiles. Where accessible, all suitable bat ingress and roosting features were subject to a detailed inspection using a ladder, a high-powered torch and an endoscope. Any bats, or evidence of bat activity present (such as droppings, urine staining, grease marks, scratch marks or feeding remains), were recorded. Any features that were considered beyond the safe reach of a ladder were assessed using binoculars, where possible. This information allowed the buildings to be classified as High, Moderate, Low or Negligible in terms of suitability for roosting bats (Collins, 2016).

Table 1: BCT Categories of Roosting Habitats and Commuting and Foraging Habitats.

BCT Categories	Roosting habitats	Commuting and foraging habitats
Negligible	Negligible habitat features on site likely to be used by roosting bats	Negligible habitat features on site likely to be used by commuting or foraging bats
Low	A structure with one or more potential roost sites that could be used by the individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e., unlikely to be suitable for maternity or hibernation). A tree of sufficient size and age to contain potential roost features (PRFs) but with none seen from the ground or features seen with only very limited roosting potential.	Habitat that could be used by small numbers of commuting bats such as gappy hedgerow or unvegetated stream, but isolated, i.e., not very well connected to the surrounding landscape by other habitat. Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub.
Moderate	A structure or tree with one or more potential roost sites that could be used by	Continuous habitat connected to the wider landscape that could be

BCT Categories	Roosting habitats	Commuting and foraging habitats
	bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only – the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).	used by bats for commuting, such as lines of trees and scrub or linked back gardens. Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.
High	A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat.	Continuous, high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by commuting bats such as river valleys, streams, hedgerows, lines of trees and woodland edge. High-quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined watercourses and grazed parkland. Site is close to and connected to known roosts.

2.4 NOCTURNAL BAT ACTIVITY SURVEYS

The buildings were watched once as an update survey to the previous surveys in 2020. Surveyor and weather details can be found in Table 3. Radio contact by surveyors was maintained throughout the surveys to confirm whether bats had flown over the building or emerged from the building itself. It is presumed that any bats that emerged or entered the building during the surveys will have been identified.

For the dusk watch, surveyors were in position at least 30 minutes before sunset and continued surveying until approximately 90 minutes after sunset. All bat surveys were undertaken using full spectrum detectors. Recordings were made on to memory card and later analysed to confirm species identification. Night vision aids were used to aid the survey effort.

2.5 EVALUATION

Based on the site survey and desk study an evaluation has been undertaken to identify important ecological features within the survey area. A detailed assessment has not been undertaken of other features that for example are sufficiently widespread, unthreatened and resilient to project impacts. However, recommendations are made to safeguard biodiversity as emphasised in the *Scottish Biodiversity Strategy* (Scottish Government, 2022). Consideration when assessing importance is given to designated sites, Tayside Biodiversity Action Plan species, red-listed bird species (as given in Stanbury *et al.* 2021) and legally protected species. Table 2 is used as a guide when identifying important ecological features.

Table 2: Guidance nature value levels

Level of Value	Examples (not definitive and often dependent on professional judgement)
International	Internationally designated or proposed sites (such as SACs) meeting the criteria for international designation; or non-designated sites meeting the criteria for international designation. A significant area of a habitat type listed in *Annex I of the Habitats Directive*. Sites supporting populations of internationally important numbers of species/assemblages.
National	Nationally designated sites (such as SSSIs, National Nature Reserves, Marine Nature Reserves, Nature Conservation Review Grade 1 sites); or non-designated sites meeting SSSI selection criteria. Sites supporting populations of nationally important numbers, and/or supplying critical elements of their habitat requirements. A site supporting 1 % or more of a national population.
Regional	Sites containing viable areas of threatened habitats of importance within a regional context. A significant area of habitat type listed on the *Scottish Biodiversity List* (SBL). Sites supporting viable breeding populations of nationally scarce species on account of their rarity or supplying critical elements of their habitat requirements. Any regularly occurring population of a nationally important species that is threatened or rare in the region (e.g. >1 % of the regional population).
Local	Sites meeting the criteria for council area designation (such as Site of Importance for Nature Conservation (SINC)) which may include amenity and educational criteria in urban areas. Designated Local Nature Reserves. Sites containing significant areas of any priority habitat listed on the *LBAP*. Sites supporting significant populations of species known to be council rarities or included on the *LBAP*, and/or supplying critical elements of their habitat requirements. A site supporting 1 % or more of a county population.
Site	Undesignated sites, or features or species considered to appreciably enrich the resource within the context of the local area (i.e. 5 km radius from the site area). Examples include species-rich hedgerows and ponds. Individual or small numbers of protected species common to the area. Small areas of *LBAP* habitat or other habitats of note.
Negligible	Low-grade and widespread habitats or species. A widespread species with minimal use of an area that does not form a significant element of its habitat requirements.

2.6 SURVEY PERSONNEL

All survey work and reporting was overseen by Beccy Osborn, Principal Ecologist and Company Director. She is an experienced Ecologist and a full member of the Chartered Institute of Ecology and Environmental Management (MCIEEM) with over 21 years' ecological consultancy experience. She has a NatureScot bat licence and badger development licence. The Update Roost Assessment and Dusk Survey was carried out by Kiera Hamilton (Assistant Senior Ecologist and Licensed Bat Worker), Emma Castle-Smith (sub-contractor, licensed bat worker) and Kirsty Duncan (Ecologist).

Table 3: Survey details.

Date	Surveyor	Survey Type	Start/Finish Time	Sunset	Weather
14.06.2023	Kiera Hamilton (KH) Kirsty Duncan (KD) Emma Castle-Smith (ECS)	Dusk and Update Roost Assessment Survey	Dusk Survey 21:34 – 23:34	22:04	Temp: 14 / 11 WS: 0 / 0 CC: 0 / 0 Rain: 0 / 0
Key: Temp = Temperature (°C); WS = Wind speed – 0 (calm) 12 (hurricane); CC = Cloud cover (in eighths); Rain = 0-4 (0 = dry)					

2.7 SURVEY LIMITATIONS

Due to the unstable nature of parts of the steading, a full inspection using an endoscope from ladders was not possible of the structure.

Non breeding bat roosts can be transitional and although they may not be present at the time of survey, then the presence of a bat roost cannot be completely ruled out and therefore precautionary recommendations are made.

3 RESULTS

3.1 DESK STUDY

Within this area of Scotland, the following bat species are known to be present (Richardson, 2000; Osborn, pers. Obs.; Crawley *et al.*, 2020):

- Common pipistrelle *Pipistrellus pipistrellus*
- Soprano pipistrelle *Pipistrellus pygmaeus*
- Nathusius' pipistrelle *Pipistrellus nathusii* (rarely)
- Daubenton's bat *Myotis daubentonii*
- Natterer's bat *Myotis nattereri*
- Whiskered bat *Myotis mystacinus* (rarely)
- Brown long-eared bat *Plecotus auritus*
- Leisler's bat *Nyctalus leisleri* (rarely)
- Noctule bat *Nyctaulus noctula* (rarely)

It is thought possible that any of the regularly occurring species could be present on site or within the surrounding landscape. All species listed above (except for Leisler's bat) are *Scottish Biodiversity List (SBL)* species (Scottish Government, 2012).

Previous ecological survey work undertaken by Stone's Wildlife Management identified a small maternity roost of 34 soprano pipistrelle bats in 2020, with emergence points shown in Photo1 below and on Figure 3). A maternity roost was also present in the location in 2016 according to the report (total number not given in 2020 update report).

Table 4 provides a summary of protected and notable species records within 2km of the survey area. Only records from the past 10 years are included in the table, and those which are licensed for commercial use. The absence of records should not be taken as confirmation that a species is absent from the search area.

Table 4: Summary of protected species records within 2km of the site.

Species	No. of records	Most recent	Legislation / conservation status
BIRDS			
House Martin *Delichon urbicum*	5	2018	Red
House Sparrow *Passer domesticus*	18	2019	Red, SBL
Peregrine falcon *Falco peregrinus*	7	2018	SCH 1, Annex 1, SBL
Tawny Owl *Strix aluco*	2	2018	Amber

Key:
Annex I: Annex I of the EU Birds Directive 2009/147/EC: species requiring designation of SPAs
Red, Amber, Green BoCC: Birds of Conservation Concern, as given in Stansbury *et al.* (2021)
ECH 2: Annex II of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora
ECH 4: Annex IV of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora.
HR: Conservation Natural Habitats & C Regulations 1994 as amended.
SBL: Scottish Biodiversity List species
SCH 1: WCA Schedule 1 (Part I) Birds which are protected by species penalties at all times

Datasets: National Mammal Atlas, BCT records, BTO/JNCC/RSPB partnership records

3.2 UPDATE BAT ROOST ASSESSMENT

Previous ecological survey work undertaken by Stone's Wildlife Management identified a small maternity roost of 34 soprano pipistrelle bats in 2020, with emergence points shown in Photo1 below. A maternity roost was also present in the location in 2016 according to the report (total number not given in 2020 update report).

The timber woodshed to the east of the site is fully collapsed, and it was not possible to inspect internally (Photo 2). The timber woodshed is made from slate roofing, and metallic ridgelines, with collapsed wooden beam internal structure. No bat droppings were seen on any of the slates. A disused nest, likely from a passerine was found on the edges of the internal timber frame on the woodshed found in the east (Photo 3).

The partially roofed former barns are constructed from sandstone and mortar walls; with roof coverings a mixture of slates and metal corrugated sheeting roofing materials. Internally the structures are supported by triangular timber frames (Photo 4), some in a poor state of repair. A full internal survey could not be done in all places, due to the structurally unsafe condition of the roof. There are many areas for bats to gain access into the barns or to use for roosting opportunities such as the loose roof slates, under the lifted metallic ridgeline or at the wall head where there are gaps in the stonework. There are gaps, suitable for transitory bats at the window lintels and around the doorways (Photo 5). There were some butterfly wings found in a small group, near a door entrance in the barn / mill structure (Photo 7), a possible indicator of bat feeding (although could be from a bird such as a swallow feeding).

The collapsed sheds, and unroofed partially collapsed barns were not safe to enter due to asbestos sheeting on the ground, overgrown vegetation and collapsing structures. The lack of roofing material would mean those structures would be susceptible to weather elements and more limited in the their bat roost potential.

Photo 1: Soprano pipistrelle roost emergence points 2020 (taken from Stone Wildlife Management 2020 report for the site) at south- east end of steading

Photo 2: Collapsed timber woodshed in east of the site.

Photo 3: Disused nest, made from moss found on edge of internal timbers on woodshed, likely a wren.

Photo 4: Internal view of roofed barn / mill.

Photo 5: Gaps at the window lintels

Photo 6: Woodpigeon carcass found in barn

Photo 7: Group of butterfly wings, likely from a bat or bird feeding.

Photo 8: Single white egg, likely a woodpigeon found in partially collapsed roof barn in the west.

Photo 9: 50-60 barn owl pellets, and feeding remain bones in the partially collapsed barn in the west.

3.3 HABITAT ASSESSMENT

The immediate surrounding habitat on site, is of moderate suitability for bats. There are a strip of mixed coniferous and broadleaved trees surrounding the border of the site, providing commuting and foraging opportunities. Small, wooded areas and lines of trees surround the buildings and provide connectivity into the wider landscape. Broadleaved woodland and scrub in the surrounding area provide good foraging habitat for bats. The Ewnie Burn is found 490metres to the east of the site, running through to the Balgnowie Muir Plantation in the south. The Dean Water River is found 1.8km to the north and provides foraging and commuting habitat for species such as soprano pipistrelle and Daubenton's bat. Hunters Hill and mixed plantation is found 4.9km to the east.

3.4 BAT ACTIVITY SURVEYS

Details of the bat activity survey results are provided in Tables 6-11 in Appendix 3. Surveyor locations are shown in Figure 2 in Appendix 2. Roost locations and descriptions are shown in Photos 10 and 11 below and on the site plan in Appendix 4.

Three species of bats were confirmed during the dusk survey on 14.06.23; Natterer's bat, soprano pipistrelle and common pipistrelle. It is probable that all three species are roosting within the steading structure. No maternity roosts were recorded during the survey; the roost of 34 soprano pipistrelles recorded by Stone's Wildlife Management in 2020 was not present in the building at the time of the survey. However, it could be in a nearby building (off site) and still return to the steading. Maternity roosts can move location for example in relation to ambient conditions. The survey undertaken, is only a snapshot on that day.

A common pipistrelle was recorded exiting a roost in a hole at the wallhead on the north side of the south wing of the building at 23:04 (Roost 1, photo 10). A pipistrelle bat (call not recorded, may not have been echolocating) emerged from underneath the apex lead flashing in the centre of the west wing at 22:56 (Roost 2, Photo 11).

Two Natterer's bats were recorded constantly foraging inside the steading building from 22:40 onwards (Roost 3). As these bats were recorded within 40 minutes of sunset (which was 22:04), the median emergence time of the species is 75 minutes (Jones and Rydell, 1994), and they were not seen by any surveyor to have entered the building from outside, it is considered that these individuals were roosting inside the steading, as well as using the sheltered area internally for foraging.

Multiple soprano pipistrelle calls were recorded from 22:07 onwards by a remote detector placed inside the southwest section of the steading. Again, due to the proximity to sunset (the first call only 3 minutes after sunset) it is likely that the bat(s) emerged from a roost inside the steading building.

A total of 24 calls were recorded, likely from a small number of bats (i.e., not a maternity roost, where many more calls would be expected).

Additionally, both soprano and common pipistrelle were recorded using the site for foraging and commuting throughout the dusk survey, particularly along the treelines and within the courtyard and inside the steading building, which provides an excellent sheltered area for foraging purposes.

Photo 10: Roost 1 location

Photo 11: Roost 2 location

3.5 EVALUATION

Three species of bats are likely roosting within the steading building; Natterer's bat, common pipistrelle and soprano pipistrelle. The maternity roost of soprano pipistrelles recorded in 2016 and 2020 was not present during the 2023 survey (although it must be noted that the building is still classified as a soprano pipistrelle maternity roost for the purposes of licensing). There was no evidence of brown long-eared bats, but there is suitable habitat and potential roosting for this species.

Small numbers of Natterer's bats, soprano pipistrelle and common pipistrelle were all confirmed or were considered likely to have emerged from roosts inside the steading building. A common pipistrelle exited a roost at the wallhead on the north side of the south wing, and a pipistrelle specie bat exited a roost at the roof apex of the west wing. Both common and soprano pipistrelles are generally widespread and common throughout much of mainland Scotland. Their population statuses are favourable (JNCC, 2019a, b).

Two Natterer's bats likely exited a roost somewhere internally to the west wing of the steading. Again, Natterer's bats are found throughout mainland Scotland, but in smaller numbers than pipistrelles. Their population status is currently believed to be favourable but estimates of population size and change are unreliable (JNCC 2019c).

A remote bat detector in the southwest corner of the steading recorded several soprano pipistrelle calls from 22:07, before any surveyors external to the building had recorded any bat calls. This suggests that (as with the Natterer's bats) these individuals emerged from a roost internally.

The buildings are considered to provide moderate bat roost potential. The buildings good be used for hibernation for low numbers of bats, where they could hibernate within deeper crevices within the stonework.

The surrounding habitat also provides good foraging and commuting potential for bats.

3.6 BIRDS

Table 5 lists all bird species recorded on or close to the site during the survey, as well as their conservation status (red, amber or green, as given in Stanbury *et al*. (2021)). Red-listed species are given in bold. Birds were recorded nesting in the buildings. A dead carcass from a woodpigeon (Photo 6), and likely a pheasant was also found in the barn / mill section. It was not clear what had killed them. It could be a cat, fox or pine marten (although there were no signs of the latter). Barn owl pellets were found throughout this section of the barn, but only in small numbers. An active swallow's nest and wrens' nest was found on the wall head, under the metal roofing sheets on the same easter aspect as the crack formerly noted to contain the maternity bat roost. A single white egg, likely from a woodpigeon was found on the ground in the partially roofed barn, found in the west of the structure (Photo 8). Approximately 50-60 barn owl pellets, and mice and vole bones were found in the partially roofed barn to the north (Photo 9). This volume of pellets, and feeding remains indicates repeated and long-term use of this structure for barn owl feeding and could indicate use of the site for breeding.

Table 6: Bird species observed on site.

Species	Conservation Status (BoCC)/ Legislation	Notes
Barn owl *Tyto alba*	Sch 1, SBL	Pellets seen, throughout the barns. Two feathers found, and multiple reports of barn owl roosting in the barns by neighbours. Likely used for nesting.
Blackbird *Turdus merula*	Green	Multiple individuals seen perched on barn roofs. One male heard singing throughout the nocturnal survey. Could be nesting.
Blue Tit *Cyanistes caeruleus*	Green	Heard calling during the day survey. Could be nesting.
Buzzard *Buteo buteo*	Green	Seen flying overheard during the nocturnal survey, heading north.
Carrion Crow *Corvus corone*	Green	Seen flying overheard during the nocturnal survey, heading north.
Chaffinch *Fringilla coelebs*	Green	Heard singing during the day survey.
Collard Dove *Steptopelia decaocto*	Green	Seen perched on the roof of one of the barns during the day survey.
Jackdaw *Corvus monedula*	Green	Seen flying overheard during the nocturnal survey, heading east. Likely old nest present.
Pheasant *Phasianus colchicus*	Green	Carcass found inside the barn / mill.
Robin *Erithacus rubecula*	Green	Heard singing during the day survey.
Starling *Sturnus vulgaris*	**Red, SBL**	**Heard singing during the day survey.**
Swallow *Hirundo rustica*		**Nesting. Active nest, seen on the wall head ledge, on the eastern aspect of the barn above the suspected bat roost crack. Individuals seen entering and leaving the area with food.**
Tree sparrow *Passer montanus*	**Red, SBL**	**Seen perched in the trees next to the barns.**
Woodpigeon Columba palumbus	Amber	Carcass found inside the barn / mill, and a single abandoned egg found during the day survey.
Wren Troglodytes troglodytes	Amber	Heard singing during the day survey.

4 IMPACTS AND LICENSING

4.1 INTRODUCTION

This section aims to ascertain the likely impact of the works upon bats (and birds) and makes recommendations to reduce any foreseeable impacts to bats on site as a result of the proposed works. There are plans to convert the steading into two residences (Planning Application 21/00081/FULL and see Appendix 4).

4.2 PREDICTED IMPACTS

With no suitable mitigation or compensation measures in place, the proposed development will lead to the loss of non-breeding Natterer's bat, common pipistrelle and soprano pipistrelle roosts, as well as a maternity roost of soprano pipistrelle. Recommendations outlines in the Bat Protection Plan (Section 5 below) aim to reduce any impacts to an acceptable level for all species.

4.3 LICENCE APPLICATION

All UK bat species are protected under the 'Conservation (Natural Habitats, &c.) Regulations (1994)' which make it an offence to damage, destroy or disturb a breeding site or resting place of any such animal (a summary of this legislation is given in Appendix 1).

As bat roosts have been identified within the buildings a European Protected Species Licence as discussed below, will be required prior to any works commencing.

For a licence application to be successful (and a licence granted) the following three conditions must be satisfied:

- The development is preserving public health or public safety or there are other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment
- That there is no satisfactory alternative; and
- That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Prior to obtaining this licence, no work will be undertaken which will contravene the legislation outlined. Examples of work which could breach this legislation include:

- Demolition;
- Removal of metal flashing;
- Removal of roof slates;
- Works to the roof; and
- Works to any walls of the steading.

N.B. This is not an exhaustive list and a bat worker must be consulted to determine if any works are likely to breach the legislation.

European Protected Species Licence (EPS)

An EPS licence can be applied for from NatureScot in relation to any bat roost that will be disturbed, damage, or destroyed, this needs to be in place before any works can go ahead. An EPS licence application can take 40 working days to be assessed.

An EPS licence must be in place before works to the buildings with the bat roosts can proceed.

5 BAT SPECIES PROTECTION PLAN

5.1 INTRODUCTION

The mitigation strategy for the proposed works outlined below will ensure that bats are not harmed and that the bat roosts lost by the redevelopment of the steading are adequately compensated for. Additionally, roosting opportunities will be made available to bats at all times during the work. The mitigation measures are appropriate for roosts of pipistrelle bats and Natterer's bats.

The strategy includes:

- Installation of at least 10 woodcrete (or at least half woodcrete and half good quality wooden boxes) on suitable trees or other buildings within the site prior to the commencement of works;
- No work that could impact the known maternity roost area should be undertaken between the start of May and the end of September (inclusive) unless a licensed bat worker has confirmed that there is no maternity roost present;
- A pre-works nocturnal survey may be undertaken during this period, and if no maternity roost was confirmed then it may be possible to carry out works in this area during the breeding season;
- A pre-works 'toolbox' talk with site operatives;
- A pre-works check and supervision of the works around the confirmed and high potential roosting areas (under roof slates, in gaps in stonework, etc);
- Hand removal of confirmed roosts that will be demolished (i.e., hand removal of roof slates where safe to do so and metal flashing, hand removal of stonework where bats have been recorded or one way flaps excluding roosts in gaps within stonework, etc);
- Retention/integration of roosting features where possible; and
- Integral boxes incorporated into the refurbished buildings.
- Bat roosting provision in the loft of the renovated buildings.

5.2 TIMING OF WORKS

As a maternity roost of soprano pipistrelles has been previously identified, works that could disturb (or damage) this roost would have to be undertaken out with the bat breeding period (which is approximately May to the end of September inclusive). A nocturnal survey could be carried out in this period to confirm the presence of an active maternity colony. If no maternity colony was present, it may then be possible to undertake works in this area within the maternity season.

Roost areas where it is believed that breeding is not taking place may be subject to works at any time of year.

If the works are carried out between November and February (inclusive) or at other times with low (<5^{0}C) temperatures, then any bats found will be quickly transferred into one of the bat boxes near to site. This handling will be done by a licensed bat worker who will wear thick gloves to minimise heat transfer to the bat. The woodcrete bat boxes proposed for the site are suitable for hibernating bats.

5.3 BAT BOXES

Prior to the commencement of works 8 quality bat boxes should be installed on a suitable trees within c. 100m of the building prior to works. BCT guidelines (Collins, 2016) recommend that any bat boxes are positioned 3m or higher from the ground, so that the roosts cannot be easily interfered with.

Woodcrete bat boxes are recommended due to its construction from a mixture of wood sawdust, concrete and clay, and their known use by bats including common pipistrelle, soprano pipistrelle and Natterer's bats. They are breathable and maintain a suitable temperature due to their insulating properties. They are waterproof and rot-proof, with a life expectancy of 25 years without any maintenance requirements (i.e. waterproofing).

The bat boxes will ensure roosting opportunities for all species of bat present on site and will be available at all times during the works.

5.4 TOOLBOX TALK

A 'toolbox' talk must be held with any site workers before any works- including asbestos removal - are undertaken. This would ensure that the contractors are aware of the bat issues and specific licence requirements associated with the buildings. This would also cover the adoption of appropriate methodologies to remove the features around the structure to ensure that no harm to bats occurs during works.

If a bat is found at any stage of the works that is not covered by a current licence, all work must halt in that area and advice be sought from a licensed bat worker and NatureScot. If a bat is found when a licensed bat worker is not present, works will stop in that area and the bat worker will attend site.

5.5 SUPERVISION

A bat worker must supervise initial works within 5m of known and probable roosting sites, as well as within all high potential bat roost areas, until they have determined that in all likelihood, no bats are present. The bat worker will highlight areas that will be dismantled by hand if (e.g., stonework, roof tiles and metal flashing) and inspect other area. The supervision will need to be carried out by a licensed bat ecologist and likely from scaffolding or a Mobile Elevated Working Platform (MEWP) where suitable.

In the event that a bat is encountered during the works, the bat would be relocated to one of the boxes on site. In the unlikely event that a bat becomes injured, the bats will be immediately taken into care (as directed by *Bat Workers Manual*, 2004). Details of a local experienced bat carer are known.

Where deep crevices within the walls need to be filled and these cannot be fully inspected then it *may be* necessary to install one-way flaps to exclude the bats from these areas. In other areas, pre-works checks may be sufficient.

A thorough endoscope inspection of such features will be carried out. In areas where the crevices are covered in very dense cobwebs and debris, and no bats or evidence of bat activity is found, then the potential roosting areas can be blocked. Where droppings are found, and/or the features cannot be fully checked using an endoscope (due to the extent or nature of the crevice), one-way exclusion flaps will be installed. The exclusion mechanisms utilised will be dependent on the size and nature of the features and will include:

- Sections of 32mm diameter polytubes protruding c. 250mm from the entrance, placed at a 45 degree downwards angle; and
- Plastic sleeves, open at the bottom and the top.

These devices will allow any bats present to leave the roost but will prevent them from re-entering. The devices will be left in place for a minimum of seven days (or longer if weather conditions are poor (i.e. under 7°C and/or rain) overnight during the seven-day period

5.6 INTEGRAL ROOST PROVISION

Integral roost provision must be built into the renovated steading. The details must be included for the licence application and agreed with a licensed bat worker.

5.6.1 Gaps

Gaps should be left or created in the mortar to give bats access to small crevices at the wall heads, if the gaps extend through to the internal of the building these can either be sealed internally or boxed in or allow bats access into any loft spaces.

5.6.2 Integrated boxes

The following (or boxes of a similar quality/type) could be used to integrate bat roosting features into the walls of the steading during renovation (depending on the proposed finish):

- Bat box brick fronted - https://www.birdbrickhouses.co.uk/brick-nesting-boxes/bat-box/
- Vivara Pro Build-in WoodStone Bat Box - https://www.nhbs.com/vivara-pro-build-in-woodstone-bat-box
- Bat Block - https://www.nhbs.com/bat-block
- Ibstock integral bat box https://www.ibstockbrick.co.uk/kevington/eco-products/
- Habibat Integral Bat box http://www.habibat.co.uk/category/bat-boxes

5.6.3 BAT ACCESS

Access crevices within the roof should be incorporated through the installation of bat access slates. These can be used to provide bats access into the roof itself, or to only form a crevice between the 'slate' and the internal sarking, which is suitable for use by crevice-dwelling bats such as common pipistrelles and soprano pipistrelles. Natterer's bats will require a bat loft area.

The following designs could be used:

- http://www.nhbs.com/title/192461/habibat-bat-access-slate; or
- https://www.slate.uk.com/product/bat-access-slate-natural/

Alternatively, the roofers could make up 'Morris Slates' which are adapted raised pieces of lead flashing. See web link http://www.mammals-in-ireland.ie/docs/bats/fitting-a-morris-batslate.pdf?sfvrsn=4 for design ideas. The photos below (Photos 27 and 28) show an alternative bat access 'slate' design.

There should be no breathable membrane used in the area of the access slates/gaps. A traditional Type 1F Bitumen Felt or a certified bat safe membrane may be used if necessary. The Bitumen Felt or bat friendly membrane should encompass an area of >0.5m around any access points and roosting locations to ensure that bats do not come in contact with the breathable membrane elsewhere. Breathable membranes are known to pose a threat to bats as a result of entanglement in the fibre weave (Waring, 2013). NatureScot states that no breathable membrane should be used where bats could come into contact with it

Bat access slates should incorporated into the roof design and the bat worker should agree their positions. There should be at least one bat loft for use by Natterer's bats. The loft space should also incorporate some crevice features internally to provide a variety of microclimates to encouraging roosting by a number of bat species, including pipistrelles and Natterer's bats

Photo 21: Alternative bat access 'slate' design.

Photo 22: Bat access slate in situ.

Photo 23: example of Bat Access Slates in situ

Photo 24: Access for bats created at eaves (during a building redevelopment) – bat access would be c. 50mm x 20mm

Photo 25: Example of bat box internally inside a loft space to create microclimates

Photo 26: Example of crevice unit prior to fitting between rafters within the roof void. Layer of bitumastic felt covered ply-board (green arrow) and rough-sawn sarking boards (blue arrow) separated by 25mm batons to form an additional roosting area for bats.

Photo 27: example woodcrete boxes

5.7 LIGHTING

Lighting has been proven to cause disturbance to roosting and foraging bats and can affect the survivability of bats as well as make them vulnerable to predation. The use of specialist bollard or low-level downward lighting should be utilised, and the use of a warm white spectrum (ideally <2700Kelvin) should be adopted to reduce the blue-light component. Luminaires should feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats. Where lighting is proposed this should be of low intensity, and where possible should be on a motion sensor. It should be positioned near any bat mitigation (bat boxes, access points etc). More information is provided in the BCT guidance document "*Bats and artificial lighting in the UK*" (Miles *et al*, 2018).

5.8 BIRDS

The demolition of the building and any clearance of vegetation within the nesting season could disturb or destroy nesting bird sites.

5.8.1 RECOMMENDATIONS

To ensure compliance with the Wildlife and Countryside Act 1981 (as amended), demolition works and the clearance of areas which may support nesting birds will be undertaken outside the bird nesting season (which is weather dependent but generally extends between March/April and August/September inclusive, dependant on species).

If works are carried out during the bird breeding period, a nesting bird check will be carried out by a suitably experienced ecologist immediately prior to the works taking place. If a nest is identified, works around that nest would not be able to commence until chicks have fledged and left the nest.

If an active bird nest is found during works, it may be possible to attain a licence from NatureScot to remove the active nest on the grounds of health and safety only. However, this is not guaranteed.

Works that could cause disturbance to nesting barn owls would have to be delayed. Should works be proposed for during the nesting bird season a disturbance licence for barn owl may be obtainable

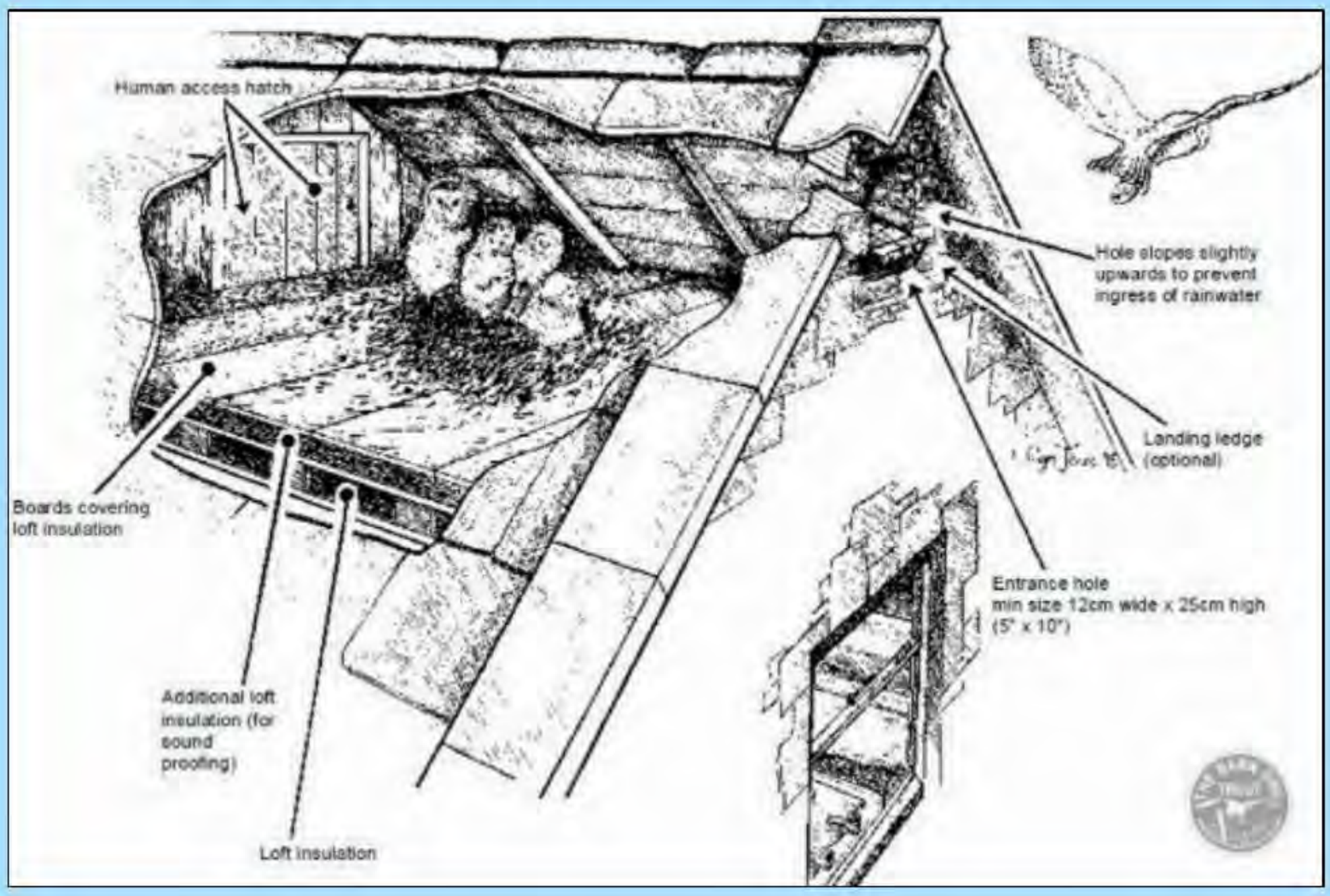
(but only on grounds of urgent health and safety) from NatureScot prior to works commencing (if nesting in the year of works).

Barn owl are also likely to use the site at other times of year and therefore may be harmed by any works which involve the removal of stonework prior to re-construction. Therefore, checks for barn owls should be incorporated into the pre-works survey proposed as part of the mitigation for bats onsite.

In addition, a barn owl roost provision should be incorporated into the redevelopment. This should include an integral box (preferred) or a tree box if a suitable tree is available. Trees used for barn owl boxes should be large mature trees able to support a large box. An isolated tree or tree on the edge of a group would be best, it should have an elevated crown with a clear trunk so that the hole of the box will remain visible even when the tree is in full leaf. The box should be a minimum of three metres from the ground, facing an easterly direction towards open ground

Barn owl tree box from barnowltrust.org.u

Example barn owl box



Example of an integrated Barn Owl Roost (Barn Owl Trust, 2015a).

To mitigate for the loss of actual and potential bird nesting/roosting areas for other species on site, bird boxes could be incorporated into the building/trees on site and nest provision for species such as swallow (that require to lest under a ledge or overhang).

- Bird Brick Houses integral bird boxes - a variety of designs suitable for different species including house sparrow, starling and blue, coal and great tit
- Vivara Pro starling nest box
  Vivara Pro WoodStone Starling Nest Box | NHBS Practical Conservation Equipment
- Vivara Pro house martin nest
  https://www.nhbs.com/house-martin-nests
- Woodstone house martin nester https://www.wildcare.co.uk/10678-woodstone-house-martin-nester.html. Nest cups for house martins will ideally be at least 3 m high underneath a horizontal overhang.
- Jackdaw suitable nest box
  https://www.nestbox.co.uk/products/large-bird-box

5.9 GENERAL MITIGATION

- All workers will receive a 'toolbox' talk during which contractors will be informed of any potential issues regarding protected species on site (including bats, nesting birds etc.). This will ensure that all site workers are inducted in relation to the ecological requirements on the site.
- An emergency procedure will be in place will any protected species or their resting site (e.g., active bird nest, roosting bat, signs of a bat roost not previously identified) be encountered during operations. All work will cease in the area immediately and a suitably experienced ecologist will be consulted to determine any mitigation requirements i.e., suitable set-backs or buffer zones, and consultation with statutory bodies or licence applications if required.
- Will other species of note be encountered during works which do not receive enhanced statutory protection, a suitably experienced ecologist will be consulted.

If works have not begun within 18 months of these surveys, update surveys will be undertaken as the status of the building may have changed.

6 REFERENCES

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APPENDIX 1 – RELEVANT LEGISLATION

EUROPEAN PROTECTED SPECIES

European Protected Species (EPS) are those that are protected by the EC Habitats and Species Directive 92/43/EEC. The Conservation (Natural Habitats, &c.) Regulations 1994 translates this European legislation into UK law. This has been amended in Scotland by The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2004 and 2007 and the Conservation (Natural Habitats, &c.) Amendment (No. 2) (Scotland) Regulations 2008. EPS includes bats (all species), otter, wildcat and great crested newt. These Regulations make it an offence to deliberately or recklessly:

- capture, injure or kill an EPS
- harass a wild animal or group of wild animals of EPS
- to disturb such an EPS while it is occupying a structure or place it uses for shelter or protection
- to disturb an EPS while it is rearing or otherwise caring for its young
- to obstruct access to a breeding site or resting place of an EPS or to otherwise deny an EPS use of a breeding site or resting place
- to disturb an EPS in a manner that is, or in circumstances which are, likely to significantly affect the local distribution or abundance of the species to which it belongs
- to disturb an EPS in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young
- to disturb such an animal while it is migrating or hibernating

It is also an offence to:

- damage or destroy a breeding site or resting place of such an animal
- keep transport, sell or exchange or offer for sale or exchange any wild animal or plant EPS or any part or derivative of one (from 1st May 2007)

In relation to protected species of animal, licences can be issued under Regulation 44 to permit, for specific purposes, certain actions that would otherwise be against the law. NatureScot is responsible for all EPS licensing under the Habitats Regulations (with the exception of some areas of licensing for whales and dolphins).

There is no provision for development licences as such, however, under Regulation 44 (2e) of the Conservation (Natural Habitats, &c.) Regulations 1994 licences may be granted for:

- Preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.

However, a licence will not be granted unless, importantly under 44 (3), the appropriate licensing authority is satisfied:

- That there is no satisfactory alternative; and

That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside Act 1981 provides protection to species and habitats. The Nature Conservation (Scotland) Act 2004 amends the Wildlife and Countryside Act 1981 in Scotland.

BIRDS

All wild birds receive general protection to their nest and eggs under the Wildlife and Countryside Act 1981, as amended by the Wildlife and Natural Environment (Scotland) Act 2011. Some species receive enhanced statutory protection due to their listing in schedule 1 of the Wildlife and Countryside Act 1981. It is an offence to disturb a Schedule 1 species while it is building a nest or is in, on, or near a nest containing eggs or young.

There are obligations within the Birds Directive 1979 relating both to protection of species and maintenance of habitats. Birds on Annex 1 to the Birds Directive, regularly occurring migratory species, and birds on Schedule 1 to the Wildlife & Countryside Act are recognised in statute as requiring special conservation measures.

A number of bird species have been highlighted in non-statutory lists as priorities of Conservation Concern in the United Kingdom. This includes those listed in Birds of Conservation Concern 5 and *Priority Species* listed in the UK *Biodiversity Action Plan*. Stanbury *et al.* (2021) assigns all birds according to three categories:

- Red list species - those birds whose populations or range is rapidly declining (recently or historically), and those of global conservation concern;
- Amber list species - those birds whose populations are in moderate decline, rare breeders, internationally important and localised species and those of an unfavourable conservation status in Europe; and,
- Green list species - those other birds occurring in the United Kingdom not included in the red or amber lists above. Further details of the appraisal can be found in Stanbury *et al.* (2021).

APPENDIX 2 – SURVEYOR LOCATIONS

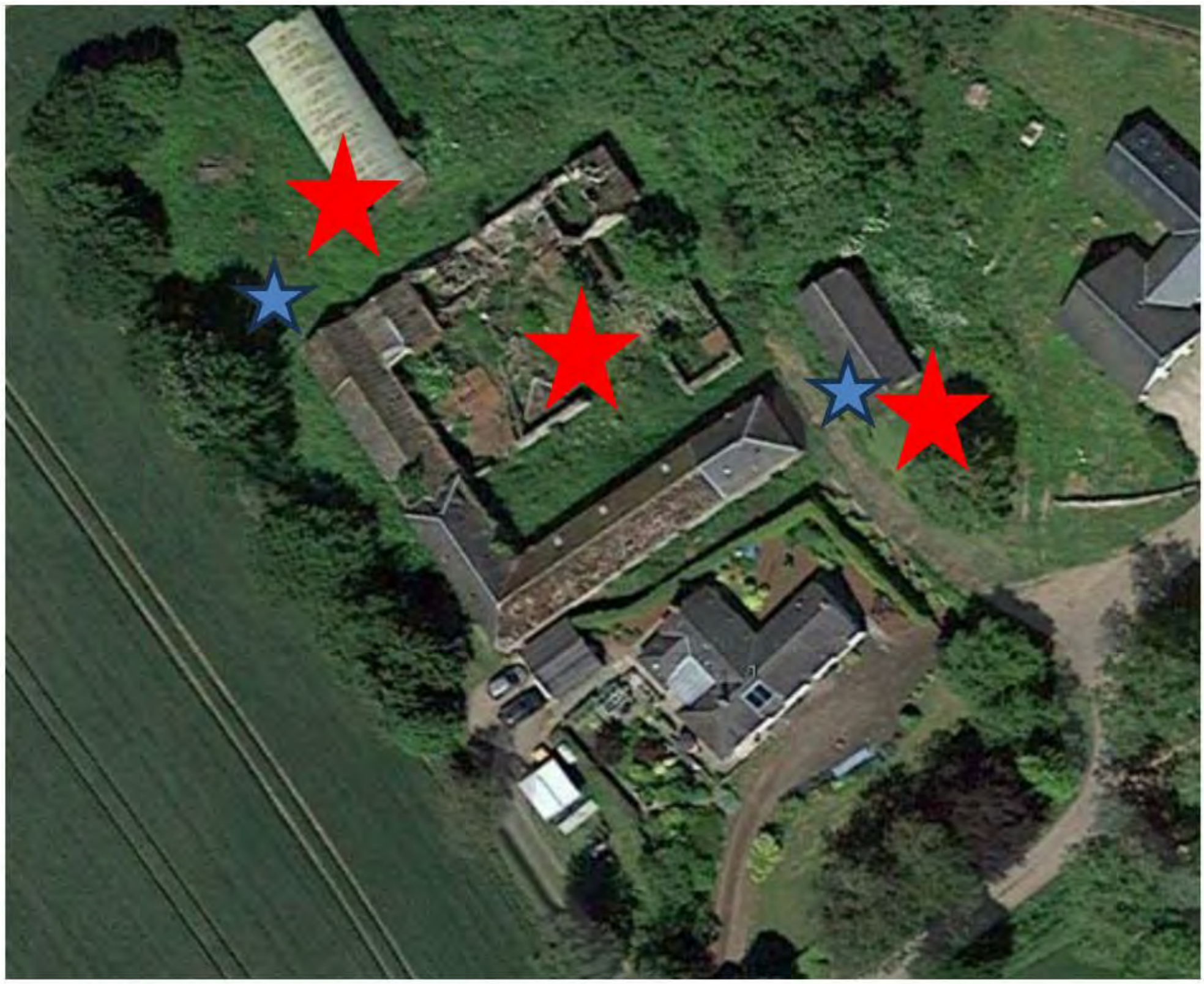

Figure 2: Surveyor locations (red stars), and camera locations (blue stars)

APPENDIX 3 – BAT ACTIVITY DATA

Table 6: Surveyor experience and licence number (where applicable)

SURVEYOR	LICENCE NUMBER (IF APPLICABLE)	BRIEF SUMMARY OF EXPERIENCE
Kiera Hamilton	221480	Kiera is a NatureScot licensed bat worker with four seasons of experience carrying out bat activity surveys across Scotland, as well as undertaking bat box checks, preliminary roost assessments, hibernacula checks, transect surveys as well as static detector deployment.
Kirsty Duncan	N/A	Kirsty has been trained by Direct Ecology Ltd to undertake bat activity surveys following best practice methods, this is her second season undertaking bat activity surveys.
Emma Castle-Smith	N/A	Experienced sub-contractor working with Direct Ecology Ltd. for over 4 years. 9 years total bat survey experience.

Table 7: Key to the Appendix Tables

ABBREVIATION	FULL LATIN NAME	COMMON NAME
M. nat	*Myotis nattereri*	Natterer's bat
P. pip	*Pipistrellus pipistrellus*	Common pipistrelle
P. pyg	*Pipistrellus pygmaeus*	Soprano pipistrelle
Pip.sp	*Pipistrellus* species	Pipistrelle species

Table 8: Dusk, 14.06.2023, Kiera Hamilton – positioned in central courtyard of steadings.

TARGET NOTE	TIME	SPECIES	ACTIVITY (INCL. NO OF PASSES)
SURVEYOR: KH START TIME: 21:34			
1.	**22:40 – 22:41**	***M.nat***	**Four passes recorded on detector. Two bats observed by surveyor flying around inside building. Probable roost inside the building as the bats were not seen entering from outside.**
2.	**22:56**	***Pip.sp***	**Single bat, likely a pipistrelle species due to early emergence, emerged from under metal flashing in centre of west section of building.**
3.	22:59 – 23:03	*M.nat*	15 calls recorded by detector. Two bats observed by surveyor flying around inside building.
4.	**23:04**	***P.pip***	**Single common pipistrelle observed emerging from hole in wallhead.**
5.	23:05 – 23:20	*M.nat*	Over 40 individual *Myotis* calls recorded on detector over fifteen-minute period – two bats observed by surveyor exiting and returning to internal space in building.
6.	23:07	*P.pyg*	Single soprano pipistrelle call recorded by detector, not observed by surveyor.
7.	23:11	*P.pip*	Single common pipistrelle call recorded by detector, not observed by surveyor.

TARGET NOTE	TIME	SPECIES	ACTIVITY (INCL. NO OF PASSES)
8.	23:14 – 23:15	*P.pip*	Two common pipistrelle calls recorded by detector, not observed by surveyor.
9.	23:16	*P.pyg*	Two passes by soprano pipistrelle species, observed foraging in treeline beside building.
10.	23:25	*P.pip*	Single pass by common pipistrelle recorded on detector, not observed by surveyor.
11.	23:25	*P.pyg*	Single pass by soprano pipistrelle recorded on detector, observed flying over rooftop by surveyor.
12.	23:27	*M.nat*	Three faint *Myotis* calls recorded on detector, not observed by surveyor.
13.	22:32	*P.pip*	Single common pipistrelle call recorded on detector – observed by surveyor flying across courtyard.
14	23:35	*P.pip*	Two short calls recorded by detector, not observed by surveyor.
FINISH TIME: 23:34			

Table 8: Dusk, 14.06.2023, Kirsty Duncan – positioned in northwest of site, between treeline and northwest corner of building.

TARGET NOTE	TIME	SPECIES	ACTIVITY (INCL. NO OF PASSES)
SURVEYOR: KD START TIME: 21:34			
1.	22:30 – 22:36	*P.pyg*	Soprano pipistrelle first observed between buildings and treeline, likely came from trees. Not confirmed to have emerged. Constant foraging observed for several minutes.
2.	22:38 – 22:48	*P.pyg*	Soprano pipistrelle came from treeline north of the surveyor, before foraging constantly for ten minutes between the building and trees.
3.	22:51	*P.pip*	Single common pipistrelle call recorded on detector, not observed by surveyor.
4.	22:52	*P.pyg*	Single soprano pipistrelle call recorded on detector, not observed by surveyor.
5.	22:56	*P.pyg*	Single bat observed and recorded flying from open area north of building, around building to south corner of site.
6.	22:56 – 23:02	*P.pyg*	Over 25 soprano pipistrelle calls recorded by detector over a six-minute period – three individual bats observed foraging by surveyor.
7.	23:05 – 23:07	*P.pyg*	Five passes detected by a single soprano pipistrelle – observed by surveyor foraging within the treeline.
8.	23:11- 23:15	*P.pip*	Several faint calls detected before a single clear call at 23:15 – bat heard but not seen by surveyor.
9.	23:19	*P.pyg*	One pass by a single soprano pipistrelle, observed foraging within the treeline.

TARGET NOTE	TIME	SPECIES	ACTIVITY (INCL. NO OF PASSES)
10.	23:26 – 23:34	*P.pyg, P.pip*	17 passes detected by both soprano and common pipistrelles, foraging between buildings and treeline. Several observations of both species foraging simultaneously.
FINISH TIME: 23:34			

Table 9: Dusk, 14.06.2023, Emma Castle-Smith – positioned in southeast of site, between the steadings, treeline and residence.

TARGET NOTE	TIME	SPECIES	ACTIVITY (INCL. NO OF PASSES)
SURVEYOR: ECS START TIME: 21:34			
1.	22:27	*P.pyg*	Recorded on detector. Heard but not seen by surveyor.
2.	22:36	*P.pyg*	Faint call recorded on detector. Heard but not seen by surveyor.
3.	22:37	*P.pip*	Common pipistrelle recorded on detector – flew from treeline on east side of site, south over garden of residence.
4.	22:42	*P.pip*	Common pipistrelle recorded and seen by surveyor, same flight path as TN3 above.
5.	22:48 – 22:49	*P.pyg*	11 soprano pipistrelle calls recorded by detector; bat not seen by surveyor.
6.	22:52 – 22:53	*P.pyg*	12 soprano pipistrelle calls recorded by detector, several very faint; bat not seen by surveyor.
7.	22:54	*P.pip*	Single common pipistrelle call recorded, not observed by surveyor.
8.	22:56	*P.pyg*	Three soprano pipistrelle calls recorded; bat seen by surveyor foraging between treeline and steadings.
9.	22:57	*P.pip*	Two bats seen commuting/foraging, flying from garden of residence north between steadings and treeline.
10.	22:58	*P.pyg*	Three soprano pipistrelle calls recorded on detector; bats not seen by surveyor.
11.	23:00	*P.pyg*	One soprano pipistrelle recorded and seen foraging/commuting along same flight path as TN10 above.
12.	23:02	*P.pyg*	Two soprano pipistrelles detected seen by surveyor foraging in garden of residence, before one flying north, and one south.
13.	23:04	*P.pyg*	Single soprano seen foraging in garden before flying north between steadings and treeline.
14.	23:04	*P.pip*	Single common pipistrelle recorded and seen by surveyor flying south from northeast corner of building, over garden.
15.	23:04 – 23:07	*M.nat*	Three Myotis calls recorded by detector, but not observed by surveyor.

TARGET NOTE	TIME	SPECIES	ACTIVITY (INCL. NO OF PASSES)
16.	23:05 – 23:10	*P.pyg, P.pip*	Two common pipistrelle recorded and seen flying south from northeast corner over harden. Three soprano pipistrelle seen foraging/commuting between treeline and garden.
17.	23:11 – 23:15	*P.pip*	Two passes recorded by common pipistrelle, foraging between steadings and treeline.
18.	23:16	*P.pyg*	Foraging/commuting from garden into eastern treeline.
19.	23.19	*P.pyg, P.pip*	Three bats recorded and seen, foraging/commuting from treeline towards garden of residence.
20.	23:21 – 23:24	*P.pip*	Several short calls recorded by detector, although not seen by surveyor. Common pipistrelle social calls also recorded.
21.	23:27	*P.pip*	Foraging between steadings and treeline.
22.	23:31	*P.pip*	Recorded by detector, not observed by surveyor.
23.	23:31	*P.pip*	Foraging between steadings and treeline.
24.	23:24	*P.pip*	Recorded by detector, not observed by surveyor.
FINISH TIME: 23:34			

Table 10: Dusk, 14.06.2023, SD2_A2 – positioned in north corner of steadings, inside building.

TARGET NOTE	TIME	SPECIES	ACTIVITY (INCL. NO OF PASSES)
START TIME: 21:43			
1.	22:59 – 23:25	*M.nat*	23 clear Myotis (Natterer's) calls recorded by detector.
2.	23:38	*P.pip*	Single common pipistrelle call recorded by detector.
FINISH TIME: 23:38			

Table 11: Dusk, 14.06.2023, SD2_A3 – positioned in west corner of steadings, inside building.

TARGET NOTE	TIME	SPECIES	ACTIVITY (INCL. NO OF PASSES)
START TIME: 21:27			
1.	22:07 – 22:23	*P.pyg*	24 individual soprano pipistrelle calls recorded by detector.
2.	22:24	*P.pyg, P.pip, M.nat*	Three calls recorded simultaneously by common pipistrelle, soprano pipistrelle and Myotis (Natterer's) bats.
3.	22:25 – 23:01	*P.pip*	17 individual common pipistrelle calls recorded by detector.
4.	22:25 – 23:09	*P.pyg*	85 individual soprano pipistrelle calls recorded by detector.
FINISH TIME: 23:38			

APPENDIX 4 – BAT ROOST LOCATIONS

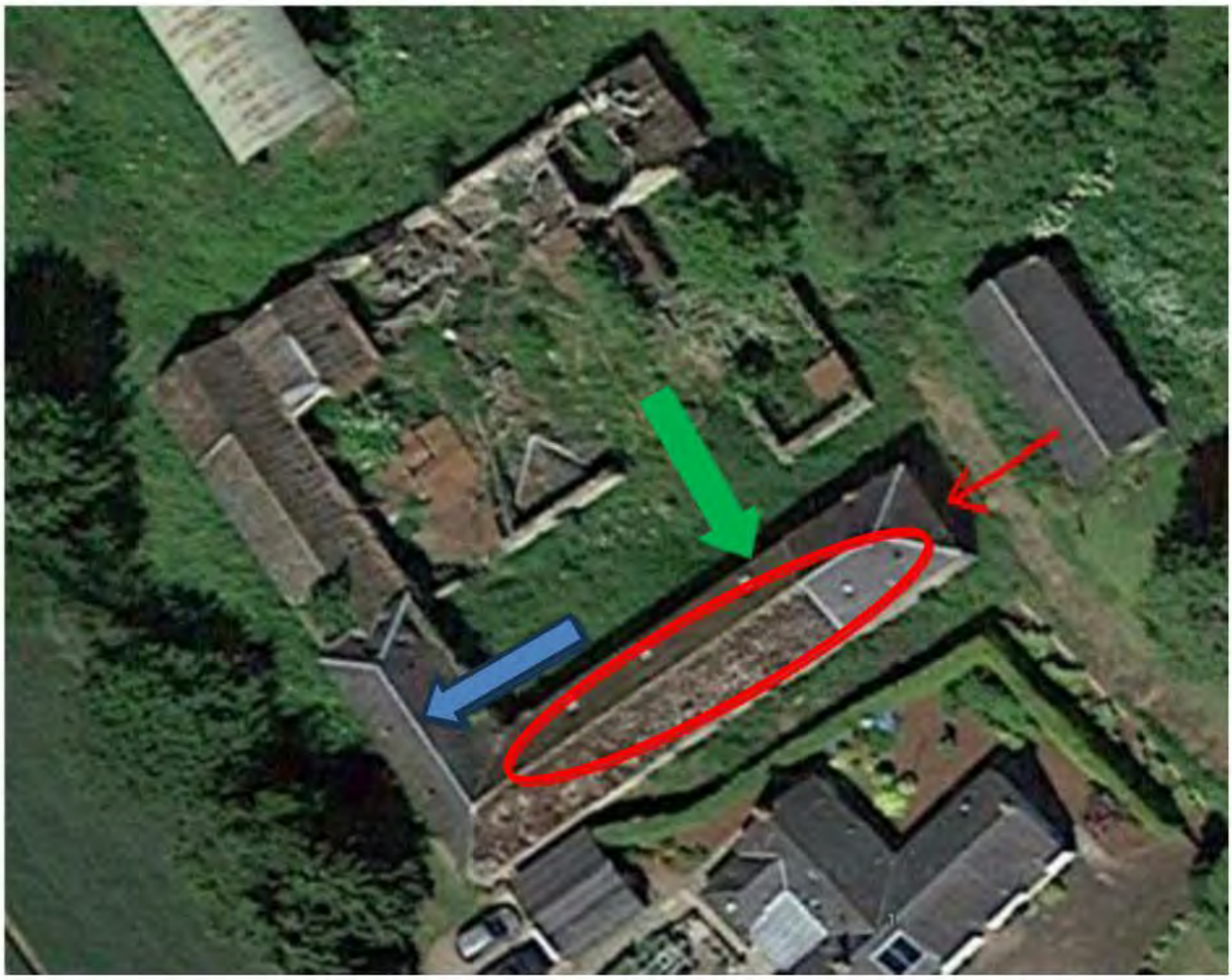

Figure 3: Roost Locations. The red circle represents the two Natterer's bat feeding flights, the green arrow represents the one common pipistrelle emerging from the wall head, the blue arrow represents the unknown pipistrelle emerging from under the metallic ridgeline and the red arrow the location of the 2020 and 2016 maternity roost.

APPENDIX 5 - PROJECT PLANS

Figure 4: Site plans (provided by client)

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S.A. McGREGOR

GEOTECHNICAL & ENVIRONMENTAL ONSITE SERVICES

GROUND ASSESSMENT REPORT
&
DRAINAGE RECOMMENDATIONS

PROPOSED STEADING CONVERSION
BALGOWNIE STEADING
EASSIE
FORFAR
ANGUS
DD8 1SF

Architect:	Keith Renton Architects
Client:	Mr R Mills & Ms M Melki
Contract No.	2964/21
Report Issued:	6th June 2023

S. A. McGregor
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GROUND ASSESSMENT & DRAINAGE RECOMMENDATION REPORT

PROPOSED STEADING CONVERSION
BALGOWNIE STEADING
EASSIE, FORFAR
ANGUS
DD8 1SF

INTRODUCTION

At the request of Keith Renton Architects, on behalf of Mr R Mills & Ms M Melki, a ground assessment investigation was undertaken on land at Balgownie Steading, Eassi, Forfar, Angus.

It is proposed to convert the steading to form a new dwellinghouse.

The purpose of the visit was to carry out a ground investigation to determine the nature of the materials underlying the area of the site and to undertake the following: -

- to carry out percolation testing to assess the suitability of the underground strata for the disposal of effluent from a sewage treatment system to the ground via a designed sub-surface soakaway system
- to carry infiltration testing for the disposal design for surface waters from the proposed development

SITE LOCATION & BRIEF DESCRIPTION

The site is located on land at Balgownie Steading, West of Forfar with access from the A94 and local roads on land all under the ownership of the applicant, OS Grid Ref NO 35508 46682 (approx. centre of site), see Fig. 1. General & Site Location Plans.

The site is occupied by the derelict farm steading buildings and other associated buildings and very overgrown. The site is generally level with a slight fall to the north-west.

The site is un-serviced however mains water, electricity and telephone are nearby; there is no mains drainage available for this site; all nearby properties are served by private sewage treatments systems.

There are no known wells supplying potable water within 50m of the site.

There are no watercourses within 10m of the proposed infiltration fields.

SITE WORK

Trial Pits

On the 9th October 2021 a tracked excavator with 0.50m bucket excavated trial pits to carry out an assessment of the underlying ground conditions, to carry out percolation and infiltration testing in the areas of the potential foul and surface water sub-surface soakaways.

The locations of the trial pits were decided on site and are indicated on Fig. 2. Indicative Site Layout & Test Location Plan in Appendix A.

Percolation Testing

Percolation testing was carried out in test holes adjacent to observation trial pits FW1 in accordance with Section 3.9 of the Scottish Building Standards Technical Handbook (Domestic) and SEPA WAT-RM-04. The test results are shown on the following table: -

Date of Testing 09/10/21	FW1 A	FW1 B
Average time taken for water to drain 3 times in each sump hole (middle 150mm)	7455	10125
Depth of Water Table below Ground Level (m)	>1.50m	
Soil Percolation Values, Vp, s/mm	**49.7**	**67.5**
Average Vp	**58.6**	

Infiltration Testing

Infiltration tests were carried out in trial pit FW1C & SW1 in accordance with BRE Digest 365. The test results are tabulated below: -

Trial Pit No.	Pit Dimensions (W x L)m	Test Zone (mbegl)	In-Fill	Ave. Soil Infiltration Rate, *f*(m/s)
FW1C	0.50 x 1.20	0.50 – 1.50	Open	**5.68×10^{-6}**
SW1	0.50 x 1.20	0.80 – 1.80		

GROUND ASSESSMENT

Published Geology

The British Geological Survey 1:50,000 Quaternary and Solid maps indicate that the site is overlain by Glaciofluvial Deposits (silt, sand and gravel) formed up to 3 million years ago during the Quaternary Period. The site is underlain by Scone Sandstone Formation (sandstone) Sedimentary bedrock formed approximately 393 to 419 million years ago in the Devonian Period.

Encountered Ground Conditions

FW1: Topsoil: The area nearby to the access is overlain by 400mm thickness of topsoil.
Natural Sub-Soils: The natural underlying sub-soils have an upper mantle of loose to medium dense orange pink gravelly sand becoming dense light pink brown very sandy gravel (completely weathered sandstone) from around 0.60m to 0.90m. The strata then becomes dense pink and red brown slightly sandy gravels and cobbles (highly weathered sandstone) and proved to the maximum investigated depth of 1.50m.

SW1: Made Ground and Topsoil: The site is overlain by 800mm of made ground, consisting of reworked topsoils, rubble and pieces of metal and china. A thin 400mm layer of original topsoil was encountered beneath the made ground to 1.20m below ground level.
Natural Sub-Soils: The natural underlying sub-soils are described as dense orange red brown sandy angular gravel (completely weathered sandstone) proved to the depth of 1.80m.
Bedrock: In-tact bedrock was not encountered during this investigation.

Groundwater Observations

Groundwater was not encountered during the investigation nor observed during the monitoring period. No visual (no seepages or discoloration) indication of the seasonally high or fluctuating ground water table was seen in the strata above the encountered depths of 1.80m.

DISCUSSION

Sub-Soils

The sandy gravelly nature of the underlying strata and the results from the percolation and infiltration testing confirmed the moderate draining properties of the sub-soils.

Sewage Treatment

The soil percolation value, Vp, is within the range 15-100 s/mm and therefore a septic tank is suitable for the development. A septic tank or PSTP with a 3,750-litre capacity is required for a 7-bedroom house with a population, PE = 9.

Foul Water Discharge

A sub-surface stone-filled soakaway (infiltration system) is considered suitable for the discharge of foul waters from a septic tank or PSTP directly to the ground. The soakaway should comply with the Domestic Technical Handbook (para. 3.9.2) which sets out guidance on design in accordance with the requirements of SEPA Regulatory Method (WAT-RM-04) Indirect Sewage Discharges to Groundwater.

SuDS & Surface Water Disposal

The disposal of surface waters from the dwellinghouse needs to be assessed in terms of both the quantity and the quality of the discharge for Building Regulations and SEPA. Using the SIA tool, the land use run-off quality has been determined, see summary below: -

SIA Summary: -

Land Use Type	**Residential Roofing**	**Residential Parking & Driveway**
Pollution Hazard Level	**Very Low**	**Low**
Pollution Hazard Indices TSS Metals Hydrocarbons	 0.2 0.2 0.05	 0.5 0.4 0.4
SuDS Component Proposed Component 1	**None** **(not discharging to watercourse)**	
SuDS Pollution Mitigation Indices TSS Metals Hydrocarbons	 0.4 0.4 0.4	 0.4 0.4 0.4
Groundwater Protection Type	**Infiltration Trench**	**Silt Trap for TSS** **Minimum 300mm permeable gravel finish**
Combined Pollution Mitigation Indices TSS Metals Hydrocarbons	 0.4 0.4 0.4	 0.4 0.4 0.4
Acceptability of Pollution Mitigation TSS Metals Hydrocarbons	 **Sufficient** **Sufficient** **Sufficient**	 **Sufficient** **Sufficient** **Sufficient**

The SIA assessment confirms that the installation of an infiltration trench provides sufficient quality mitigation for the surface water run-off from the roof areas and permeable driveways/parking areas for the proposed development prior to disposal to the ground.

The design is to be effective in all-weather conditions and are not considered to pose a risk to local water supplies and the water environment.

COMMENTS ON FLOOD RISK ASSESSMENT OBSERVATIONS

Angus Council have requested further information and that the following point should be addressed: -

- the ponding of water near to the access concerns regarding flooding of the property
- evidence of former lade pipe, waterwheel and pond.

Ponding Water

A walkover of the area noted to 'pond' near to the access of the property was undertaken.

The ponding is due to a 'low lying' area of compacted topsoils which reduce the natural infiltration of the surface waters through the upper strata to the underlying more permeable natura sub-soils encountered underlying the property.

The ponding of water is from road run-off and field run-off from the slightly higher ground to the south-east.

There is a gully and surface water ditch which are in poor condition due to poor maintenance, and under heavy rainfall events the both the gully and the ditch which are silted up are unable to cope with the run-off waters and therefore overtop and onto the road and migrate to the low lying area under concern.

It is considered that remediation can be undertaken to clear both the gully and surface water ditch which will alleviate the overtopping.

The newly formed access will remediate the 'low lying' area.

It is proposed that as part of the development works the applicants will carry out the remedial works and will maintain the gully and small stretch of the surface water ditch to prevent overtopping the road towards the property and the adjacent property.

The newly formed access road, with permeable surface, will have 'soft' verges, acceptable SuDS solution, to enable the road access run-off waters to be directly naturally to the underlying strata.

The Council have requested that IHS24 greenfield run-off guidance should be applied.

It is considered that this development would not be covered by calculations referred to in IHS24.

The development boundaries do not cover the area where the run-off waters originate from and the proposed areas of the infiltration fields for the proposed redevelopment of the site are a greater than 500m from the 'ponding area'.

Former Lade Pipe, Waterwheel and Pond

Further research has been carried out looking at historic maps online try and find graphic evidence of the lade pipe and pond. Viewing historic maps from 1861 to 1959 do not show the lade or pond.

The walkover did not see any physical evidence of a former lade or lade pipe.

The assumption of a potential pond location was founded only due to the low-lying area near to trial pit SW1 and the nature/depth of the up-fill which can be associated with back-filled ponds.

It is concluded that since there is no physical evidence of the lade pipe or pond being in use in recent times they are no longer functioning as water storage or water transport and that the risk of potential cause for run-off can be discounted.

It is not proposed to utilise the former lade pipe or pond in the design of the SuDS for this development.

DRAINAGE RECOMMENDATIONS

It is proposed to discharge all the drainage from the proposed development within the site boundaries to ground.

The proposed drainage design and installations should not have an adverse effect on the development, neighbouring properties, or the water environment.

Foul Water Discharge

To comply with the Domestic Technical Handbook (para. 3.9.2) which sets out guidance on how proposals may meet the Building Standards set out in the Building (Scotland) Regulations 2004, an infiltration system must be designed and constructed in accordance with the requirements of SEPA.

Using the average soil percolation value, ***Vp = 58.6s/mm*** and in accordance with the regulations the minimum base area, A, is derived from ***A = Vp x PE x 0.25 ,*** see the following table: -

Proposed Development	**Population Equivalent, PE** (as defined in BW COP:18.11/14)	**Min. Base Area (m^2) with PSTP**
New Dwellinghouse	**9** (7-bedroom)	**106**

Full details of the proposed sewage treatment system will be made available to the Building Standards Officer once it has been determined after consultation with suppliers which models are the most suitable for the proposed development.

SEPA

The installed sewage treatment system and discharge will require to be registered with SEPA under CAR.

Surface Water Disposal

The size of the proposed surface water infiltration trench is based on the impermeable surface areas of the development i.e. the house roof areas.

Using the soil infiltration rate, ***f = 5.68 x 10^{-6} m/s*** in *Table 2.* the optimum dimensions for the surface water infiltration trench (soakaway) are shown on the following table: -

Impermeable Areas (m^2)	Width x Length (m)	Storage depth (m)	Half Empty Time (hrs)
All Roof Areas Up to **1050m^2**	11 x 15	1.00	17.96

These dimensions include for Climate Change Peak Rainfall Intensity Allowance +39%
For the Tay Region of Scotland and in accordance with BRE Digest 365.

Indicative Drainage Layout

The indicative drainage layout is shown on Fig 3. with indicative soakaway construction shown on Fig. 4. along with the certificates all in Appendix A.

SYSTEM MAINTENANCE

Sewage Treatment System

All servicing and maintenance should be undertaken in full accordance with the manufacturer's literature or by a responsible qualified person. The septic tank should be regularly inspected and 'desludged' (emptied) when appropriate to ensure solids and silts do not 'clog' the soakaway or make their way to the discharge outlet.

Soakaways

The soakaways are designed for the life time of the proposed development if they are not allowed to silt up nor the pipework to be blocked.

If a soakaway fails to due blockages or silting it should be excavated and reconstructed with fresh clean stone, new pipework and renewed terram.

During the development of the site, and the excavation of the soakaways, should any field drains be found within 10m of the soakaway they should be realigned or relocated accordingly.

REGULATIONS

SEPA and Building Regulations require that infiltration systems (soakaways) are located at least: -

- 50m from any spring, well or borehole used as drinking water supply
- 10m horizontally from any water course (including any inland or coastal waters), permeable drain (including culvert), road or railway
- 5m from all buildings
- 5m from boundaries *(reduced distance to boundaries may also be subject to agreement from adjacent land owners where the soakaway is considered not to be detrimental to the adjacent property)*

APPENDIX A

Site Plans	Fig. 1. General & Site Location Plans Fig. 2. Test Location Plan
Trial Pit Logs	FW1 & SW1
Drainage	Fig. 3. Indicative Drainage Layout Fig. 4. Indicative Sub-Surface Soakaway Construction
Certificates	Foul Water Discharge Surface Water Disposal

Fig. 1. GENERAL & SITE LOCATION PLANS

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Fig. 2. TEST LOCATION PLAN

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S.A. McGREGOR

Site Balgownie Steading			**Trial Pit Number** FW1
Excavation Method Tracked excavator with 0.50m bucket	**Dimensions** 0.50 x 1.30	**Ground Level (mOD)**	**Client** Ms Melki & Mr Mills	**Job Number** 2964/21
	Location	**Dates** 09/10/2021	**Architect** Keith Renton	**Sheet** 1/1

Depth (m)	Sample / Tests	Water Depth (m)	Field Records	Level (mOD)	Depth (m) (Thickness)	Description	Legend	Water
					(0.40)	TOPSOIL		
					0.40 (0.20)	Loose to medium dense orange pink gravelly SAND		
			Percolation testing at 0.50-1.50m		0.60 (0.30)	Dense light pink brown very sandy GRAVEL (completely weathered sandstone)		
					0.90 (0.60)	Dense pink and red brown slighty sandy GRAVELS and cobbles (highly weathered sandstone)		
			No Groundwater ingress		1.50	Complete at 1.50m		

Plan

Remarks

Scale (approx)	Logged By	Figure No.
1:20	SAM	2964/21.FW1

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S.A. McGREGOR

Site	Trial Pit Number
Balgownie Steading	SW1

Excavation Method	Dimensions	Ground Level (mOD)	Client	Job Number
Tracked excavator with 0.50m bucket	0.50 x 1.20		Ms Melki & Mr Mills	2964/21
	Location	**Dates** 09/10/2021	**Architect** Keith Renton	**Sheet** 1/1

Depth (m)	Sample / Tests	Water Depth (m)	Field Records	Level (mOD)	Depth (m) (Thickness)	Description	Legend	Water
					(0.60)	MADE GROUND - reworked topsoils, rubble and pieces metal and china		
					0.60 (0.20)	MADE GROUND - reworked clayey sub-soils		
			Infiltration test zone 0.80-1.80m		0.80 (0.40)	Original TOPSOIL		
					1.20 (0.60)	Dense orange red brown sandy angular GRAVEL (completely weathered sandstone)		
			No Groundwater ingress		1.80	Complete at 1.80m		

Plan

Remarks

Scale (approx)	Logged By	Figure No.
1:20	SAM	2964/21.SW1

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Fig. 3. INDICATIVE DRAINAGE LAYOUT

NOT TO SCALE: ALL SOAKAWAY DIMENSIONS PROVIDED ON THIS DRAWING SHOULD BE CHECKED ON A FULL-SCALE PLAN TO ENSURE THEY MEET THE REQUIRED BUILDING REGULATIONS 5m FROM BUILDINGS AND SITE BOUNDARIES, 10m FROM OTHER SOAKAWAYS, DRAINS AND WATERCOURSES & 50m FROM WELLS

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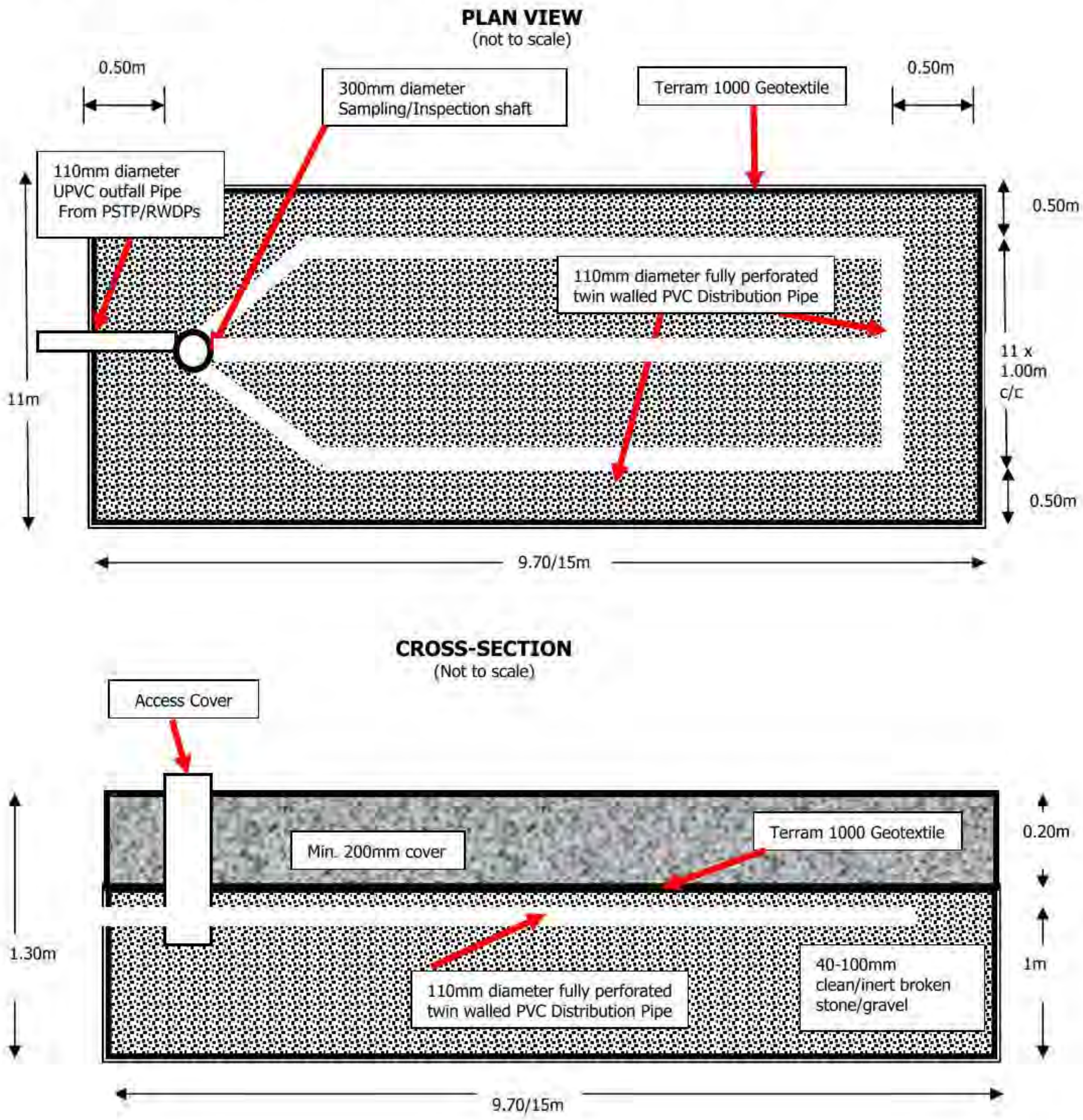
Fig. 4. INDICATIVE SOAKAWAY CONSTRUCTION (sketch only, not to scale)



CERTIFICATE FOR PROPOSED FOUL WATER SUB-SURFACE DISCHARGE

Two tests are normally required to demonstrate the suitability of the proposed drainage scheme:

1. A trial pit must be excavated to a depth of 1 metre below the proposed invert of the drain to establish whether the water table will interfere with the operation of the soakaway

and

2. A percolation test must be carried out to determine the area of the ground required.

Certificate

Client: Mr R Mills & Ms M Melki

Architect: Keith Renton Architects

Site Address: Balgownie Steading, Eassie, Forfar, Angus, DD8 1SF.

Date of Test: 9th October 2021 **Weather:** light rain

Encountered Ground Conditions

Topsoil: The area nearby to the access is overlain by 400mm thickness of topsoil.
Natural Sub-Soils: The natural underlying sub-soils have an upper mantle of loose to medium dense orange pink gravelly sand becoming dense light pink brown very sandy gravel (completely weathered sandstone) from around 0.60m to 0.90m. The strata then becomes dense pink and red brown slightly sandy gravels and cobbles (highly weathered sandstone) and proved to the maximum investigated depth of 1.50m.
Bedrock: In-tact bedrock was not encountered during this investigation however there was less weathering below 1.50m.

Groundwater Observations

Groundwater was not encountered during the investigation nor observed during the monitoring period. No visual (no seepages or discoloration) indication of the seasonally high or fluctuating ground water table was seen in the strata above the encountered depths of 1.50m.

Wells: no known wells used for supply of potable water within 50m of site.

Percolation Tests	**FW1 A**	**FW1 B**
Depth of Drains	1.00m	
Depth of Excavations	1.50m	
Time Taken (mean of three times), secs	7455	10125
Average Soil Percolation Values, Vp, s/mm	58.6	
Population Equivalent	7 (9-bedroom)	
Minimum Floor Area of Soakaway	**106m²** (11m x 9.70m)	

I hereby certify that I have carried out the above assessment in accordance with procedures specified within the Domestic Scottish Building Standards Technical Handbook (Environmental Standard 3.9 Infiltration Systems) and SEPA A WAT-RM-04, the results of which are tabulated above, and that the proposed drainage scheme detailed on the attached plans and report has been designed considering the recommendations in the standards and regulatory standards.

Signed [redacted] Date…6th June 2023
Name / Company S. A. McGregor
Address Serenje, Kingsford Steadings, Alford, Aberdeenshire, AB33 8HN
Qualification B.Eng (Civil Engineering).

CERTIFICATE FOR PROPOSED SURFACE WATER DISPOSAL

Client: Mr R Mills & Ms M Melki

Architect: Keith Renton Architects

Site Address: Balgownie Steading, Eassie, Forfar, Angus, DD8 1SF.

Date of Test: 9th October 2021 **Weather:** light rain

Encountered Ground Conditions

Made Ground and Topsoil: The site is overlain by 800mm of made ground, consisting of reworked topsoils, rubble and pieces of metal and china. A thin 400mm layer of original topsoil was encountered beneath the made ground to 1.20m below ground level.
Natural Sub-Soils: The natural underlying sub-soils are described as dense orange red brown sandy angular gravel (completely weathered sandstone) proved to the depth of 1.80m.
Bedrock: In-tact bedrock was not encountered during this investigation.

Groundwater Observations

Groundwater was not encountered during the investigation.

Wells: no known wells used for supply of potable water within 50m of site.

Infiltration Test	**FW1C**		**SW1**
Infiltration Test Zone (m)	0.50-1.50	and	0.80-1.80
Ave. Soil Infiltration Rate, *f*(m/s)	5.68×10^{-6}		
Surface Area of Development	**up to 1050m²**		

Recommendation

Surface Water Stone-filled Infiltration Trench (Soakaway)

11m x 15m x 1.00m storage depth

I hereby certify that I have carried out the above tests and calculations in accordance with BRE Digest 365 and in conjunction with the full requirements set out within the Domestic Scottish Building Standards Technical Handbook. The results of which are tabulated above, and that the proposed drainage scheme detailed within this report has been designed considering the recommendations in the standards.

Signed [redacted] Date…6th June 2023
Name / Company S. A. McGregor
Address Serenje, Kingsford Steadings, Alford, Aberdeenshire, AB33 8HN
Qualification B.Eng (Civil Engineering).

JOB NUMBER 811
JOB TITLE BALGOWNIE STEADING **PLANNING SUBMISSION**
DATE OF ISSUE Thursday, 22 June 2023

Drawing Title	Drawing Number	Drawing Amendment	Drawing Size	Client		Contractor		Local Authority		Engineer		Other	
				No.	Type	No.	Type	No.	type	No.	Type	No.	Type
Location Plan	811P2-01a	22-06-23	A1	1	email pdf		paper	1	upload to portal		paper		paper
Existing Site Plan	811P2-02		A1		email pdf		paper		upload to portal		paper		paper
Existing Steading Floor Plans	811P2-03		A1		email pdf		paper		upload to portal		paper		paper
Existing Steading Elevations	811P2-04		A1		email pdf		paper		upload to portal		paper		paper
Existing Steading Sections	811P2-05		A1		email pdf		paper		upload to portal		paper		paper
Existing Dutch Barn and Wood Shed Drawings	811P2-06		A1		email pdf		paper		upload to portal		paper		paper
Proposed Ground Floor Plan	811P2-07a	22-06-23	A1	1	email pdf		paper	1	upload to portal		paper		paper
Proposed First Floor Plan	811P2-08a	22-06-23	A1	1	email pdf		paper	1	upload to portal		paper		paper
Proposed Elevations	811P2-09b	22-06-23	A1	1	email pdf		paper	1	upload to portal		paper		paper
Proposed Sections	811P2-10	22-06-23	A1	1	email pdf		paper	1	upload to portal		paper		paper
Proposed Site and Landscaping Plan	811P2-11a	22-06-23	A1	1	email pdf		paper	1	upload to portal		paper		paper
Proposed Tree House, Deck and Raised Platform	811P2-12		A1		email pdf		paper		upload to portal		paper		paper
3D Impressions	811P2-13a	22-06-23	A1	1	email pdf		paper	1	upload to portal		paper		paper
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Atholl Associates

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Glenearn Road
Perth
PH2 0NJ

t: [redacted]
e: brian@athollassociates.co.uk
w: www.athollassociates.co.uk

Our Ref BC216a

22 June 2023

Mirna Melki
(email only)

Dear Mirna,

PROPOSED HOUSE AT BALGOWNIE STEADING, EASSIE, ANGUS: STAGE 1 FLOOD RISK ASSESSMENT

I refer to our recent correspondence regarding potential flood risk for the above proposed development. It is my understanding that a planning application to Angus Council has been refused on the basis of potential flood risk, and that an FRA report is therefore required. As discussed, my initial thoughts on this were that a Stage 1 FRA report may be sufficient, and hence I visited the site on that basis.

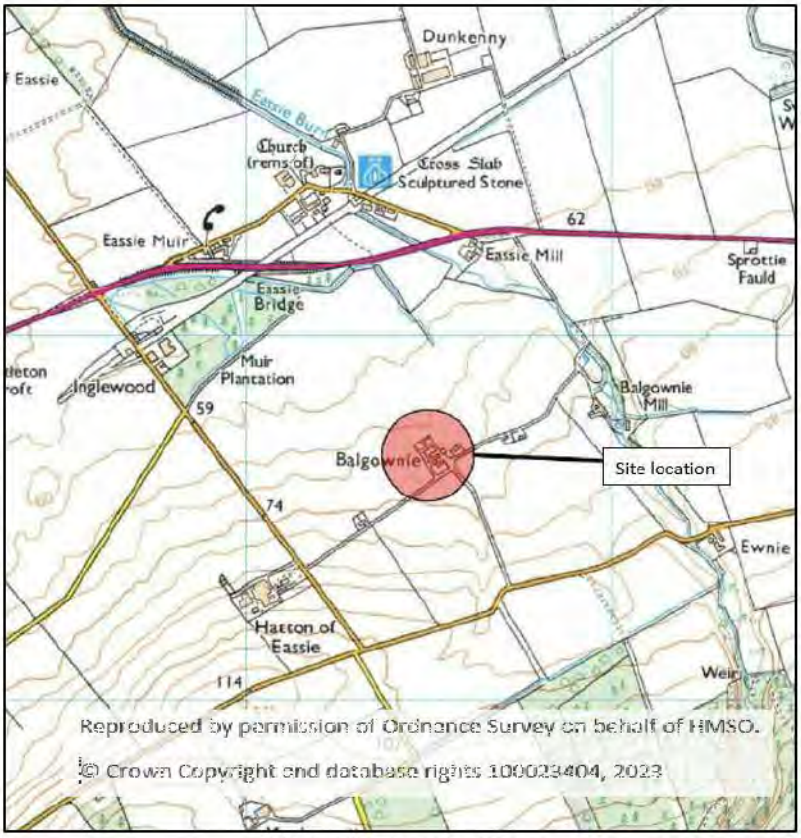

Figure 1 - Location Plan

Proposed development

It is proposed to retain much of the existing building range of the steadings, to rebuild as appropriate, and to convert the buildings into a house. An excerpt from the architect's layout drainage is shown overleaf (see Figure 2) and shows the key elements of the design.

Key features of the proposed redeveloped site from the point of view of flood risk considerations are:

- The proposed use is a more vulnerable use that the existing/previous site
- Based on current guidelines, the development should not occupy existing floodplain or reduce potential flood storage by landraising
- There should be no increase in risk to third-party property
- There should be a minimum freeboard of at least 600mm from the anticipated flood level (1 in 200 year flood plus an allowance for climate change)
- There should be no increase in flood flows associated with drainage of the complete development
- Emergency access and egress should be possible at all times during a flood event

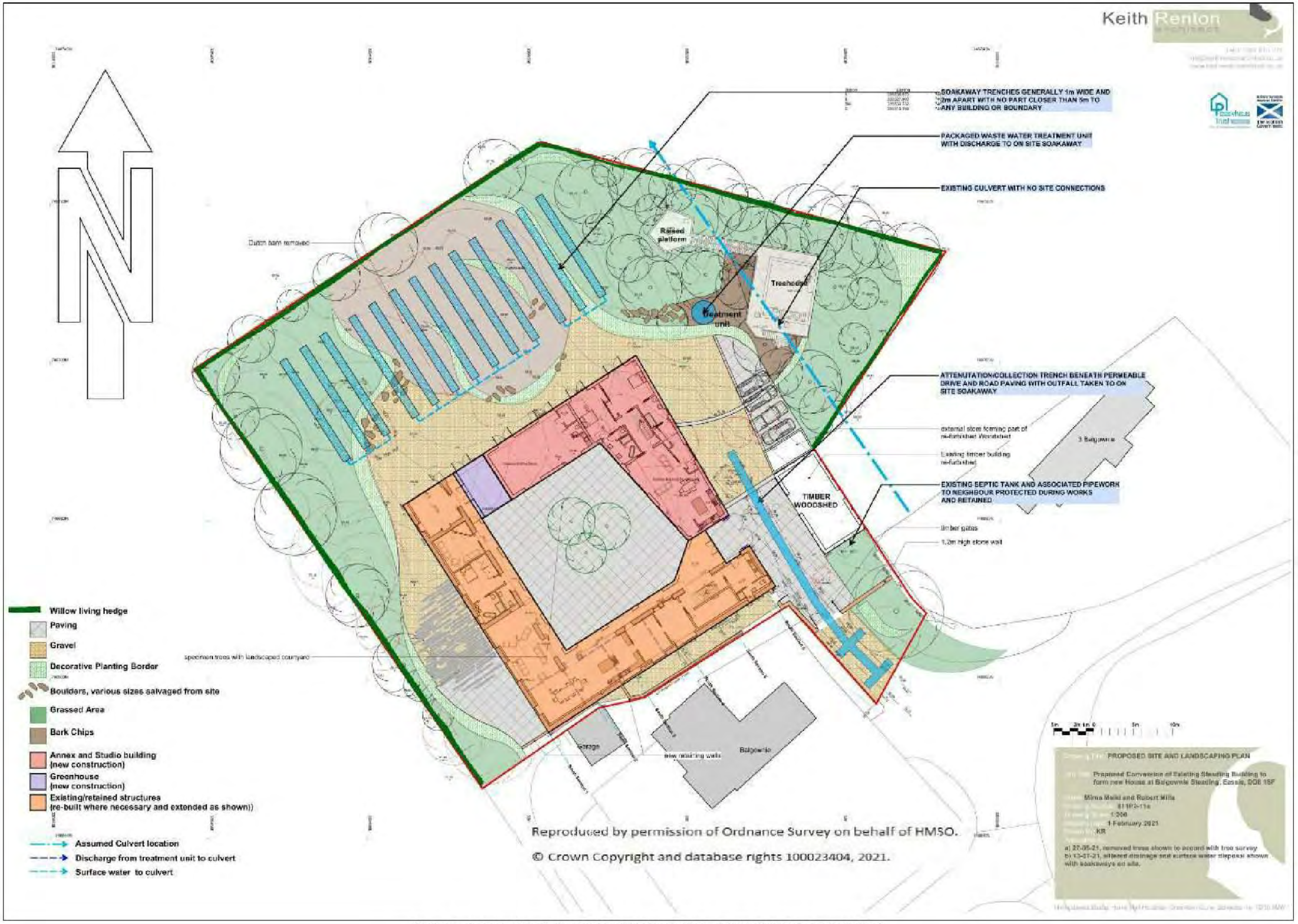

Figure 2 - Proposed layout of redeveloped site (excerpt from drawing 811P2-11a, copy attached)

Site Walkover/Site Description

I visited the site on 14th June 2023. The weather at the time was dry and bright, and there had been an extensive period of relatively dry weather, meaning that flow in the watercourse was very low. I was able to make observations of the general layout and topography of the site and surroundings, of the upstream watercourse (a small overgrown ditch) and of the culvert under the upstream field access. Also, a short distance downstream of the field access culvert, the upstream inlet to a culvert under the access track between the subject site and the neighbouring house to the east.

I also noted the relative location and height of the existing ruined buildings which will form the basis of the proposed house relative to the potential overland flow route in the event of the flow in the upstream watercourse exceeding the capacity of the system of culverts.

The site is located in a rural area surrounded by farmland. Prevailing slopes are from southeast to northwest approximately. The ruined steading buildings are part of a cluster of buildings which include an existing house to the south, another house to the east, and a further house a short distance to the east along the farm track which runs past the southern end to the steadings complex and its immediate neighbouring properties. The steadings are accessed via an access track which passes the southern end of the site, off which there is an access track (or access drive as it would be referred to for the finished house) running north to the subject property.

It was clear, from observation, that there was a possibility of a culvert blockage occurring (there are no grilles on intakes of either culvert inlet), and a collapse internally cannot be ruled out either. In addition there is anecdotal evidence of previous incidences of overland flow/flooding in the vicinity. For all of these reasons it is important to consider what will happen in such circumstances.

It was clear from inspection that the area at the junction of the tracks from east, west and south along with the entrance to the site is an area where excess flows would accumulate, and likely pond to a shallow depth before flowing overland to the northwest/north. These flows would likely spread out over an area to the north that includes the driveway up to the steadings, as well as the western end of the garden of the house to the east of the access drive. Ultimately all these flow routes would converge on the area of lower ground to the northeast and from there flow north to lower ground. This is considered further in the following sections.

The site, which covers an area of 0.46 hectares, is indicated in red on the plan below (see Figure 3). This comprises of a collection of disused farm buildings previously uninhabited and classed as an industrial building. A culvert lies to the east of the property, and this is fed by a stream/ditch which drains farmland to the south, and is discharged downstream to a small open watercourse some 300m to the north of the site.

Figure 3 shows the layout of the site and surrounding area. The main access to the site is via the access track from the west.

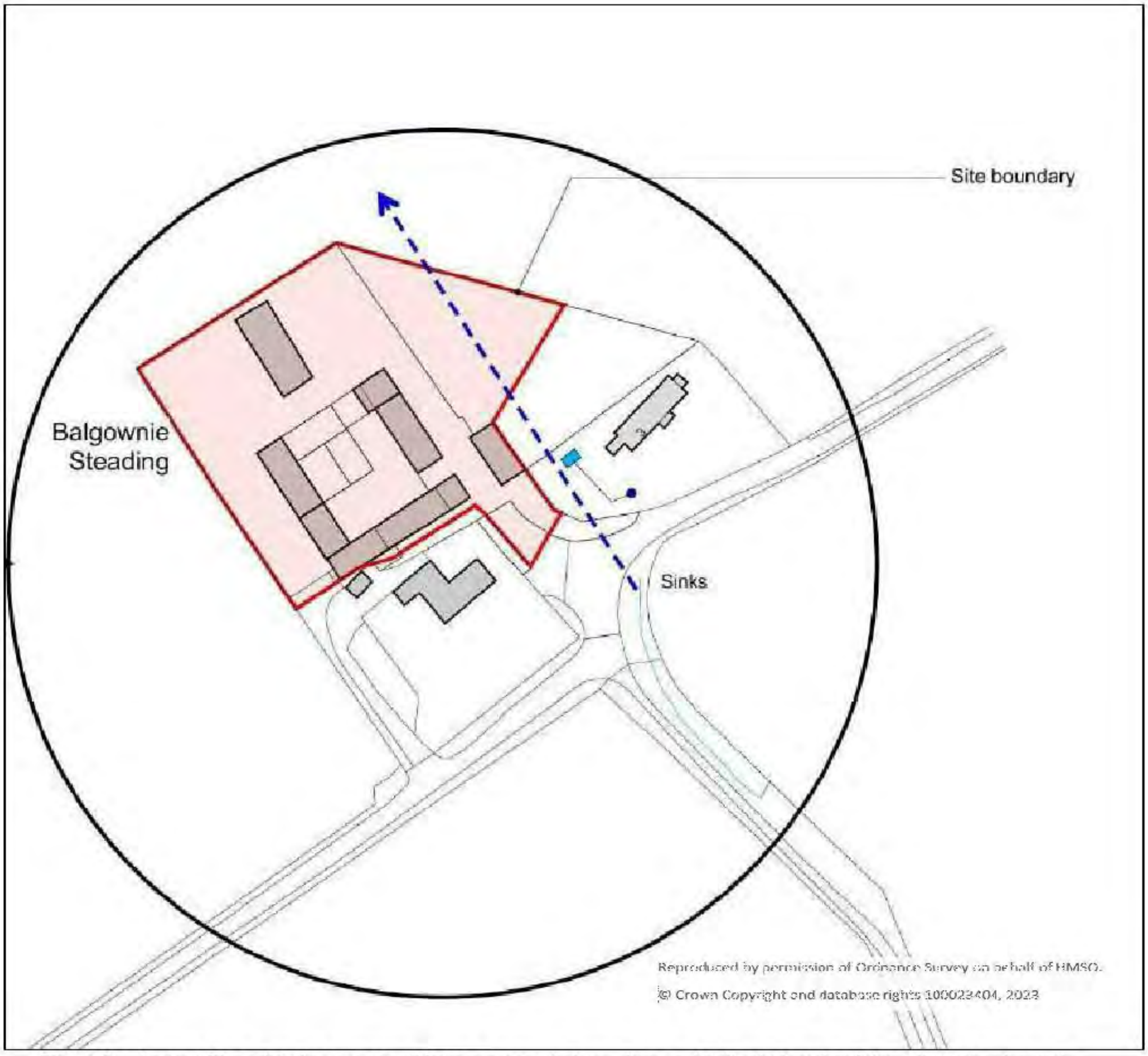

Figure 3 - Layout Plan showing proposed house, property boundary and indicated route of the adjacent culverted section of the small watercourse.

Photographs and Comments from Site Walkover

Figure 4 - Photo location plan

Photograph 1 - Looking upstream along the small watercourse/ditch which drains an area of gently sloping agricultural land to the south, and has a catchment area of approximately 0.65km^2

Photograph 2 - Looking south (upstream) to the watercourse over a sloping field access leading of the main access track. The watercourse is culverted under this access, and then flows a few metres through an open channel before entering a further culvert just downstream. The latter culvert is some 300m long and conveys the watercourse under the main access track and under the neighbouring property to the east, before emerging into an open channel in fields some distance to the north.

Photograph 3 - Looking downstream over the field access towards the inlet to the main culvert, which takes flow under the property to the east. Approximate line of open channels (blue) and culverts (red) shown for illustration

Photograph 4 - Looking north from field access. The short length of culvert under the field access is below to the right of the picture, while the entrance to the main culvert is to the right of the two large stones beyond. The south range of the steading buildings is visible to top centre, and it is clear from this picture where there is lower ground on the eastern boundary (gable of ruinous building) and to the east (to the right of the gable). Water arising from either of the culvert inlets due to blockage or lack of capacity would tend to flow across the junction to the lower ground as indicated.

Photograph 5 - View looking north from just downstream of the main culvert inlet. As can be seen at the centre top of picture, there is a marked drop in level to the right of the ruinous building, presumably a reflection of the original level of ground along the route of the now culverted watercourse.

Photograph 6 - Looking north along access from main track to property (on the left beyond hedge), with indicative overland flow routes to lower ground past either side of ruinous building (and likely through the building also).

Photograph 7 - Looking north over ruinous outbuilding on right, and remains of steading walls on left.

Photograph 8 - Looking west into courtyard between steading buildings

Photograph 9 - Looking southwest past ruinous outbuilding on left to southern range of steading and adjacent house to the south (white gable in the distance)

Watercourse Characteristics

As discussed previously the watercourse drains an area of farmland to the south, and has a small catchment of agricultural land which slopes gently from south to north, and with some woodland on the edges of the catchment..

Based on data from the FEH web service, the catchment area is defined as 0.65km^2, and has the following catchment outline (see Figure 5 below):

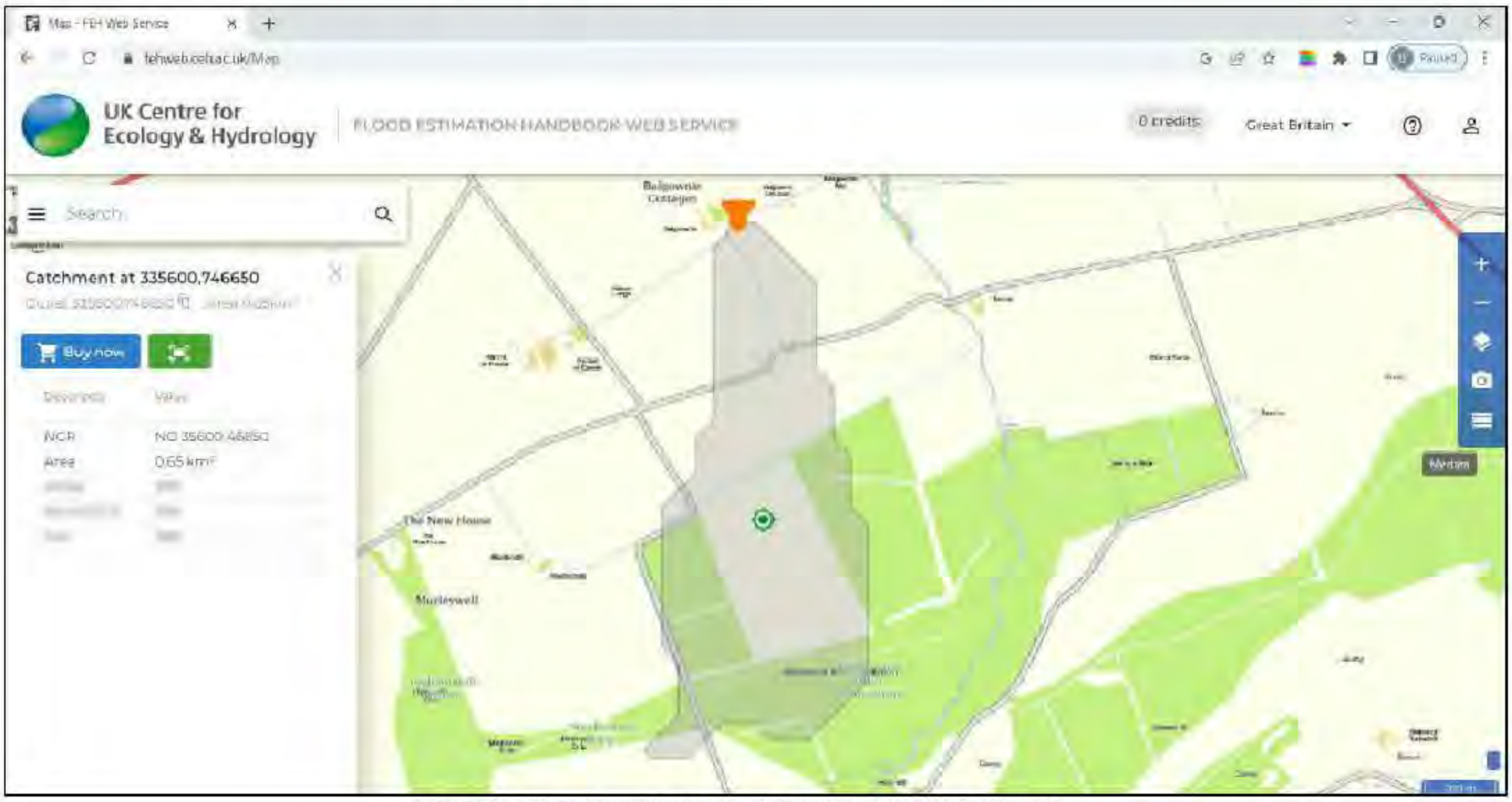

Figure 5 - Catchment area as defined by FEH Web Service

Clearly this is a relatively small catchment, and hence flows in the watercourse would be relatively small also (with a 1 in 200 year flow in the region of 2 to 3 m^3/s). This is particularly the case as the prevailing slopes are mild, the shape of the catchment is elongated, and the contributing flows are from forested areas and areas with good soil and/or vegetative cover. However, flows in excess of culvert capacity are possible in very wet weather, and this is demonstrated by anecdotal evidence that there have been a number of previous occasions where overland flow has been observed.

Where the culvert capacity is exceeded or a blockage occurs, water would overflow onto the track to the south of the site (see sketch on Photograph 4) and would be likely to enter the site and also the garden of the neighbouring property to the east. Hence, a flow pattern similar to the sketch overleaf in Figure 6 would be likely. Importantly, the flow would be along these indicated paths and not into the building complex, and also it is important to say the presence of the lower-lying ground to the northeast means the depth of flow along the entrance drive would be limited.

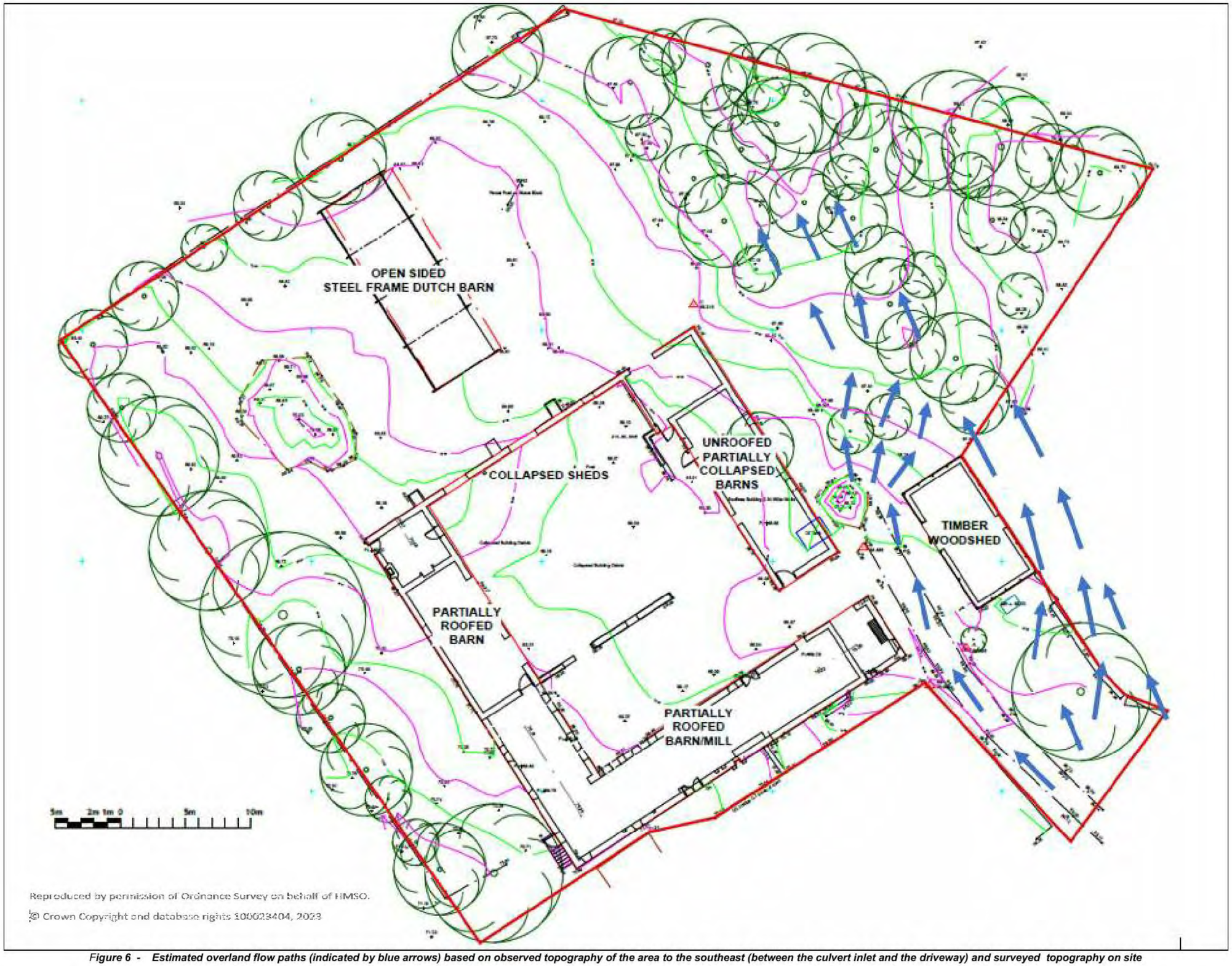

Figure 6 - Estimated overland flow paths (indicated by blue arrows) based on observed topography of the area to the southeast (between the culvert inlet and the driveway) and surveyed topography on site

Comments by Angus Council

Angus Council Roads (Drainage and Flooding) have provided comments on current proposals as follows (see copy of email attached, dated 25th March 2023). Taking each of the points below, my response is in blue:

1) "I note that the Flood Assessment Report referenced above has yet to be provided by the applicant." Hence, the current report has been produced.

2) "Bullet points 1 and 2 – I note that surface water ponding/flooding issues have been observed at this location and reported/evidenced through public representations which have been made. As such, I confirm that it would be appropriate for the flood assessment to consider the risk of flooding to the site access from the adjacent sources. This has been done. It would be appropriate for these flows to be incorporated into the drainage proposals." This is not now required as the drainage proposals were formerly to drain to the culvert, whereas there is now a proposal to use a surface water soakaway system and to adhere to the principles of SUDS. This is dealt with by others and is reported elsewhere, although the architect's plans make reference to this. "I wish to clarify that the above reference to "IHS24" should instead read as "Institute of Hydrology Report 124 (IH124)" I also note that use of the FEH Statistical Method may also be a suitable alternative to this approach if preferred." These methods have not been used as this is a Stage 1 report and flow estimation/modelling is not within the scope of such a report.

3) "Bullet point 3 – Angus Council notes the anecdotal information, contained within the public representations, which note the location of a large clay pipe which was uncovered while installing an outside tap to the south of the garage belonging to the neighbouring property to the south of the site. We also note that the upstream mill pond is shown on the 25 inch OS Map (1892 to 1914) at NO 35652 46271. As such I consider that there is a reasonable possibility of a redundant mill lade within the site. It is always possible that redundant infrastructure may still carry flows and as such I would recommend that the implications of this is considered, along with consideration of suitable mitigation measures should such infrastructure be discovered during any proposed development." No information on any extant lade system is available at this time, but if any evidence were uncovered, appropriate steps should be taken, in consultation with Angus Council.'

Discussion

Based on the preceding sections, I am of the opinion that the possibility of flooding/overland flow have been adequately considered within the scope of a Stage 1 FRA report, and have shown that there is no inherent flood risk to the proposed development or to third part property, providing the appropriate steps are taken. These steps are set out in the conclusions below.

One of the most important considerations is whether there is sufficient freeboard to the proposed finished floor level (FFL) and whether the property could otherwise suffer from internal flooding or flood-related damage. Hence it is important to consider the likely maximum level of flood flows overland in the adjacent ground to the southeast and east of the main building. In this area, ground levels range from around 68.6m AOD (adjacent to the southern end of the timber woodshed) to around 68.9m on the western side of the access drive. Hence, given that the width of potential flow path surveyed is approximately 10m, and that this is likely to be approximately half the total width of un-surveyed area in neighbouring garden, it is likely that given flows of say 3 to 4 m^3/s (approximate range of likely flows including climate change, and assuming 100% culvert blockage) that depth of flows would be any greater than around 0.1m. This would mean the maximum flood level near the building would be say 68.7m, and with a minimum freeboard of 0.6m this equates to a min FFL of 69.3m for the southern range, and say 69.0m min FFL for the remainder of the buildings in the range.

Conclusions

Based on the preceding sections of this report, I conclude that:

- The site will not be at risk of flooding, provided the site is built in accordance with the original scheme as set out in the current layout drawings

- In particular, the minimum finished floor level will be set at approximately 69.0m AOD for the main range of buildings. Based on the estimated flood levels on adjacent ground, this this will allow a freeboard of more than the minimum 600mm which is normally required. However, for the southern range, a slightly higher min FFL of 69.3m AOD is recommended.

- As ground levels along the access route from the main access track to the site entrance are typically at least 200mm higher than on the eastern site boundary (and levels beyond the boundary are likely to be lower), it is not anticipated that there will be a significant flooding along the access route at any time. Hence, pedestrian and vehicular access and egress will always available.

- No new barriers to flow should be erected along the line of the anticipated overland flow as a result of flows in excess of culvert capacity. This includes not only new features such as boundary walls and buildings, but should also mean that the ruinous timber shed on the western boundary should not be replaced but simply demolished. Hence any new or replacement boundary features should be of an open type such as open-boarded fencing, post and wire fencing, or hedges.

- Similarly, no increase in ground level should be made along the overland flow route. Hence, any surfacing or drainage features should be at or below existing levels (to prevent any obstruction to flow). Any reduction in ground levels (however unlikely) should not be sufficient to alter the flow path of any flood-related overland flow.

- Although there is no anticipated risk of flooding, the proximity of potential overland flows to the building means that the use of flood resilient construction methods and materials is recommended.

Provided these proposals are adhered to, the new building will not be at risk of flooding, and will not cause any increase in flooding to third party property. We therefore support the proposed development

Yours sincerely,

[redacted]

Dr Brian Coghlan BSc (Hons) PhD CEng MCIWEM
Director
Atholl Associates

Enc

- Email from M Melki to B Coghlan dated 23rd March 2023
- Drawing 811P2-11a Proposed layout and landscaping plan
- Drawing 811P2-02 Existing site plan

Brian Coghlan

From: MMM DAXI <mirna.melki@gmail.com>
Sent: 25 March 2023 12:11
To: Brian Coghlan
Subject: Re:

Dear Brian,
Sorry I should have added this ti my previous email. Please see below to the comment we received from Angus Council off the basis if a neighbour complaining about ponding at the entrance to our site, referring to it as flooding.

Angus Council Roads (Drainage and Flooding)Comments –

'I note that the Flood Assessment Report referenced above has yet to be provided by the applicant.

Bullet points 1 and 2 – I note that surface water ponding/flooding issues have been observed at this location and reported/evidenced through public representations which have been made. As such, I confirm that it would be appropriate for the flood assessment to consider the risk of flooding to the site access from the adjacent sources. It would be appropriate for these flows to be incorporated into the drainage proposals. I wish to clarify that the above reference to "IHS24" should instead read as "Institute of Hydrology Report 124 (IH124)" I also note that use of the FEH Statistical Method may also be a suitable alternative to this approach if preferred.

Bullet point 3 – Angus Council notes the anecdotal information, contained within the public representations, which note the location of a large clay pipe which was uncovered while installing an outside tap to the south of the garage belonging to the neighbouring property to the south of the site. We also note that the upstream mill pond is shown on the 25 inch OS Map (1892 to 1914) at NO 35652 46271. As such I consider that there is a reasonable possibility of a redundant mill lade within the site. It is always possible that redundant infrastructure may still carry flows and as such I would recommend that the implications of this is considered, along with consideration of suitable mitigation measures should such infrastructure be discovered during any proposed development.'

Look forward to hearing from you

Thanks in advance.

Mirna Melki

Keith Renton
architect
Tel: 01361 810 271
info@keithrentonarchitect.co.uk
www.keithrentonarchitect.co.uk

Station	Easting	Northing	Level
A	335536.870	746672.450	68.986
B	335527.905	746681.212	68.885
BM	335533.732	746669.249	69.098
C	335513.169	746702.286	68.319

5m 2m 1m 0 5m 10m

Drawing Title: **EXISTING SITE PLAN**

Job Title: **Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF**

Client: **Mirna Melki and Robert Mills**
Drawing Number: **811P2-02**
Drawing Scale: **1:200**
Drawing Date: **1 February 2021**
Drawn By: **KR**
Amendments:
none

Humestanes Studio, Hume Hall Holdings, Greenlaw, Duns, Berwickshire, TD10 6UW

Keith Renton

SOAKAWAY TRENCHES GENERALLY 1m WIDE AND 2m APART WITH NO PART CLOSER THAN 5m TO ANY BUILDING OR BOUNDARY

PACKAGED WASTE WATER TREATMENT UNIT WITH DISCHARGE TO ON SITE SOAKAWAY

EXISTING CULVERT WITH NO SITE CONNECTIONS

Dutch barn removed

Raised platform

Treehouse

Treatment unit

ATTENUATION/COLLECTION TRENCH BENEATH PERMEABLE DRIVE AND ROAD PAVING WITH OUTFALL TAKEN TO ON SITE SOAKAWAY

external store forming part of re-furbished Woodshed

Existing timber building re-furbished

3 Balgownie

EXISTING SEPTIC TANK AND ASSOCIATED PIPEWORK TO NEIGHBOUR PROTECTED DURING WORKS AND RETAINED

TIMBER WOODSHED

timber gates

1.2m high stone wall

specimen trees with landscaped courtyard

Garage

new retaining walls

Balgownie

Willow living hedge

Paving

Gravel

Decorative Planting Border

Boulders, various sizes salvaged from site

Grassed Area

Bark Chips

Annex and Studio building (new construction)

Greenhouse (new construction)

Existing/retained structures (re-built where necessary and extended as shown))

Assumed Culvert location

Discharge from treatment unit to culvert

Surface water to culvert

5m 2m 1m 0 5m 10m

PROPOSED SITE AND LANDSCAPING PLAN

Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF

Mima Melki and Robert Mills

811P2-11a

1:200

1 February 2021

KR

a) 27-05-21, removed trees shown to accord with tree survey
b) 13-07-21, altered drainage and surface water disposal shown with soakaways on site.

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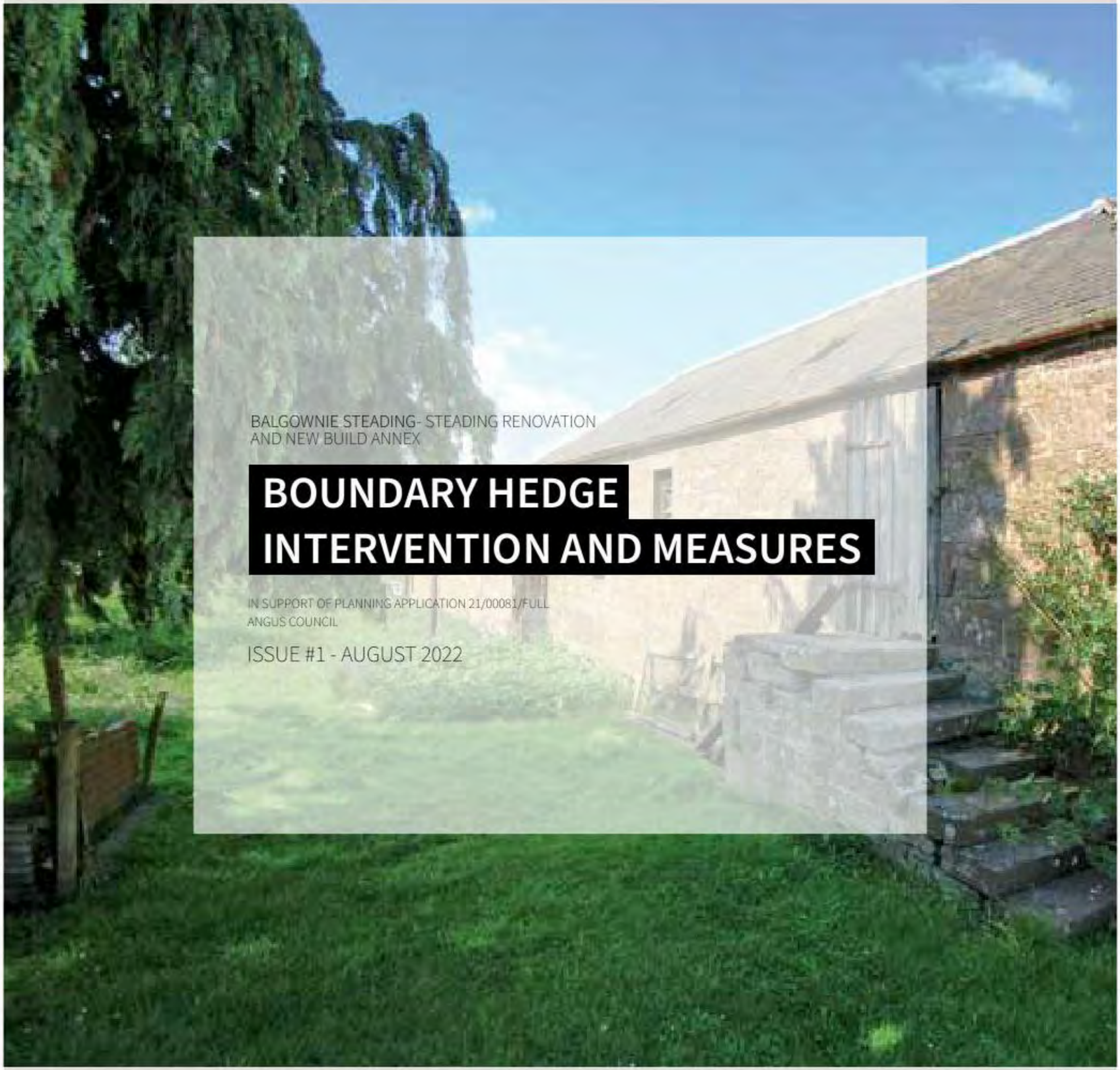


BALGOWNIE STEADING- STEADING RENOVATION
AND NEW BUILD ANNEX

BOUNDARY HEDGE INTERVENTION AND MEASURES

IN SUPPORT OF PLANNING APPLICATION 21/00081/FULL
ANGUS COUNCIL

ISSUE #1 - AUGUST 2022

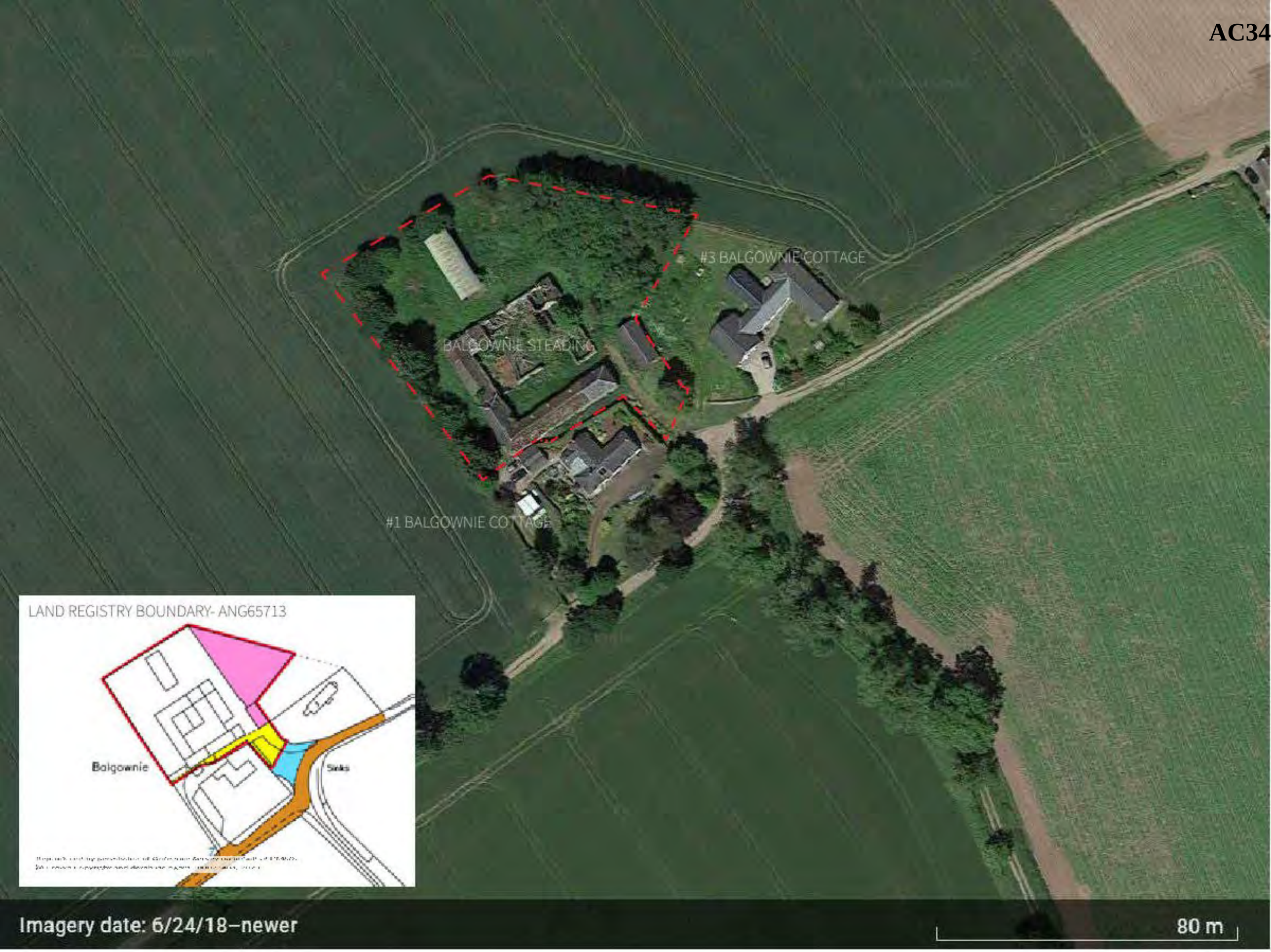


Figure 1: Aerial Photography of Balgownie Steading (property boundary indicatively drawn in red) and showing neighbouring properties- Google Earth 2018

INTRODUCTION

This method statement is being put forward as part of Planning Application (21/00081/FULL) to establish an approach and document the applied method for installation of a new boundary retaining wall beside an existing Leylandii hedge within property boundary of neighboring #1 Balgownie Cottage and future home Balgownie Steading .

The Leylandii hedge that has been planted as privacy screen and boundary treatment by Euan and Beverly Grant of #1 Balgownie Cottage has been planted at close proximity to the boundary of the two properties. This methodology will describe the existing conditions of the boundary and , provide a proposal for inclusion of retaining wall at the Southern boundary in question and the aims to accommodate the hedge.

EXISTING CONDITIONS

The Southern boundary between Balgownie Steading and #1 Balgownie Cottage current condition prior to development looks approximately as shown in the image below(Figure 2)- although the current condition and height of the Leyandii hedge belonging to #1 Balgownie Cottage is unknown however will be assessed and documented prior to any excavations.The Leyandii hedge appears to be planted approximately 0.5- 1m from the plot boundary and varies along its length.

Figure 2: Image of Southern Boundary Condition between Balgownie Steading (on right) and #1 Balgownie Cottage (on left of image). Red arrow indicates proximity of Leyandii hedge at its end near wooden garage 0.5m from Balgownie Steading southern wall

Diagram 1: Boundary types and locations

BOUNDARY PROPOSALS

The new development proposed at Balgownie Steading , to convert the unused derelict farm buildings into a family home, requires formal boundary delineation to indicate it as private property.

The boundary treatment to the future Balgownie Steading will feature several boundary solutions suitable to its immediate context and requirements of the future building and will include:

- **a living beech hedge** kept at a height of approx. 1m with a post and wire fence for establishment around the west,north and east perimeters of the property boundary(see diagram opposite on page 4). This boundary treatment will form an appropriate boundary facing th neighboring farm fields of Hatton of Eassie farm and #3 Balgownie Cottage.
- **combined dry stone wall and gate** for the main entrance and will continue into a **stone faced retaining wall** making up the Southern boundary to the two properties. This is further elaborated on in the next section and Appendix 1.

Figure 3 : Length of Leyandii hedge on Southern Boundary (Image credit Google Earth 2018)

Figure 4: Photograph of current boundary conditions between Balgownie steading and #1 Balgownie cottage

The Southern Boundary - Future Building Requirements

The future functionality of the southern part of the steading, where the future back door to the utility room will be, is dependent on excavating and exposing some of the length of buried steading building Southern wall on the Southern elevation. This will allow for access out of the building to a level back area for drying clothes and as one of the fire exits to the future home. In doing so this will require for part of the southern boundary to be retained by a retaining wall which will support the earth between the two properties for a portion of the boundary that features the Leylandii hedge. (see submitted planning drawing- 21_00081_FULL-SECTIONS_OF_SOUTH_ELEVATION-3183071, included in appendix of this methodology denoting the extent and full proposal of the retaining wall).

METHODOLOGY

Recommendations and Mitigation Measures

the suggested methodology for installing the retaining wall with as little damage to the neighboring leylandii hedge would be to follow the following steps:

1. Prior to excavation of the area identified to be reduced in level , at the time of the build, a trench along the boundary will be hand dug to expose roots to their full depth of the excavation trench.

2. Exposed roots to be assessed for pliability and bent /led back along the property boundary or facing back wards or be directed to face down where possible as a first option.

3. Any roots that cannot be bent are to be severed using a sharp tool to avoid fraying the root.

4. A root barrier will be explored as a possible mitigation measure against future root penetration into retaining boundary wall at the detail design stage.

Root Pruning Guidelines

The impact from pruning roots depends on several factors such as height of the tree, soil condition, age of tree, health etc.

Damage typically increases with more cuts, bigger cuts, and cuts made closer to the trunk. Root pruning, trenching, and other construction activities close to the trunk result in more injury on shallow, compacted soils or on soils that drain poorly than on well drained soils. This is due to the shallow roots common on sites with shallow soils or high water table. Trees that are leaning are poor candidates for root pruning. Prune roots only with sharp tools to avoid tearing behind the cuts.

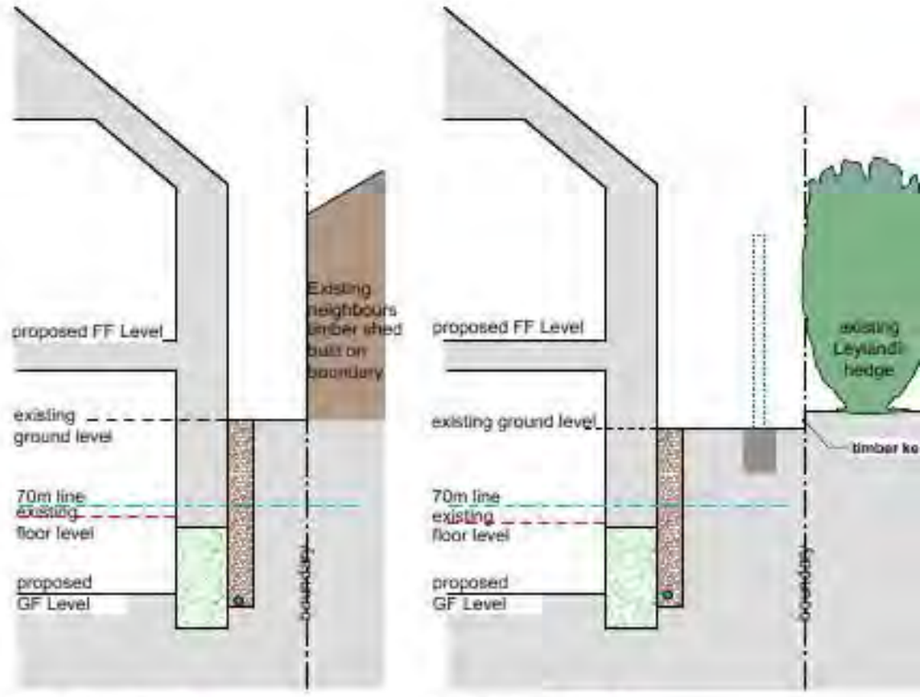
NEXT STEPS

During the installation of the retaining wall and integrated fence the following is proposed to facilitate the building of the retaining wall ,prepare ground and leylandii hedge and minimise and mitigate any damage to both properties:

- Survey of Hedge condition (health, proximity,height etc.)
- Document the outcome from digging excavation trial pits to determine if roots have penetrated beyond the property line.
- Revisit methodology against the gathered data above and root pruning guidelines and apply the most sensitive approach before the retaining wall is installed.

APPENDIX 1

Submitted planning drawing-21_00081_FULL-SECTIONS_OF_SOUTH_ELEVATION-3183071- modified to include proposed integrated privacy fence . This drawing further illustrates the extent and full proposal of the retaining wall - courtesy of Keith Renton Architects.



Section 1

Work sequence at Section 1:

1. Provide "hit and miss" mass concrete underpinning to existing external wall to a depth equal to to 450mm below finished ground floor level as directed by engineer

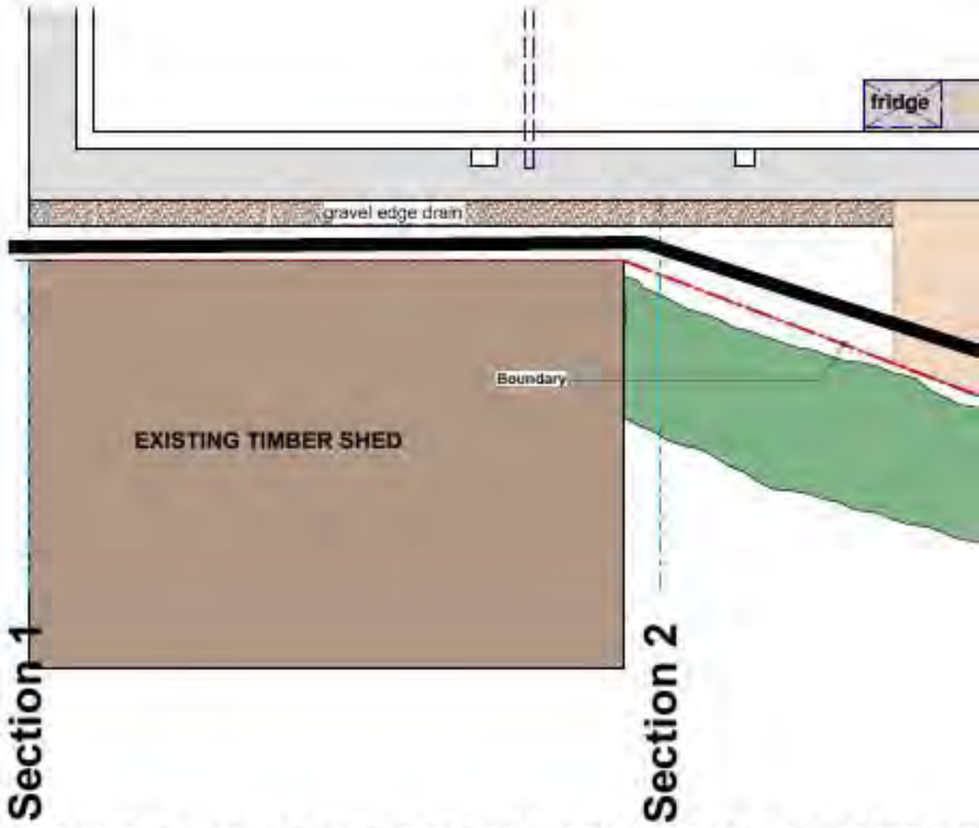
2. Dig narrow trench (300mm with trenching bucket) immediately adjacent to existing external wall to a depth of 150mm below finished floor level, lay perforated drain and back filled with 30- 40mm no fines granular material to ground level

Section 2

Work sequence at Section 2:

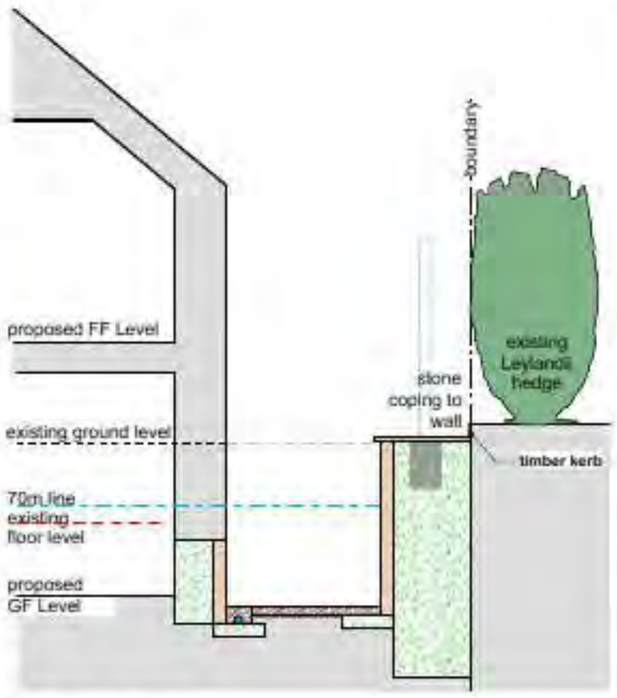
1. Provide "hit and miss" mass concrete underpinning to existing external wall to a depth equal to to 450mm below finished ground floor level as directed by engineer

2. Dig narrow trench (300mm with trenching bucket) immediately adjacent to existing external wall to a depth of 150mm below finished floor level, lay perforated drain and back filled with 30- 40mm no fines granular material to ground level



PLAN BETWEEN SOUTH WALL AND BOUNDA

Keith Renton



Section 3

Work sequence at Section 3:

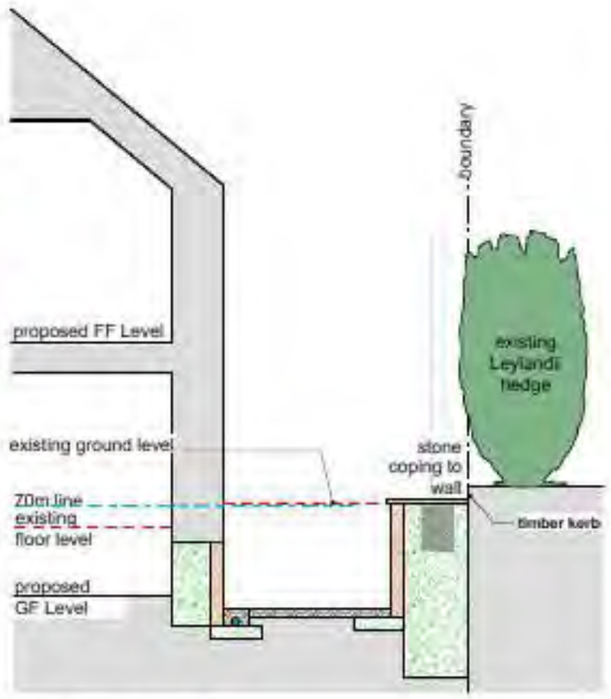
1. Provide "hit and miss" mass concrete underpinning to existing external wall to a depth equal to to 450mm below finished ground floor level as directed by engineer

2. Dig trench adjacent to boundary to depth determined by engineer and trench fill with reinforced concrete to form mass concrete retention.

3. Excavate between external wall and concrete retention to lowered ground level

4. Form strip foundations against underpinning and trench fill. Construct stone face to external wall and concrete retention using stone salvaged elsewhere on site.

5. Finish new ground level with gravel incorporating edge drain



Section 4

Work sequence at Section 3:

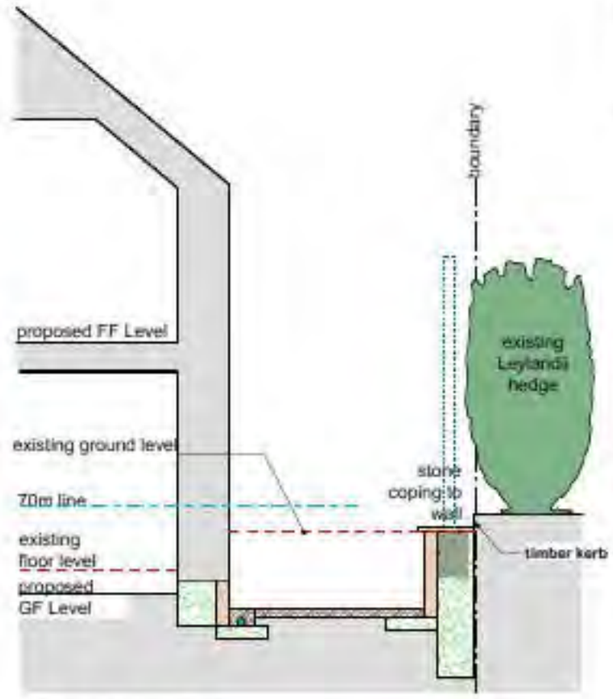
1. Provide "hit and miss" mass concrete underpinning to existing external wall to a depth equal to to 450mm below finished ground floor level as directed by engineer

2. Dig trench adjacent to boundary to depth determined by engineer and trench fill with reinforced concrete to form mass concrete retention.

3. Excavate between external wall and concrete retention to lowered ground level

4. Form strip foundations against underpinning and trench fill. Construct stone face to external wall and concrete retention using stone salvaged elsewhere on site.

5. Finish new ground level with gravel incorporating edge drain



Section 5

Work sequence at Section 5:

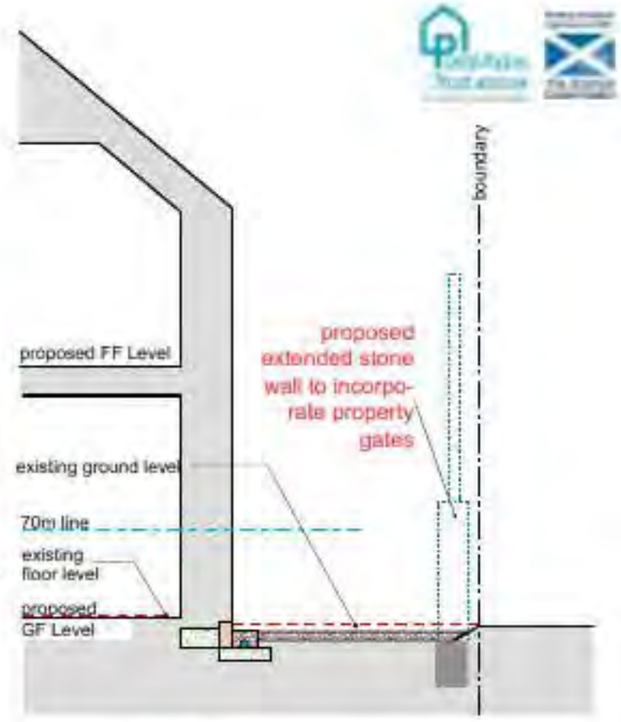
1. Provide "hit and miss" mass concrete underpinning to existing external wall to a depth equal to to 450mm below finished ground floor level as directed by engineer

2. Dig trench adjacent to boundary to depth determined by engineer and trench fill with reinforced concrete to form mass concrete retention.

3. Excavate between external wall and concrete retention to lowered ground level

4. Form strip foundations against underpinning and trench fill. Construct stone face to external wall and concrete retention using stone salvaged elsewhere on site.

5. Finish new ground level with gravel incorporating edge drain



Section 6

Work sequence at Section 6:

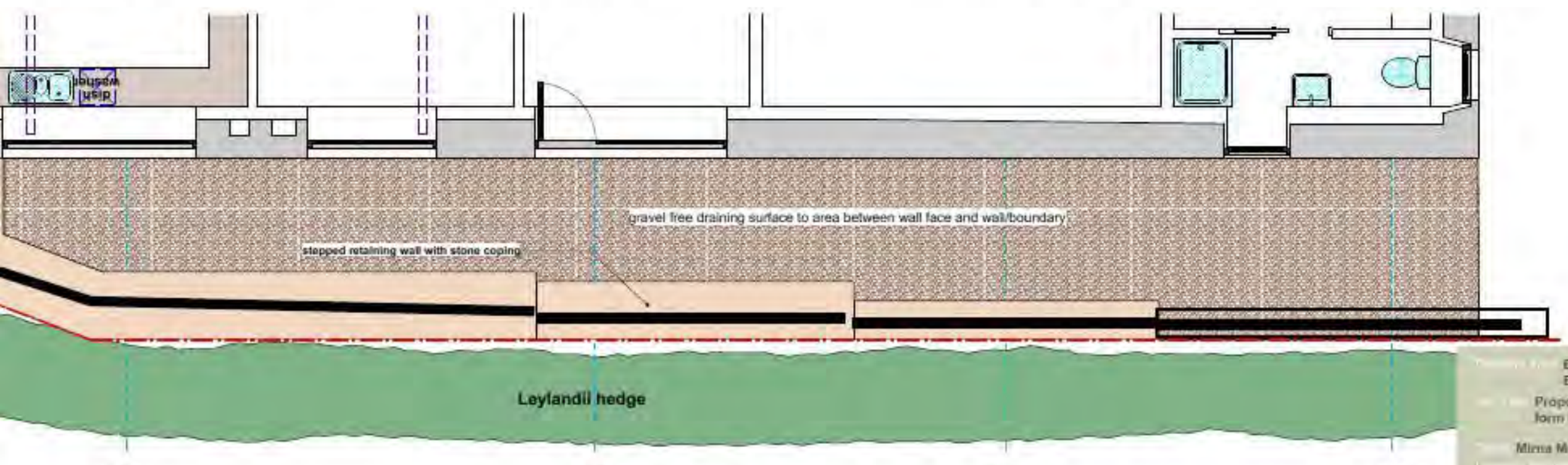
1. Provide "hit and miss" mass concrete underpinning to existing external wall to a depth equal to to 450mm below finished ground floor level as directed by engineer

2. Lower ground level to allow finished ground level 150mm below finished floor level.

3. Make good stone work at external as necessary

4. Grade ground between new ground level and adjacent level at boundary

5. Finish new ground level with gravel incorporating edge drain



Section 3

Section 4

Section 5

Section 6

BOUNDARY TREATMENT AND SECTIONS AT SOUTH ELEVATION

Proposed Conversion of Existing Steading Building to form new House at Balgowrie Steading, Eassie, DD8 1SF

Mirna Malki and Robert Mills

811P2-13

1:50

12 May 2021

KR

none

APPENDIX 2

examples of integrated privacy fencing
into retaining or free standing walls

GRAY PLANNING
AND DEVELOPMENT

MR MILLS AND MS MELKI

PLANNING STATEMENT

CONVERSION OF STEADING TO FORM SINGLE DWELLING HOUSE INCLUDING LANDSCAPING, BOUNDARY TREATMENTS, ERECTION OF A TREEHOUSE AND ASSOCIATED WORKS

AT

BALGOWNIE FARM STEADING
EASSIE
ANGUS

MAY 2023

Our Ref: 2023_41

Contents

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2 INTRODUCTION 3
3 EXISTING SITE DESCRIPTION 4
4 THE PROPOSED DEVELOPMENT 5
5 DEVELOPMENT PLANNING POLICY 6
6 ASSESSMENT OF NPF4 AND LDP AGAINST THE PROPOSALS..... 8
8 MATERIAL CONSIDERATIONS 10
9 CONCLUSIONS 11

1 EXECUTIVE SUMMARY

1.1 The proposals are for the conversion of existing agricultural buildings to create a new high-quality sustainable family dwelling house in the Angus countryside.

1.2 The development proposals include retaining and refurbishing the structurally sound existing buildings where possible to create a new family dwelling, centred around a courtyard area, which mimics the historic form of the site. This also provides an opportunity to promote indoor-outdoor living amenity, which has gained popularity post-pandemic.

1.3 By bringing a brownfield site back into a new, viable residential use, this limits the need for future greenfield development, whilst providing a high-quality family-sized dwelling to the area. This is a sustainable use of the land due to the previous use as agricultural land, with existing nearby residential neighbours, the site benefits from existing access, which will be improved and maintained following the approval of the proposals.

1.4 The proposals further include the reuse and recycling of existing site materials where possible to ensure that the character of the new dwelling is in keeping with the varied and predominately agricultural architectural heritage of rural Angus.

1.5 The proposals benefit from a flexible floorplan that ensures the dwelling is adaptable for future occupants and includes additional areas inspired by modern ways of living, such as a studio which allows for homeworking.

1.6 The proposals have been designed to take advantage of passive elements of the site such as solar gain and shelter. Further proposed low carbon/low energy measure include the use of local recycled materials, energy-efficient glazing, insulations and a general fabric-first approach to the conversion of the existing buildings.

1.7 The proposals meet or exceed the policy requirements of the National Planning Framework and the Angus Local Development Plan. The policies are- NPF4- 1 (Climate & Nature Crisis); 2 (Climate Mitigation); 3 (Biodiversity); 9 (Brownfield Land), 14 (Design, Quality and Place), 16 (Quality Homes) 17 (Rural Homes). Angus LDP policy DS3 (Design Quality & Placemaking); DS4 (Residential Amenity); TC2 (Residential Development); PV6 (Development in the Landscape); PV7 (Woodland, Trees and Hedges); PV11 (Energy Efficiency).

1.8 The proposals result in clear economic, social and environmental benefits, and promote the highest standards of design, coupled with a strong base of sustainability. As such, we respectfully request that the application is approved.

2 INTRODUCTION

PLANNING STATEMENT PURPOSE

2.1 This Planning Statement has been prepared by Gray Planning & Development Ltd, on behalf of the applicants Mr Mills and Ms Melki. The Statement supports the proposals and demonstrates compliance with the development plan and other material considerations. A clear description of the proposal being submitted for the approval of Angus Council is given. This statement describes the content of the proposals; planning history, an assessment of the relevant development plan policies; and any other material considerations relevant to the application.

2.2 A detailed planning application has been submitted to Angus Council for:

Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works"

2.3 The proposed development is to create a new high-quality family dwellinghouse. The development complies with the National Planning Framework 4 and with the existing Angus Local Development Plan and its associated Supplementary Guidance.

2.4 The Planning Statement supports the submitted drawings prepared by Keith Renton Architect along with the following supporting documentation:

- A Design Statement prepared by Keith Renton Architect
- A Ground Assessment Report prepared by S.A.McGregor
- Ecology reports prepared by Direct Ecology
- Flood Risk Assessment prepared by Atholl Associates

3 EXISTING SITE DESCRIPTION

3.1 The planning application site comprises 0.46 ha of land. The site is located between the villages of Eassie and Glamis, south off the A94 at Balgownie Farm. Access to the site is from the Zc16 via Balgownie Farm and Cottages to Balgownie Mill. The site is currently littered with dilapidated barns and other agricultural sheds, with a small woodland positioned in the northeast corner of the site.

3.2 The existing steading buildings consist of a collection of varying-height single-storey buildings, with pitched slate roofs. The buildings have been derelict and unused for a considerable period of time, and as such are in varying states of condition (see structural engineer assessment for further details)

3.3 The site is identified in the local development plan as open countryside.

PLANNING HISTORY

3.4 A search of Angus Council's planning database indicates a limited yet mixed planning history associated with the proposed site.

Conversion of Steading to Create Six Dwellinghouses

Ref. No: 07/00018/FUL | Status: Approved Subject to Conditions

Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works

Ref. No: 20/00515/FULL | Status: Withdrawn

3.5 The broad conclusion to be drawn from planning history is the application site has been available for redevelopment to residential use for many years following the approval for the conversion to create 6 dwellinghouses. A single-family dwelling will have less of an impact on highways safety, residential amenity and pressure on local services such as doctors, pharmacies and schools and as such should be supported by Angus Council.

3.6 The Design Statement along with the drainage, ecology and landscape reports record how the applicants have worked with the site to create a functional yet funky design which is compliant with the design and land use policies of the Angus Local Development Plan, Angus Placemaking Supplementary Guidance and the National Planning Framework 4's six Qualities of a Successful Place.

4 THE PROPOSED DEVELOPMENT

4.1 The proposal is for the conversion of existing steading to create a family dwelling, this includes a granny annexe which will be utilised by the family during the first phase of construction, as well as a greenhouse, and a studio space to facilitate home working.

4.2 The proposals look to mix the old in with the new, restoring and retaining existing buildings where suitable and structurally possible. Stone walls which exist on site will be integrated within the design of the dwelling, increasing the sustainability of the construction and reducing waste.

4.3 The basic form of the existing buildings and agricultural sheds on site will be replicated albeit improved for the form and function of the proposed dwelling. The dwelling will centre a courtyard area which provides an opportunity for indoor-outdoor living.

4.4 The proposed materials for the development are vernacular, with a mix of repurposed stone from the existing walls combined with weathered steel and wooden cladding, this will retain the rural and agricultural style of the area, thus will be in keeping with the character of the wider countryside.

4.5 The proposed dwelling is 1-2 storeys and has been designed to ensure no overlooking risk to the nearest neighbours. First-floor windows will have restricted opening widths and are obscure where they face south, with the remaining windows orientated to view east and west only via projecting bays.

4.6 The proposed site layout benefits from defined areas of hard and soft landscaping, with the full details of a planting scheme yet to be determined.

4.7 The proposed boundary treatments will combine the existing fencing, enhanced with a willow hedge, whilst the south-eastern boundary will maintain the existing neighbouring hedge combined with a new local stone wall.

4.8 Care has been taken to ensure that the proposed dwelling mirrors the design of the quirky multi-gabled appearance of the original buildings to ensure limited impact on the wider landscape.

4.9 As will be discussed and examined in Section 5, the proposed development demonstrates through form, scale, layout, detailing, siting, design, and materials, how the development will make a positive contribution to the local area whilst advocating best practices for sustainable residential development in rural locations.

4.10 Further justification is provided in Section 5/6 and concluded in Section 7 to explain that the proposal meets all relevant planning policies and other guidance requirements in full.

5 DEVELOPMENT PLANNING POLICY

DEVELOPMENT PLAN

5.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 and as amended by the Planning Etc. (Scotland) Act 2006 (updated 2019), requires the determination of a planning application must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

5.2 On the 13th of February 2023 the Scottish Government adopted the National Planning Framework 4 (NPF4). The NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan. As such, more weight will be given alongside the Local Development Plan in assessing planning applications.

5.3 The following planning policy documents are considered to be relevant to the proposals are outlined below:

- National Planning Framework 4 (2023) (NPF4)
- Angus Local Development Plan (2019) (LDP)
- Countryside Housing (Supplementary Guidance 2016)
- Design Quality and Placemaking Supplementary Guidance (Supplementary Guidance 2018)

NPF 4

5.4 The following key NPF4 policy areas are relevant to the determination of this planning application's compliance with the development plan. The specific policies and compliance of the development to these are summarised and expanded upon later in the planning assessment discussion. Those relevant to the planning application are:

5.5 Policy 1 – Tackling the Climate and Nature crises - To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

5.6 Policy 2 – Climate Mitigation – States that development should minimise emissions and adapt to current and future impacts of climate change.

5.7 Policy 3 – Biodiversity – NPF4 requires that proposals contribute to the protection of biodiversity and deliver net gain by delivering positive effects from development.

5.8 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings –Encourage, promote and facilitate the reuse of vacant land and help reduce the need for greenfield development.

5.9 Policy 14 – Design, Quality and Place – Promote well-designed developments that create a successful place using a design-led approach in line with the new 6 qualities of a successful place.

5.10 Policy 17 – Rural Homes – Facilitate the delivery of high-quality sustainable rural homes

ANGUS LOCAL DEVELOPMENT PLAN (ADOPTED 2016)

5.11 The Adopted Angus Local Development Plan (2016) does not identify any specific proposal for the site, it lies in open countryside. The policies which are considered relevant to the proposals are outlined below. The assessment of the proposals against policy criteria follows in the assessment section of this statement.

5.12 Policy DS3- Design Quality and Placemaking states- *Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area.*

5.13 Policy DS4- Amenity states- *All proposed development must have full regard to opportunities for maintaining and improving environmental quality. This includes issues such as highway safety and residential amenity.*

5.14 Policy TC2 Residential Development states- *new development should be compatible with current and future land uses in the surrounding area; provide satisfactory residential environment for the proposed dwelling and not result in an unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure.*

5.15 Policy PV6- Development in the Landscape aims to- *protect and enhance the quality of the landscape in Angus, its diversity (including coastal, agricultural lowlands, the foothills and mountains), its distinctive local characteristics, and its important views and landmarks.*

5.16 Policy PV7 Woodland, Trees and Hedges seeks to ensure that - *new planting enhances biodiversity and landscape value through integration with and contribution to improving connectivity with existing and proposed green infrastructure and use appropriate species*

5.17 Policy PV11 Energy Efficiency, whilst stating that conversion of buildings are excluded, new development should- *consider energy efficiency measures where possible including: • siting, form, orientation and layout of buildings to maximise solar gain, natural ventilation and light; • the use of landscaping and boundary treatment to modify temperature extremes such as shelter belts; and • the re-use and/or local sourcing of building materials.*

5.18 Policy PV15 Drainage Infrastructure requires SUDs for new development, however, this excludes developments of single dwellings. Further details on the site's drainage recommendations can be found in the drainage statement.

6 ASSESSMENT OF NPF4 AND LDP AGAINST THE PROPOSALS

6.1 As introduced in previously the following Section will assess the development proposals against the relevant NPF4 and LDP policies to show their compliance.

6.2 The proposals comply with NPF4 policies 1 and 2 (Climate and Nature Crisis and Climate Mitigation) by reusing the structurally safe buildings which are existing on the site. The development will also introduce a new comprehensive landscaping scheme to ensure that there is no loss of biodiversity within the site area.

6.3 The proposals meet the requirements of NPF4s Policy 9 (Brownfield Development) by proposing development on brownfield land, this ensures that greenfield sites are left as is and offers a more benign form of development. By utilising brownfield land, the development has existing access and materials existing on site that can be recycled, re-used and reduces waste throughout the lifetime of the development.

6.4 The dwelling has been designed with the 6 qualities of successful places in mind, healthy pleasant, connected, distinctive, sustainable, and adaptable in mind. The development exploits the countryside environment to take advantage of the existing built form to create a classic courtyard-built form which can be utilised by occupants for indoor-outdoor living.

6.5 The proposed design is pleasant by using local materials which are appropriate for the existing character of the countryside landscape.

6.6 The proposals utilise the connection to the countryside to create a cohesive dwelling design which connects the proposed use of the site, with its agricultural heritage, resulting in a thoughtful well-designed proposal, which ties in with the distinctive element of successful qualities.

6.7 The proposals are sustainable by bringing a brownfield site back into use, reducing the need for greenfield development to create a long-term family dwelling.

6.8 The proposals are adaptable through a clever floor plan which allows for changing use of ground floor rooms to account for ageing or disability. The design-led approach to the proposals has resulted in an architecturally interesting building in which form also follows function.

6.9 It is noted within the Angus Supplementary Guidance for Countryside Housing (2016), that Rural Angus is not a single homogenous area, as it varies significantly in character and land-use.

6.10 It is further noted that Angus Council support the conversion of non-residential buildings. The guidance states that a building suitable for conversion should make a positive contribution to the character and architectural heritage of rural Angus.

6.11 The proposals meet the requirements of NPF4 policy 16 Quality Homes, which looks to encourage the delivery of high-quality homes in the right locations, this is in conjunction with Policy 17, Rural Homes which promotes the delivery of high-quality, sustainable homes in the right locations. As mentioned, the proposals are utilising existing non-residential buildings on a brownfield site to create a high-quality, sustainable family dwelling. The use of sustainable

materials, which are in keeping with the landscape character of rural Angus, come together with the existing basic form of the agricultural buildings to create a functional family home.

6.12 The proposals deliver a high-quality design standard, inspired by the existing landscape and contribute a positive addition to the character of the area, in line with LDP policy DS3 Design, quality and place.

6.13 As required in LDP policy DS4 Amenity the proposal ensure that the development will not have any adverse impact on highway safety, neighbouring amenity, biodiversity or ecology.

6.14 The proposed dwelling is compatible with current and future land use (as demonstrated by the historic planning approval for conversion to 6 dwellings), provides a satisfactory residential environment and as above does not result in any unacceptable impacts on built or natural environments, or surrounding amenity in line with LDP policy Tc2 Residential Development.

6.15 LDP Policy PV6 Development in the landscape looks to protect and enhance the local landscape quality. The proposals reflect the local characteristics, which are not homogeneous, by using local materials, and materials that would be used for agricultural buildings as an acknowledgement of its historic use.

6.16 The proposals intend to contribute to existing and proposed green infrastructure with the use of appropriate species upon completion of construction to form a comprehensive landscaping scheme, to enhance biodiversity and increase the landscape value which is harmonious with the objectives of LDP policy PV7 Woodland, Trees and Hedges.

6.17 Whilst conversions of buildings are excluded from the requirements of LDP policy PV11 Energy Efficiency, the site has taken on several energy efficiency measures such as the sitting and form of the proposals and the re-use and local sourcing of building materials.

7 MATERIAL CONSIDERATIONS

7.1 Section 5 has demonstrated the considerable development planning policy compliance of the proposals. They meet the relevant local development plan policies and the NPF4 requirements. Notwithstanding, if there is any reason the planning authority considers the proposals are not in full compliance with the development plan, then the following material considerations should be given proper weight and considered assessment.

Shortfall in Supply Across the West Angus HMA

7.2 The Angus Housing Land Audit 2022 shows that the West Angus Housing Market Area has a 182-unit shortfall in its 5-year supply position. The extent of the shortfall increased between 2021 and 2022 and as such this site presents a strong opportunity to create a much-needed family dwelling with the West Angus HMA.

Planning History

7.3 As stated previously, the broad conclusion to be drawn from planning history is the application site has been available for redevelopment to residential use for many years following the approval for the conversion to create 6 dwellinghouses.

7.4 A single-family dwelling will have less of an impact on highways safety, residential amenity and pressure on local services such as doctors, pharmacies and schools and as such should be supported by Angus Council.

Changes and Additions Provided Throughout the Planning Process

7.5 Throughout the planning process, the applicant and their architect have made several changes and additions to the proposals. This includes but is not limited to:

7.6 Amendments made to the physical design of the proposals to make them more suitable for the character of the area.

7.7 Reassurance that the proposed granny annexe will remain ancillary to the main dwelling, and will not form its own planning unit.

7.8 Provision of numerous specialist reports where and when requested.

7.9 Surface water drainage issues resolutions, alongside the design of a drainage system to ensure that all water (surface and waste) is disposed of on-site via soakaways (see ground assessment report and drainage recommendations.)

7.10 Upgrades to the road as agreed by highways. The applicant will provide 2 passing places on the existing access and repair any existing potholes and depressions.

8 CONCLUSIONS

8.1 We have demonstrated in this Supporting Statement, along with the accompanying drawings prepared by Keith Renton Architects and detailed supporting documents from a wide range of consultants on other topics, that the proposed development can be supported.

8.2 This is because the principle of the development is acceptable as the proposal includes the creation and sustainment of a new adaptable and future-proof family dwelling within the Angus Countryside on a currently vacant and underutilised brownfield site.

8.3 The proposed designs are quality, offer a high level of amenity, and comply with both the LDP and NPF4 policies and guidance on place and placemaking, housing in the countryside as well as the six successful qualities of place.

8.4 The applicants have demonstrated that all the relevant planning policies of the local development plan can be met, therefore the proposals should be supported.

8.5 The proposals will bring a brownfield plot of land back into use through the creation of a new, high-quality, sustainable family dwelling, satisfying policies: NPF4 Policy 9, and 17 as well as LDP policies TC2 and PV6.

8.6 The application is present a proposal which is of high-quality design and sustainable development, offering a net gain of improvements to the site and improving the character of the area, which is in keeping with the policies: NPF4 policy: 1,2,3,14,16,17 and LDP policy DS3, DS4, TC2, PV6, PV7 AND PV11.

8.7 The proposals' offerings of economic, environmental, and social objectives ensure that the proposals are "sustainable development".

8.8 On balance, the applicants have made a strong case that all the Development Plan policy requirements have been met and that the proposal is justified with very strong positive support from the submitted land use documents and evidence.

8.9 We would therefore request that Angus Council approve this planning application.

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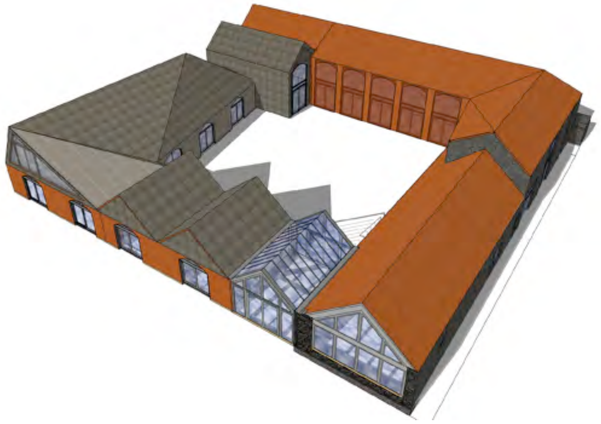

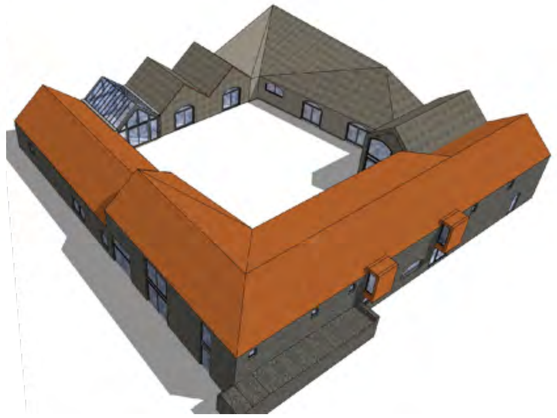

Drawing Title: **3D IMPRESSIONS**

Job Title: **Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF**

Client: **Mirna Melki and Robert Mills**
Drawing Number: **811P2-13a**
Drawing Scale: **NTS**
Drawing Date: **1 February 2021**
Drawn By: **KR**
Amendments:
a) 22-06-23, elevation changes to roofs and windows

Humestanes Studio, Hume Hall Holdings, Greenlaw, Duns, Berwickshire, TD10 6UW

BALGOWNIE STEADING
RENOVATION AND NEW BUILD ANNEX

DESIGN STATEMENT

IN SUPPORT OF PLANNING APPLICATION 21/00081/FULL
ANGUS COUNCIL

ISSUE #2 - June 2023

BALGOWNIE STEADING -
PLANNING APPLICATION DESIGN STATEMENT

TEAM

CLIENTS : Mirna Melki and Robert Mills
ARCHITECT : Keith Renton Architects
PLANNING CONSULTANTS: Gray Planning
LANDSCAPE ARCHITECTURE: Mirna Melki CMLI
STRUCTURAL ENGINEERING : Christie Gillespies Structural Engineering
ECOLOGY : Direct Ecology
TREE SURVEY: Hinselwood Arboriculture
CIVIL ENGINEERING : Sara McGregor
FLOOD RISK: Atholl Associates

CONTENT
Design Statement (rev 2) in support of planning application 21/00081/FULL

ADDRESS OF PROJECT
BALGOWNIE STEADING, EASSIE, FORFAR, DD8 1SF
ANGUS
SCOTLAND

CONTENTS

1

Introduction

Brief Introduction to the document and its content

2

Project Context

Examining Balgownie Steading family home conversion in site context and site history

3

Project Brief

review of the brief and how the design evolves to fit the briefsite and context.

4

Architectural Proposal

Design review of the Architectural proposal , examining the layout, adjancencies and unique aspects of the remastered building

5

Buidling Appearance and Materials

A review of the proposed sustainable features , materials and material relationships.

6

External Environment

A description and review of the external grounds and its layout, programme , lighting and materials.

Image above: West Elevation view of Balgownie Steading- from sales brochure circa 2008
Image right: Old Alsatian Museum's Modern Makeover (Published 2015) - precedent project

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INTRODUCTION

This design statement will cover all design related considerations of the proposed renovation and new build project, Balgownie Steading, in keeping with the aesthetic and character of the old industrial farm buildings that were part of a working farm dating back to the 1800s . We will demonstrate the adherence with National Scottish Government policy guidance setting out the expectations to create places with high standards of design in rural areas. This guidance- *Planning Advice Note 72 (PAN72) Housing in the Countryside* reinforces these expectations that good quality rural housing respects the Scottish Landscape and tradition building forms and materials and provides the backbone of the Balgownie Steading restoration.

This document outlines the design considerations for the development of the old Balgownie Steading farm buildings into a single family home by part restoration / part new build to the dilapidated structure. This document forms part of the planning application 21/00081/FULL to explain and highlight the design proposal of the development- looking at its building, its grounds, vehicular access and perimeter.

POLICY FRAMEWORK

This document should be read in conjunction with 21/00081/FULL Planning Statement (June 23 ref 2023_41) as this will cover legislative considerations pertaining to the development.

PROJECT CONTEXT

Balgownie Steading is located south east of Eassie in amongst active arable farmland and was part of a larger farm dating back to the 1800s. This has been sold of in parts over the years and the original farmhouse, #1 Balgownie Cottage is in separate ownership and still remains directly adjacent to Balgownie Steading that formed part of the former farm's farm buildings- house cattle and farm equipment. It is even thought to have formerly housed threshing equipment to form hay-bales The Balgownie Steading property covers an area of approximately 4,600sq.m and currently consists of derelict steading stone buildings and a ruinous barn and other agricultural sheds along with a small woodland to the north east corner of the site.

Surrounding land is in agricultural use and owned by Hatton of Eassie Farm. Two occupied residential dwellings are located close by to the south and south east of the site(the original cottage, #1 Balgownie Cottage and #3 Balgownie cottage- which is a new dwelling built on the site of a former dwelling. It is accessed via a shared farm track road that leads to several residential dwellings.

Balgownie Steading is located South-East of Eassie, Angus in amongst active arable farmland and was part of a larger farm dating back to the 1800s.

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Balgownie Steading is located half a kilometer east of Hatton of Eassie farm and 2.8km west of the town of Glamis.

Grid Ref: NO355466
X(Easting) 335534;
Y(Northing) 746679
Lattitude 56.607539
Longitude -3.0517784

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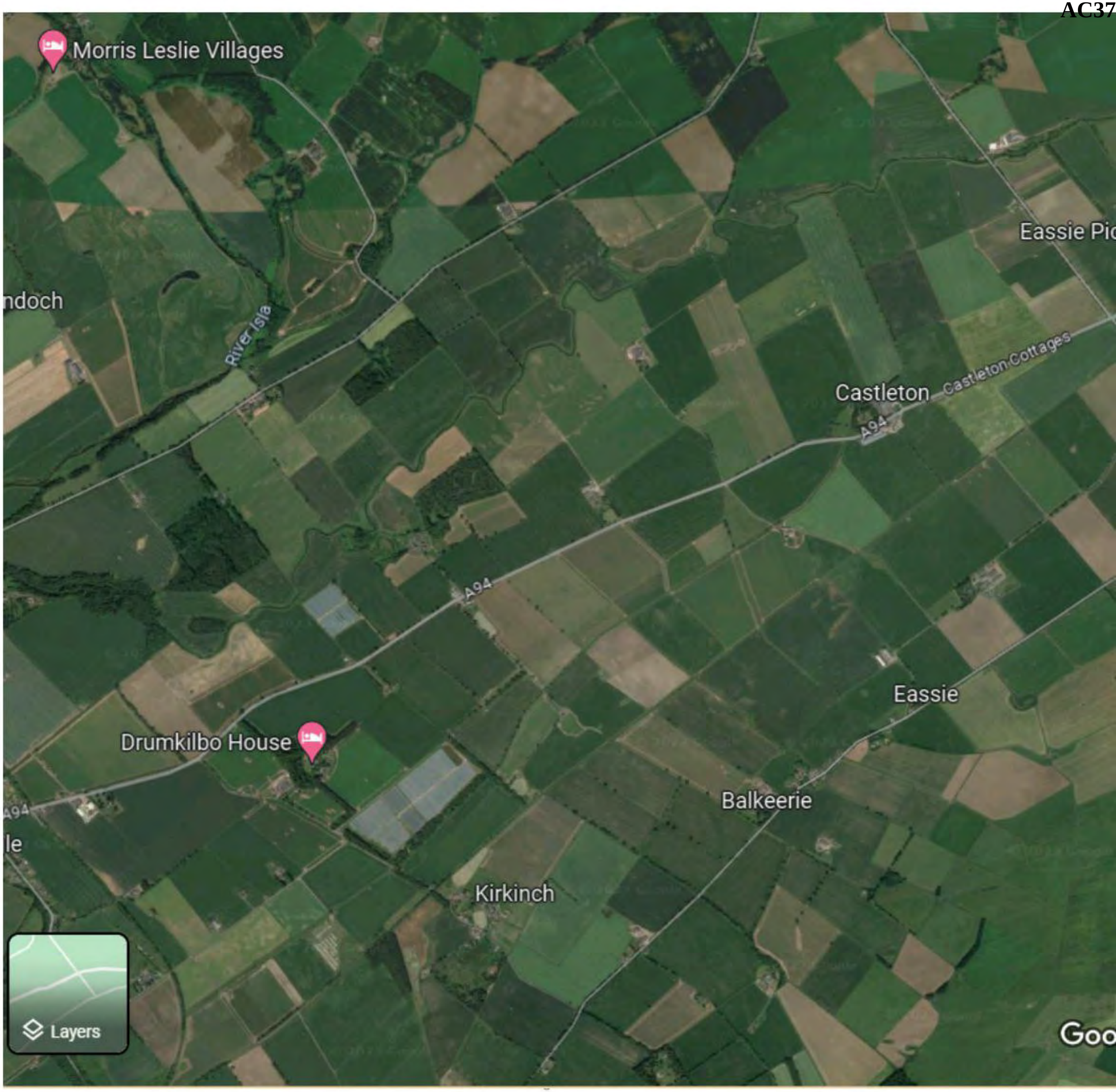
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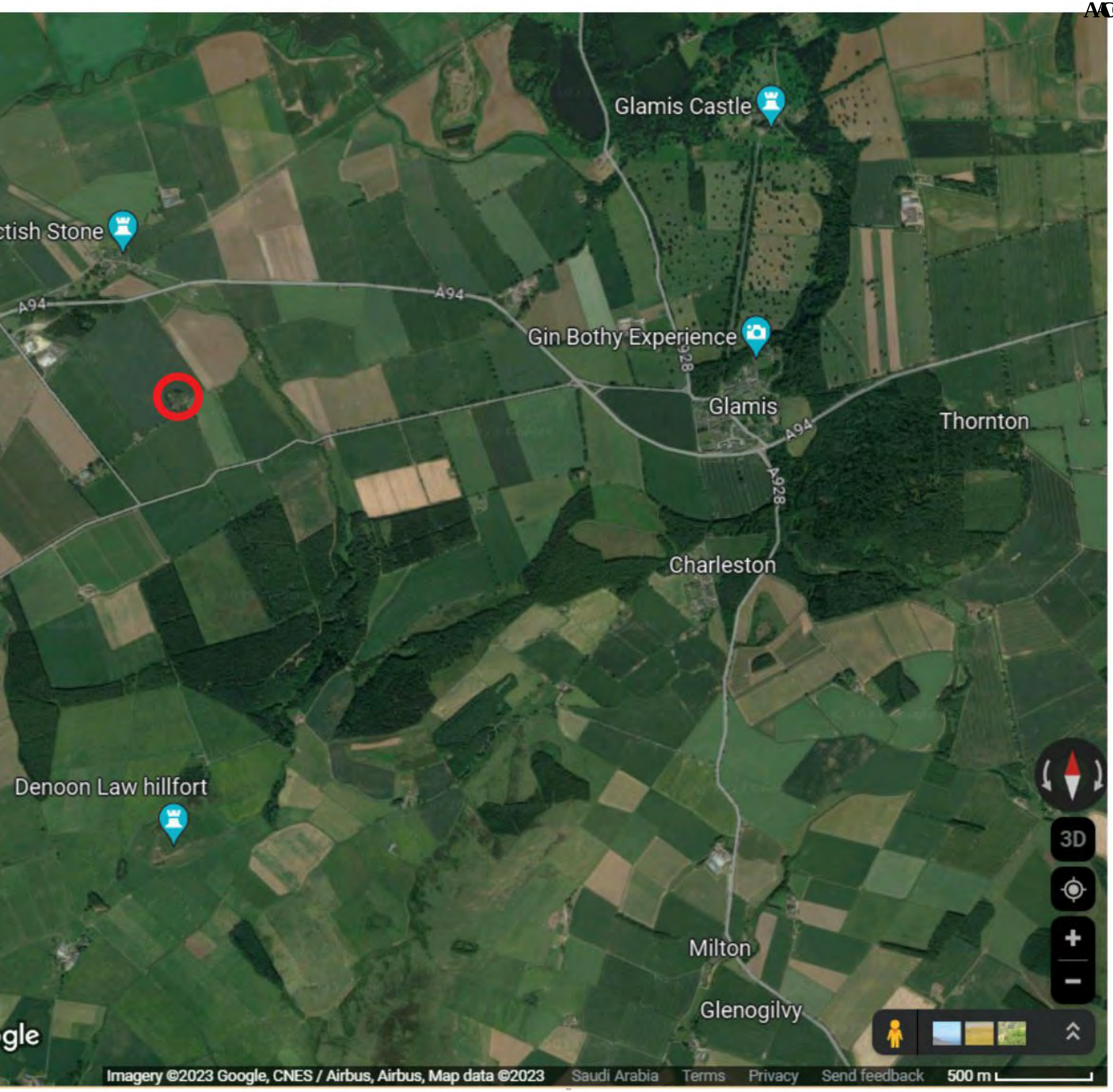
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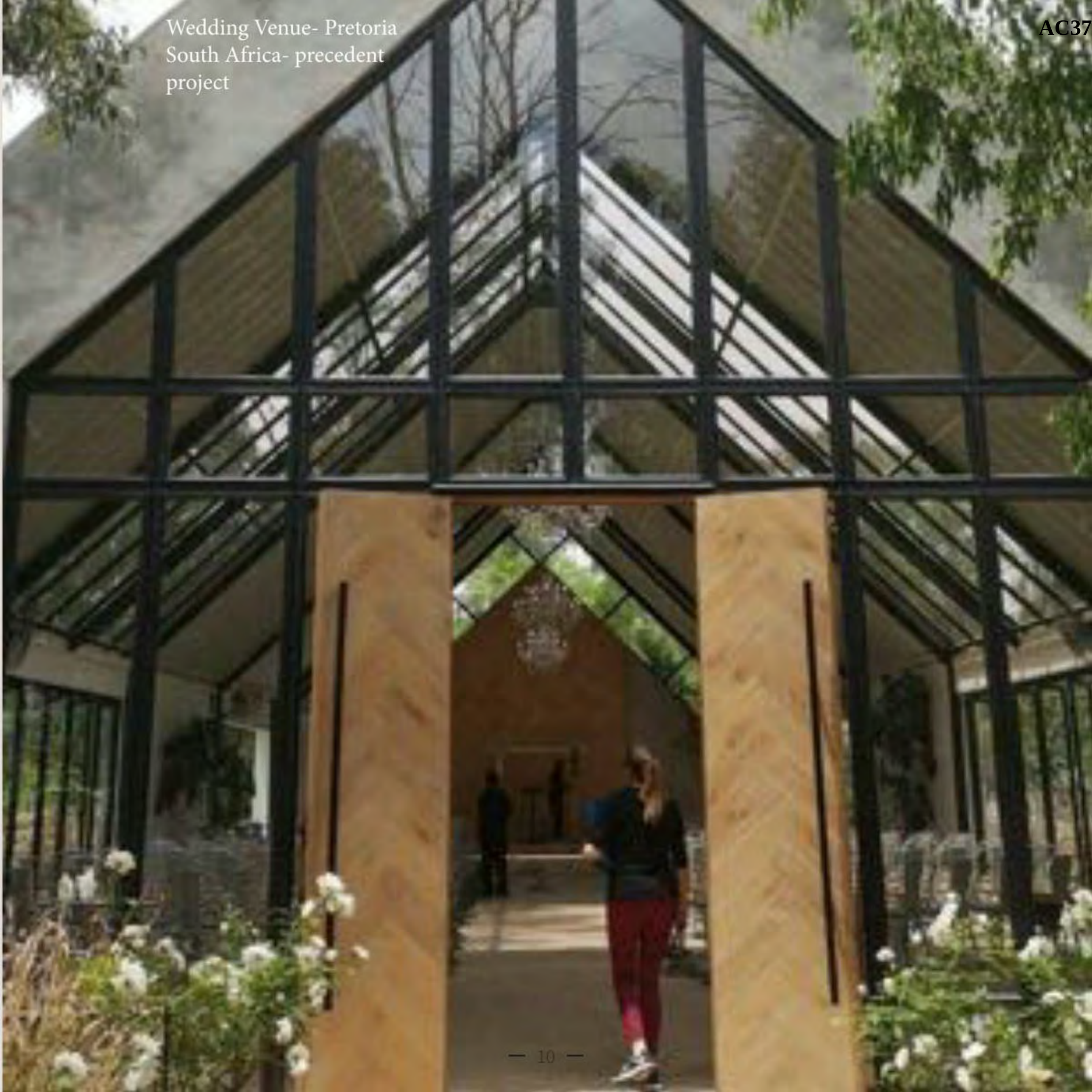
Wedding Venue- Pretoria South Africa- precedent project



PROJECT BRIEF

The brief for this project is to provide a large modern family home with studio space, integrated Granny Annex, greenhouse, external gardens and play space for the applicants growing family.
The current remains of the old Steading buildings will be changed into a family home by part restoration / part new build of the current delapidated structures.The remaining stone walls are to be renovated and integrated into the main family home.

The Annex will be the new part of the build and replace a collapsed part of the steading buildings and be an attached continuation contemporary interpretation of the main building using a combination of traditional and modern materials.

The existing steading footprint and window openings are largely being adhered to with larger windows included in places to maximise the views, bring in light and adhere to safety regulations.

As the development of the site will need to be phased it is essential that any initial phase should provide selfcontained accommodation for the applicants whilst they develop the remainder of the site. The initial self-contained accommodation (Granny Annex) will also provide accommodation for guests and family in the future.

There will also be a tree house or elevated platform wooden lodge located within the small woodland on the property. This will be designed around the woodland and have no impact on the existing roots

Inaccordance with **Designing Places-** *Planning Advice Note 72 (PAN72) Housing in the Countryside, Balgownie Steading will be;*

Distintive
Balgownie's distinctiveness will be retained by its unique 5 apex north elevation, footprint, primarymaterials and overall proportions.

Safe and Pleasant
Balgownie Steading will form a strong building with a singular point of vehicular entry and add the area by changing a dangerous derelict building into a home- further support to the little development around the hamlet of housing along the rural track.

Easy to get around
Balgownie Steading will be located in its original location and be serviced by an existing well used access track that currently serves 5 homes.

Welcoming
Balgownie Steading will be a welcome familiar addition to the homes located along Hatton of Eassie farm track when it is restored to its former glory.

Adaptable
The design of the project is purely around the needs of a growing and ageing family where over time, should the need arise then generations can use various parts of the dwelling and can be subdivided if need be to suit future circumstances with th eintention to keep the family together and selfsufficent on the property if needed.

Resource Efficient
Siting Balgownie Steading in its exact footprint will not only renew the farmland landscape but can also bring benefits by utilising current infrastructure and services and reducing energy consumption through reuse of materials onsite and using the land to provide heat and explore other renwables. Using locally sourced materials aremore sustainable and better suited to the local natural and built environment.

ARCHITECTURAL PROPOSAL

ARCHITECTURAL PROPOSAL

BUILDING FORM AND EXISTING SECONDARY STRUCTURES

The original building courtyard layout, form and size, as well as the north gabled features are to be recreated by a combination of restoration, extension and new buildings (to replace ruinous or collapsed buildings). The main building- previously containing farm equipment and possibly a threshing barn, and adjoining single storey outbuildings on the South East and South West boundaries will be restored and extended to form the primary family accommodation. The remaining 2 sides of the courtyard will be formed by new buildings to house the Annex, Studio Space and Greenhouse.

A tree house with incorporated viewing deck and play area will be created within the small woodland area for family and children use. This will be constructed in timber with various types of timber cladding.
Low impact footings (upon existing tree roots) will be used to support additional timber support posts. The existing Woodshed will be rebuilt, at an early stage, to match it's original external appearance and be used initially as a site office, workshop and storage area during construction eventually becoming a garden shed and workshop on completion. The existing Dutch barn, that sits directly opposite the North elevation of the Steading, will be retained initially for partially covered storage but will be removed before completion of the works.

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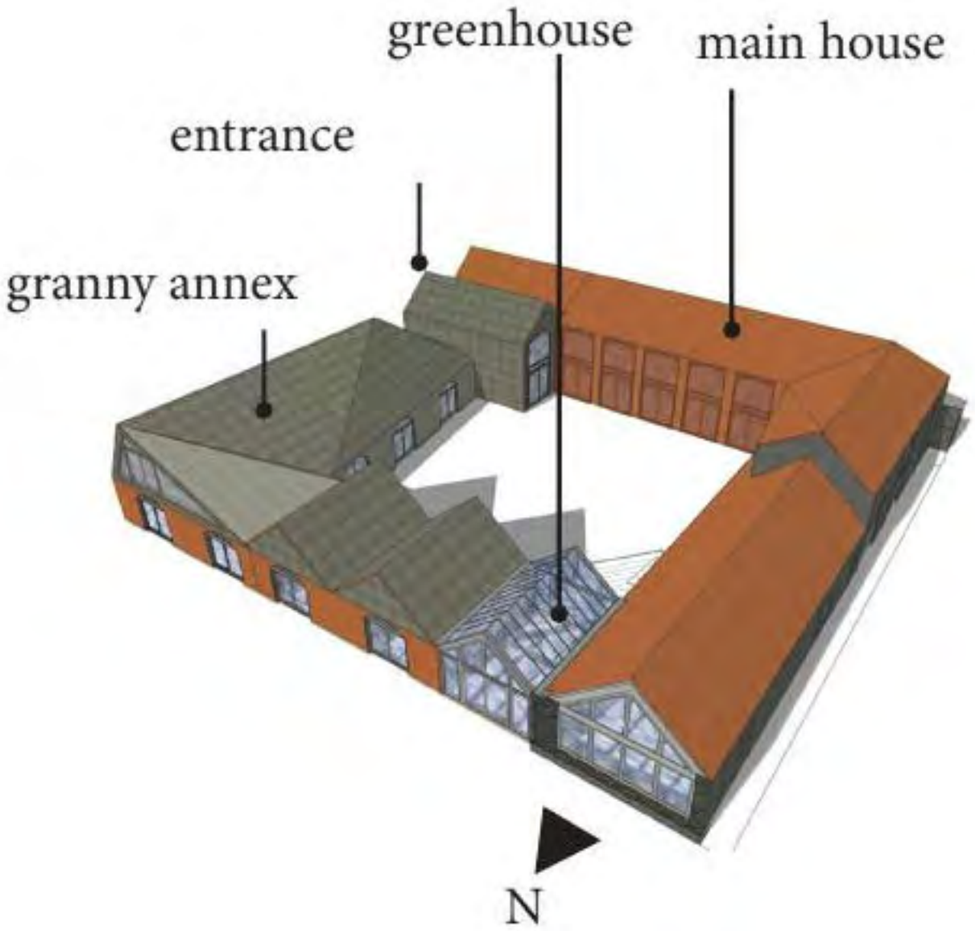
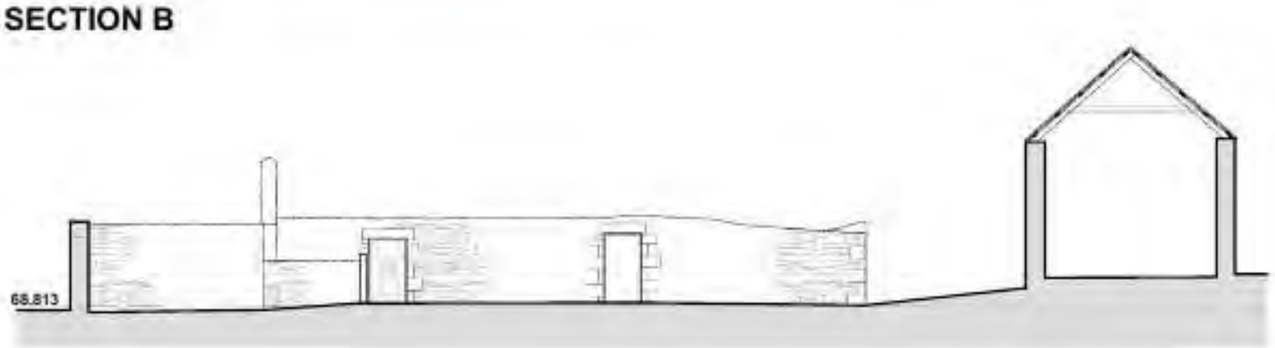


1.Entrance to plot
2.Old barn/shed
3.Main house
4.Granny Annex
5.Northern Elevation- orginally 5 apex roofline (see image)
6. Small woodland and location for treehouse
7.Old Dutch barn- to be removed
8. Old Western Elevation(see image)

EXISTING CONDITION

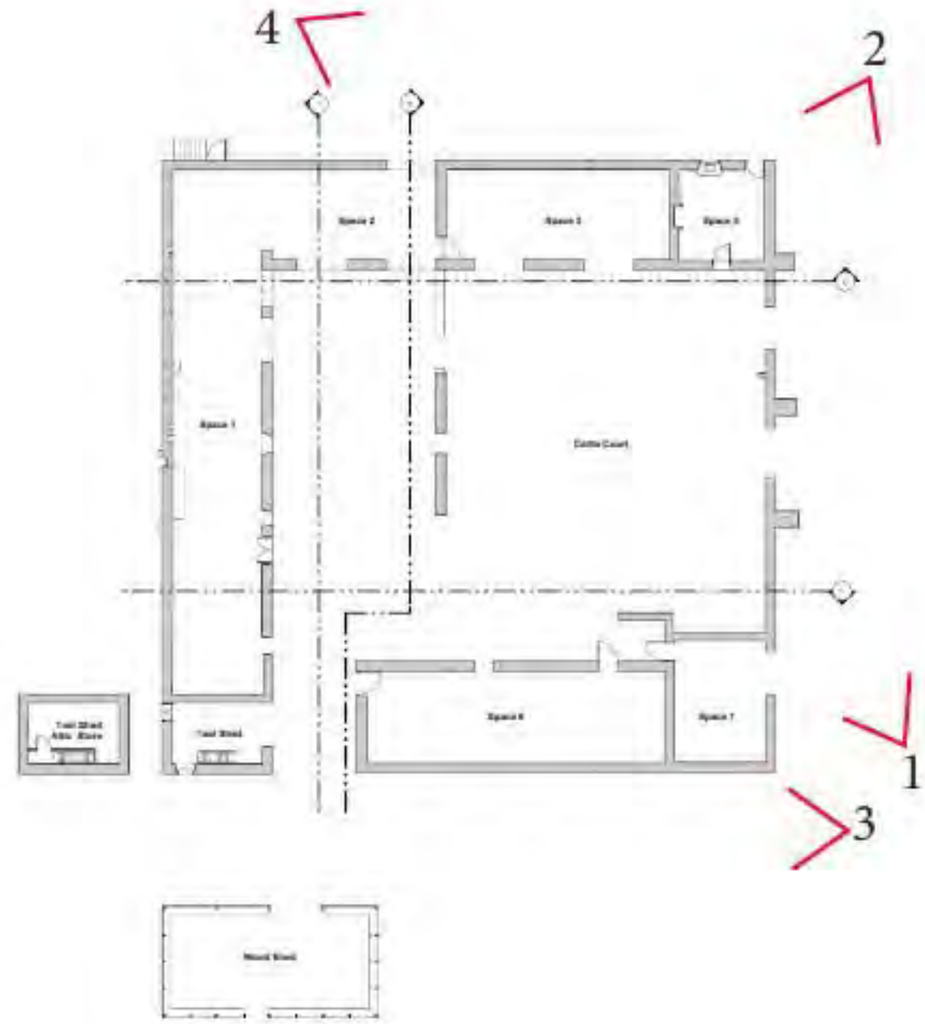
SECTION A

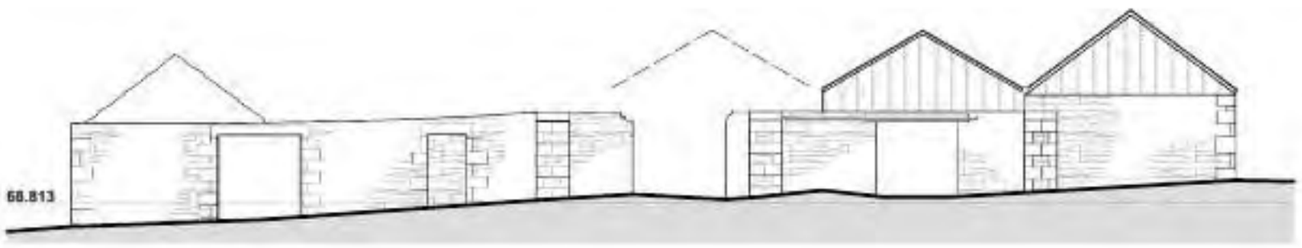
SECTION B



SECTION C

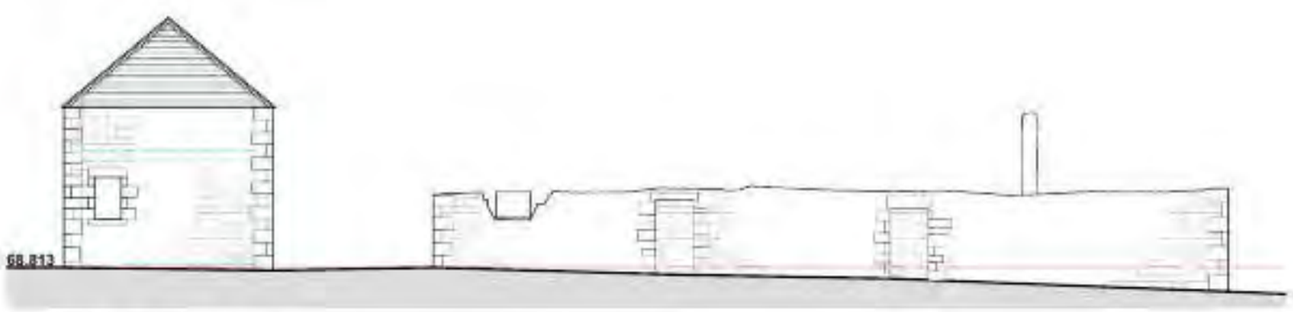
SECTION D



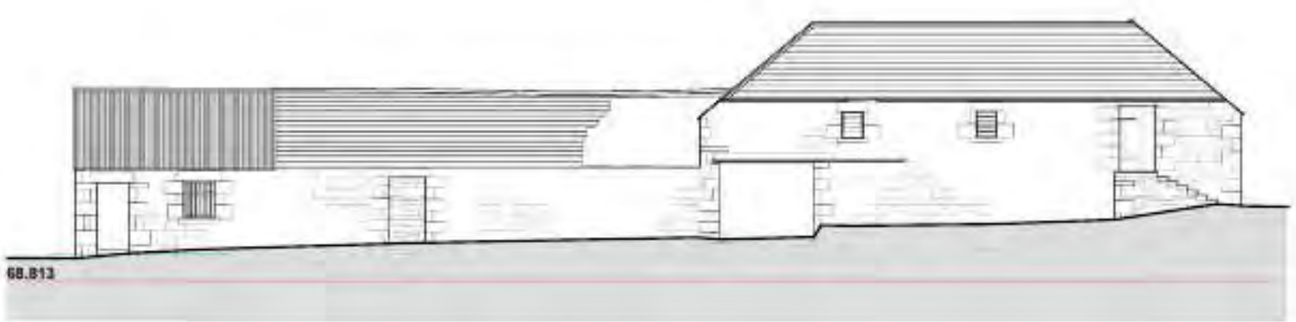


NORTH ELEVATION

SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION

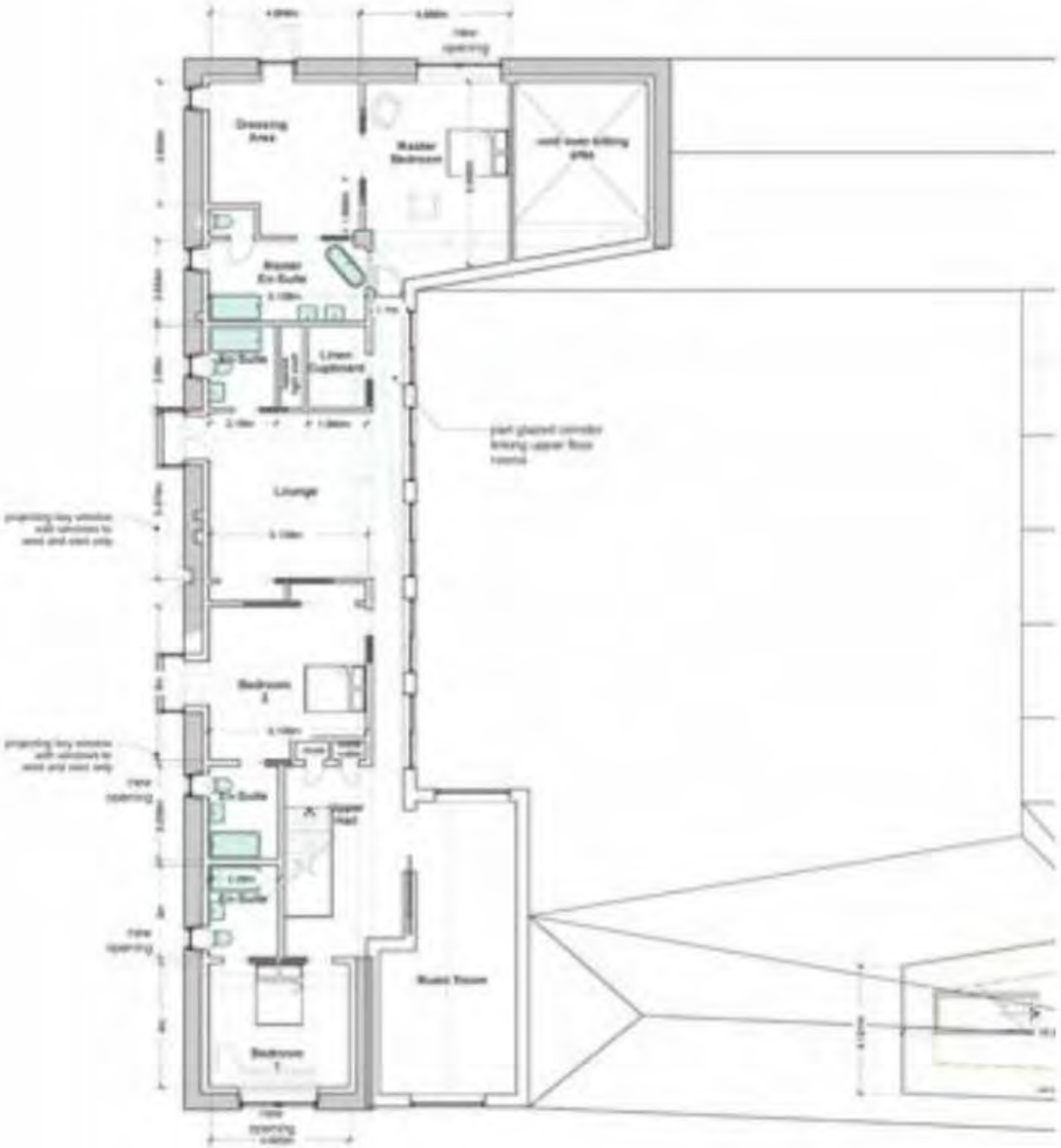
site images of existing condition taken June 2023

RENOVATION AND NEW BUILD PROPOSAL- 3D VIEWS

RENOVATION AND NEW BUILD PROPOSAL- GF AND FIRST FLOOR PLANS

GROUND FLOOR PLAN

Keith Renton



FIRST FLOOR PLAN

RENOVATION AND NEW BUILD PROPOSAL- ELEVATIONS

SOUTH ELEVATION

NORTH ELEVATION

EAST ELEVATION

WEST ELEVATION

SECTION A

SECTION B

SECTION C

SECTION D

BUIDLING APPEARANCE & MATERIALS

Throughout the design process the basic form of the building has remained very similar to its original state and character as now presented (courtyard with gabled north features, western and southern elevations). However the design and detailing of the external appearance has evolved through the exploration of different roof forms, that can be seen from the obscured eastern elevation and internally from the courtyard.

Materials chosen for the buildings remain mostly as originally found with the addition of weathered steel (of a rusted appearance), in keeping with the buildings industrial nature and farming character, to be used as the proposed roofing material and window frame accents.

Whilst simple traditional pitched roofs are used to cover the original retained buildings along with the north elevation gabled greenhouse and studio, roofs over new or extended areas comprise of complex and diverging pitches accentuating the new extension of the steading. The final shape and arrangement of these new multi-pitched roofs provide a dramatic and dynamic contrast the original built form and clearly differentiate "new" from "old".

Similarly the choice of external materials has been chosen to reflect those different (old and new) elements of the building. Reduced basic pallets of materials are to be used:

- **Existing pink and grey toned Sandstone**
- **Weathered Steel Roofing**
- **Aluminum Roofing**
- **Linear Larch Cladding/Roofing**
- **Weathered Steel detailing (External lintel window frames)**

SANDSTONE

Stone: Existing pink toned sandstone walls are to be retained. All new stonework will be built and coursed using salvaged stone to match the original appearance of the original stone walls and pointed using lime mortar. Where new openings are required in these walls these will be framed with weathered steel (Corten) to clearly define new from existing openings and to relate these to all other openings (within the new built structures) which will also feature Corten frames.

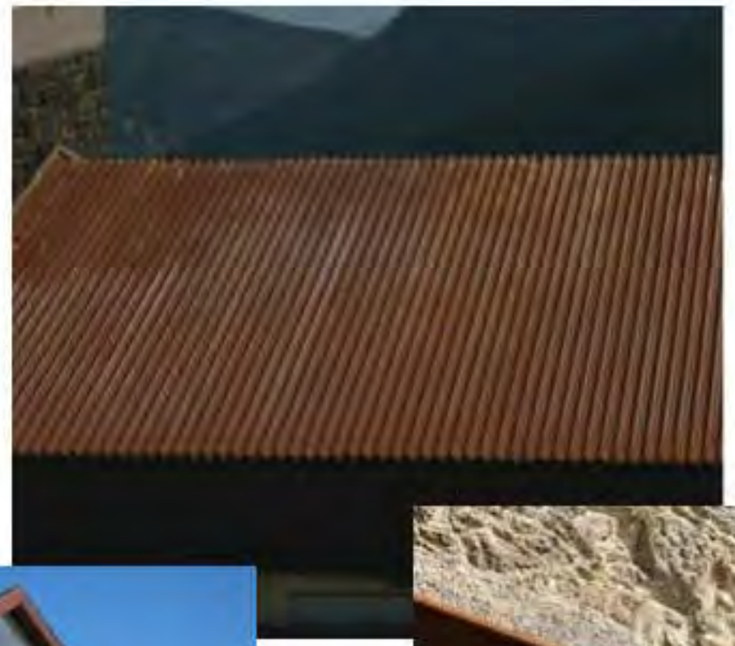
Image below and right orginal farm steading buildings current condition showing pink and grey local sandstone

Image above: orginal linear wood siding on the farm steading buildings

WEATHERED STEEL

Weathered Steel(also known as Corten), will be used as a replacement roof covering to the retained and extended main stone building. This replaces the mixture of corrugated asbestos and pitted and sporadicly placed slate tiles currently being used in places and fits in with the farmyard aesthetic of the rusted metal elements of the site. This material used as roofing will form a self healing strong robust and very long lasting roofing material and form a beautiful contrast to the large siding and roofing proposed for the new build Granny Annex. The weathered steel will lighten over time and blend with the natural tones of the fallow fields and changing arable landscapes of the Glamis and Eassie hillsides. The weathered steel will also be used as a feature within the courtyard as window sills where possible .

Images on page: source pintrest

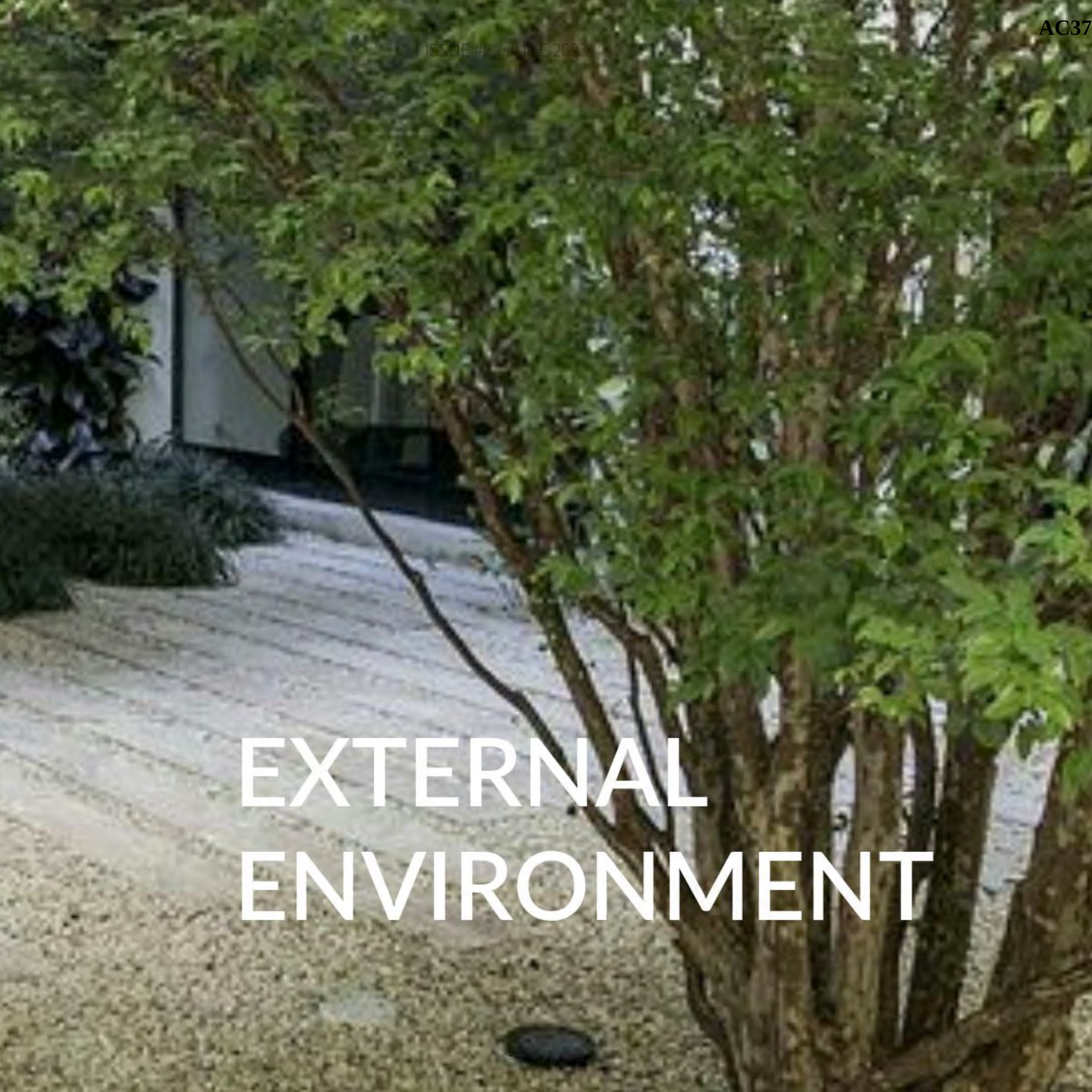


WOODEN CLADDING

The Granny Annex (the new build part of the steading development) as well as the structure above the main entrance will be clad in larch wood siding to differentiate it from the original stone buildings adjacent to it. The larch wood will be locally sourced and match the wood used to restore the woodshed and any other wood component of the project.

Images on page: source pintrest

Image above: orginal linear wood siding on the farm steading buildings



EXTERNAL ENVIRONMENT

EXTERNAL ENVIRONMENT

Balgownie Steadings plot area is approximately 4,600sq.m and the remaining 3000 sq.m around the perimeter of the existing structures will support the amenity landscape requirements of the house but also the infrastructure requirements and ground source heat pump solutions for the development.

The grounds are surrounded by arable fields on most of the perimeter with two neighbouring properties on the southern boundary. Within the plot is also a small woodland with semi mature trees of various endemic species(Birch, Rowan, Ash etc) and the perimeter is dotted with established hawthorn, acer and cypress species. Upon approach to the entrance of the site there is feature Spruce tree that flanks the entrance on the right.

The ground is slightly sloping to the eastern edge and the low point is the depression in the centre of the woodland. The Steading buildings are built on raised ground and is approximately 0.75-1m above the surrounding arable fields.

Keith Renton

foul water soakaway as specified in drainage report

Surface water soakaway as specified in drainage report

packaged treatment unit

existing culvert (with no connections from site)

Raised platform

Treehouse

treatment unit

external store forming part of re-furbished Woodshed

Existing timber building re-furbished

3 Balgownie

EXISTING SEPTIC TANK AND ASSOCIATED PIPEWORK TO NEIGHBOUR PROTECTED DURING WORKS AND RETAINED

TIMBER WOODSHED

timber gates

1.2m high stone wall

Garage

new retaining walls

Balgownie

5m 2m 1m 0 5m 10m

PROPOSED SITE AND LANDSCAPING PLAN

Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF

Mirna Melki and Robert Mills

811P2-11c

1:200

1 February 2021

KR

a) 27-05-21, removed trees shown to accord with tree survey
b) 13-07-21, altered drainage and surface water disposal shown with soakaways on site.
c) 22-06-23, revisions to surface and foul water soakaways to accord with drainage report

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LANDSCAPE GROUNDS

The external gardens of Balgownie Steading are designed to practicaly respond to the internal uses as well as practically support a functional and productive garden.

- **Perimeter Boundary treatments**
  - Living hedge
  - retaining wall and screen fencing

- **Hard landscaping**
  - reclaimed granite and brick pavers
  - pea gravel

- **Soft landscaping**
  - Edemic species as primary planting pallete
  - Bee and butterfly attracting plants
  - Selected ornamental grasses
  - Fruiting plants- rasberries,blueberries
  - Orchard fruit bearing trees

APPROACH AND GATEWAY

Practicalities of denoting ownership boundaries and entrance to Balgownie Steading will take form of a low stone wall to mimic the neaby wall that seperates Balgownie Steading from 3# Balgownie Cottage. This will support a gate that can be locked.

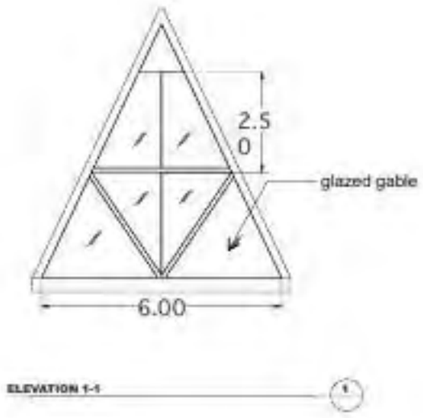
- **Refer to BOUNDARY HEDGE INTERVENTION AND MEASURES issue #1 August 22 submitted with this application for further information about the perimeter boundary treatment of Balgownie Steading development.**

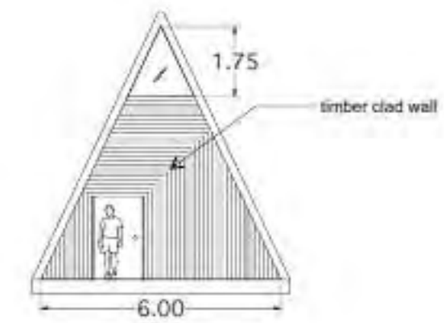
BARTON
FARM

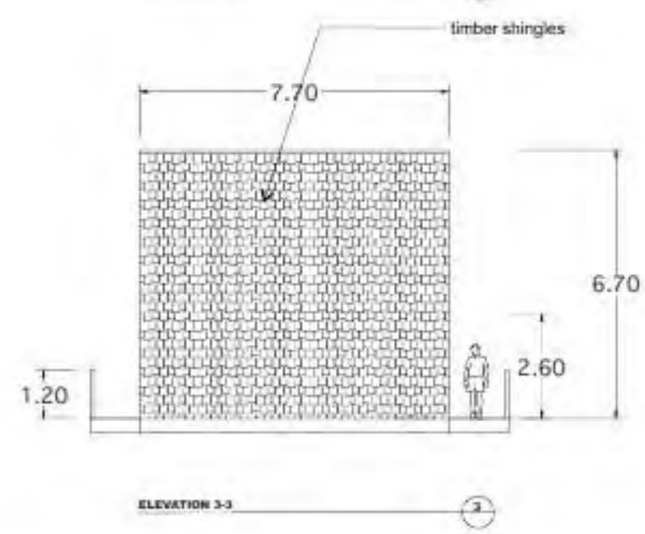
TREE HOUSE

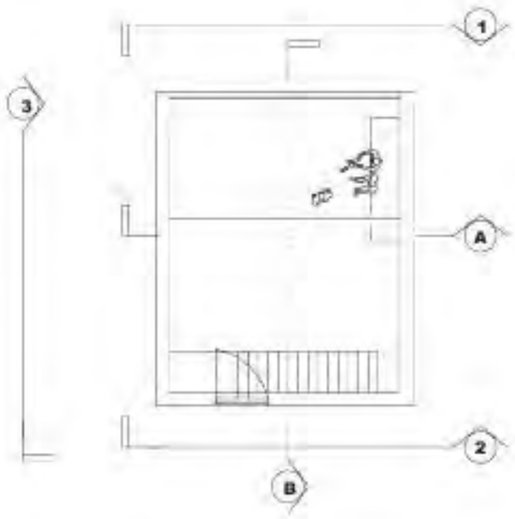
Tree House: loacted within the small woodland within the grounds of Balgownie Steading will be made of larch wood to match all sustainably and long lasting wood used within the build. This will allow for it to aesthetic blend with the woodland as it ages as well as the reconstructed shed and the Granny Annex

Formation of tree house and position of support pads

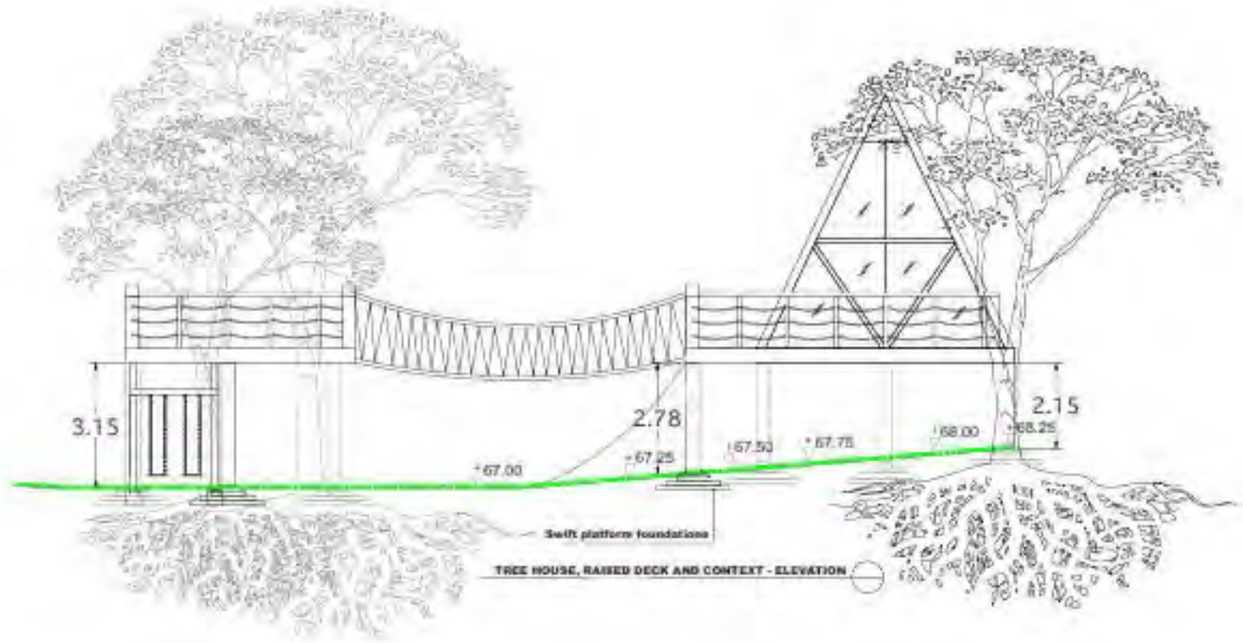




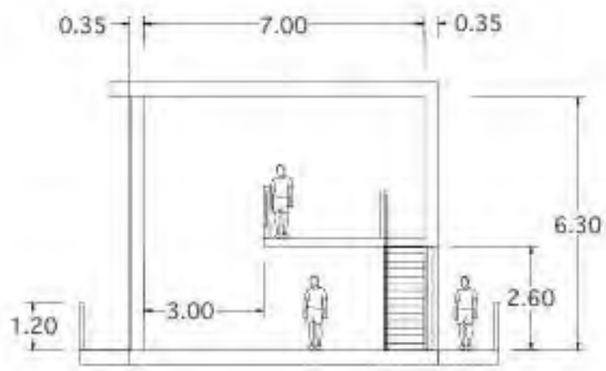




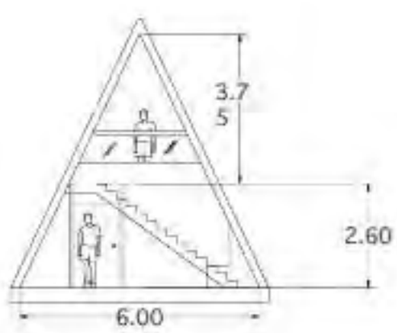
TREE HOUSE PLAN



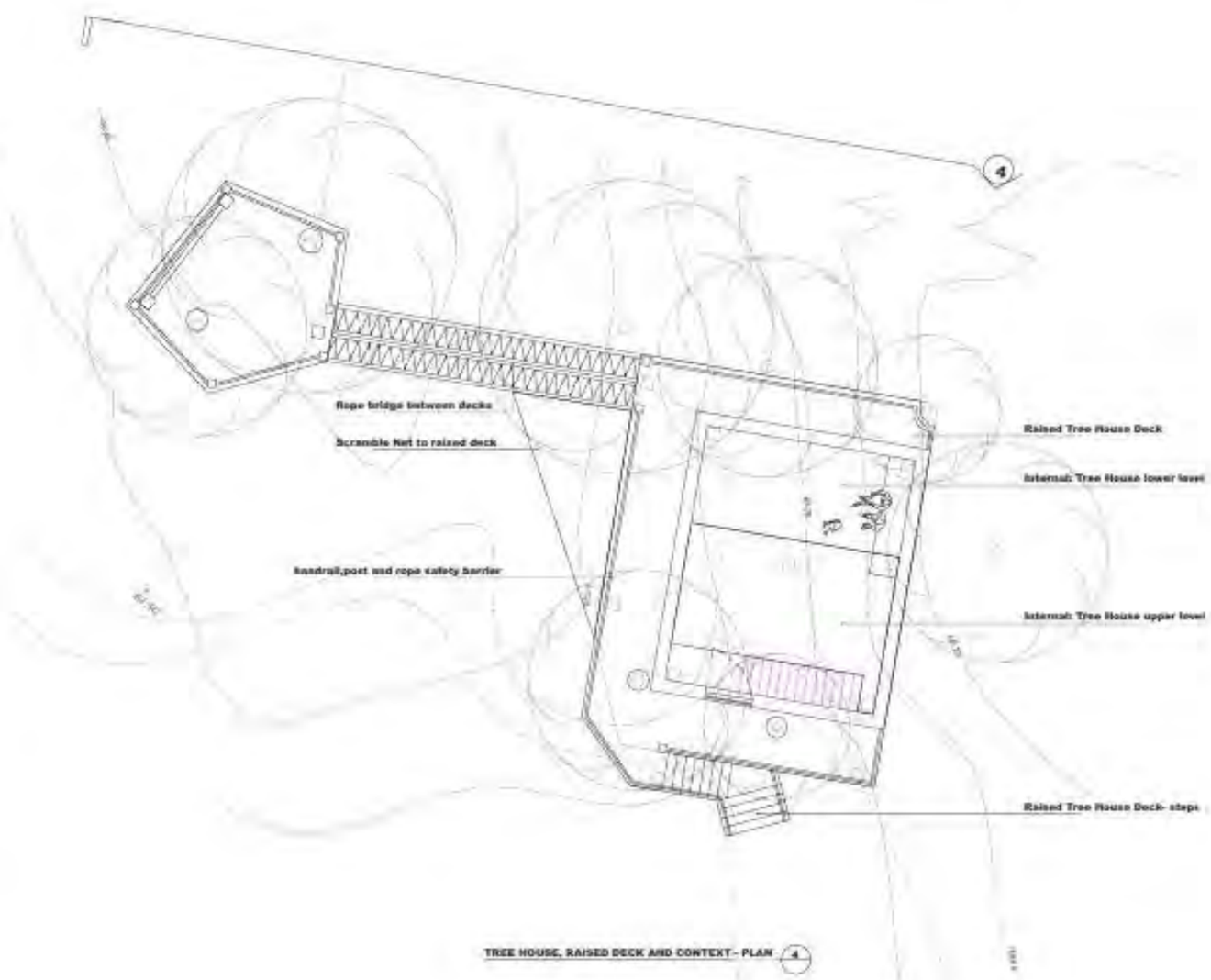
TREE HOUSE, RAISED DECK AND CONTEXT - ELEVATION



SECTION B-B



SECTION A-A



TREE HOUSE, RAISED DECK AND CONTEXT - PLAN 4

BALGOWNIE STEADING
RENOVATION AND NEW BUILD ANNEX

DESIGN STATEMENT

IN SUPPORT OF PLANNING APPLICATION 21/00081/FULL
ANGUS COUNCIL

ISSUE #2 - June 2023

APPENDIX 2

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW –

BALGOWNIE FARM STEADING, EASSIE

APPLICATION NO 21/00081/FULL

APPLICANT'S SUBMISSION

Page No

ITEM 1	Notice of Review
ITEM 2	Decision Notice – GP01
ITEM 3	Local Review Body Cover Letter, Signed Processing Agreement, List of Appeal Documents
ITEM 4	Grounds for Review Statement
ITEM 5	Handling Report – GP02
ITEM 6	Design Statement – GP03
ITEM 7	Planning Statement – GP04
ITEM 8	Representations Received – GP05
ITEM 9	Flood Statement/Risk Assessment – GP06
ITEM 10	Ground Assessment Report and Recommendations – GP07
ITEM 11	Scottish Government Planning Circular – GP08
ITEM 12	Site Plans, Location Plans and Elevations, etc
ITEM 13	Structural, Access, Drainage, Water and Hedge Pruning, etc
ITEM 14	Tree Survey Report
ITEM 15	Bird, Bat and Owl Reports
ITEM 16	Application Form for planning permission dated 2/2/2021

Angus House Orchardbank Business Park Forfar DD8 1AN Tel: 01307 473360 Fax: 01307 461 895 Email: plnprocessing@angus.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100658710-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) ☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Gray Planning & Development Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Neil	Building Name:	AYE House
Last Name: *	Gray	Building Number:	
Telephone Number: *	[redacted]	Address 1 (Street): *	Admiralty Park
Extension Number:		Address 2:	Rosyth
Mobile Number:		Town/City: *	Dunfermline
Fax Number:		Country: *	UK
		Postcode: *	KY11 2YW
Email Address: *	neil@grayplanning.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr and Ms	Building Name:	Aye House
First Name: *	R Mills and	Building Number:	
Last Name: *	M Melki	Address 1 (Street): *	Admiralty Park
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Rosyth
Extension Number:		Country: *	Fife
Mobile Number:		Postcode: *	KY11 2YW
Fax Number:			
Email Address: *	neil@grayplanning.co.uk		

Site Address Details

Planning Authority: Angus Council

Full postal address of the site (including postcode where available):

Address 1:	BALGOWNIE FARM STEADING
Address 2:	
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	EASSIE
Post Code:	

Please identify/describe the location of the site or sites

Northing	746685	Easting	335498

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated work

Type of Application

What type of application did you submit to the planning authority? *

☒ Application for planning permission (including householder application but excluding application to work minerals).

☐ Application for planning permission in principle.

☐ Further application.

☐ Application for approval of matters specified in conditions.

What does your review relate to? *

☒ Refusal Notice.

☐ Grant of permission with Conditions imposed.

☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are a seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See Grounds for Review Statement.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? * ☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

see list of appeal documents

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/00081/FULL

What date was the application submitted to the planning authority? *

03/02/2021

What date was the decision issued by the planning authority? *

03/11/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☐ Yes ☒ No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

See Grounds of Review Statement

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? * ☐ Yes ☒ No

Is it possible for the site to be accessed safely and without barriers to entry? * ☒ Yes ☐ No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

N/A

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. * ☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? * ☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? * ☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? * ☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review * ☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Neil Gray

Declaration Date: 30/01/2024

ITEM 2

ANGUS COUNCIL

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

PLANNING PERMISSION REFUSAL
REFERENCE : 21/00081/FULL

To **Mr Robert Mills and Mirna Melki**
c/o Keith Renton Architect
Keith Renton
Humestanes Studio
Hume Hall Holdings
Greenlaw
Duns
TD10 6UW

With reference to your application dated 24 February 2021 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works at **Balgownie Farm Steading Eassie** for **Mr Robert Mills and Mirna Melki**

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Refuse Planning Permission (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 proposal is contrary to policy PV12 of the Angus Local Development Plan (2016) and policies 18 and 22 of NPF4 because it has not been demonstrated that appropriate drainage provision can be made and that the development would not materially increase the probability of flooding to existing or planned development.

Amendments:

1 Amended Tree House Plan (drawing number 811P2-12a) submitted on the 08/06/21, Amended Location Plan (drawing number 811P2-01a) submitted on the 07/04/23; Amended Proposed First Floor Plans (drawing number 811P-08a), Amended Proposed Ground Floor plan (drawing number 811P2-07a) Amended Proposed Section Plans (drawing number 811P-10a), Amended Proposed Site plan (drawing number 811P2-11c); Amended Proposed Boundary Treatment and Sections at South Elevation Plan (drawing number 811P2-14) submitted on the 23/06/23; supersede the drawings previously submitted. These drawings show changes to the proposed design of the dwelling, identifies proposed passing places, identifies changes to drainage soakaways to accord with submitted drainage report, clarifies works to the south boundary and corrects errors.

Dated this **3 November 2023**

[redacted]

Jill Paterson
Service Lead
Planning and Sustainable Growth
Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Planning Decisions – Guidance Note

Please retain – this guidance forms part of your Decision Notice

You have now received your Decision Notice. This guidance note sets out important information regarding appealing or reviewing your decision. There are also new requirements in terms of notifications to the Planning Authority and display notices on-site for certain types of application. You will also find details on how to vary or renew your permission.

Please read the notes carefully to ensure effective compliance with the new regulations.

DURATION

The duration of any permission granted is set out in conditions attached to the permission. Where no conditions are attached the duration of the permission will be in accordance with sections 58 and 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

PLANNING DECISIONS

Decision Types and Appeal/Review Routes

The 'decision type' as specified in your decision letter determines the appeal or review route. The route to do this is dependent on the how the application was determined. Please check your decision letter and choose the appropriate appeal/review route in accordance with the table below. Details of how to do this are included in the guidance.

Determination Type	What does this mean?	Appeal/Review Route
Development Standards Committee/Full Council	National developments, major developments and local developments determined at a meeting of the Development Standards Committee or Full Council whereby relevant parties and the applicant were given the opportunity to present their cases before a decision was reached.	***DPEA (appeal to Scottish Ministers) – See details on attached Form 1***
Delegated Decision	Local developments determined by the Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	***Local Review Body – See details on attached Form 2***
Other Decision	All decisions other than planning permission or approval of matters specified in condition. These include decisions relating to Listed Building Consent, Advertisement Consent, Conservation Area Consent and Hazardous Substances Consent.	***DPEA (appeal to Scottish Ministers) – See details on attached Form 1***

NOTICES

Notification of initiation of development (NID)

Once planning permission has been granted and the applicant has decided the date they will commence that development they must inform the Planning Authority of that date. The notice must be submitted before development commences – failure to do so would be a breach of planning control. The relevant form is included with this guidance note.

Notification of completion of development (NCD)

Once a development for which planning permission has been given has been completed the applicant must, as soon as practicable, submit a notice of completion to the planning authority. Where development is carried out in phases there is a requirement for a notice to be submitted at the conclusion of each phase. The relevant form is included with this guidance note.

Display of Notice while development is carried out

For national, major or 'bad neighbour' developments (such as public houses, hot food shops or scrap yards), the developer must, for the duration of the development, display a sign or signs containing prescribed information.

The notice must be in the prescribed form and:-

- displayed in a prominent place at or in the vicinity of the site of the development;
- readily visible to the public; and
- printed on durable material.

A display notice is included with this guidance note.

Should you have any queries in relation to any of the above, please contact:

Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Telephone 03452 777 780
E-mail: planning@angus.gov.uk
Website: www.angus.gov.uk

FORM 1

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 1

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions decided by Angus Council

1. If the applicant is aggrieved by the decision of the planning authority-

   a) to refuse permission for the proposed development;
   b) to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
   c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may appeal to the Scottish Ministers to review the case under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of appeal should be addressed to The Planning and Environmental Appeals Division, Scottish Government, Ground Floor, Hadrian House, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR. Alternatively you can submit your appeal directly to DPEA using the national e-planning web site https://eplanning.scotland.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 2

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions decided through Angus Council's Scheme of Delegation

1. If the applicant is aggrieved by the decision of the planning authority-

   a) to refuse permission for the proposed development;
   b) to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
   c) to grant planning permission or any approval, consent or agreement subject to conditions,

   the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of review should be addressed to Committee Officer, Angus Council, Resources, Legal & Democratic Services, Angus House, Orchardbank Business Park, Forfar, DD8 1AN.

   A Notice of Review Form and guidance can be found on the national e-planning website https://eplanning.scotland.gov.uk. Alternatively you can return your Notice of Review directly to the local planning authority online on the same web site.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

GRAY PLANNING
AND DEVELOPMENT

2023_41

31st January 2024

Local Review Body
Planning and Sustainable Growth
Angus Council,
Angus House
Orchard Bank Business Park
Forfar
DD8 1AN

Dear Sir/Madam

PLANNING APPEAL TO LOCAL REVIEW BODY – ONLINE REFERENCE 100658710-001

CONVERSION OF STEADING TO FORM SINGLE DWELLING HOUSE INCLUDING LANDSCAPING, BOUNDARY TREATMENTS, ERECTION OF A TREEHOUSE AND ASSOCIATED WORKS

BALGOWNIE FARM STEADING EASSIE
(PLANNING REF: 21/00081/FULL)

We are instructed by Mr Mills and Ms Melki to request that Angus Local Review Body reviews the decision by the planning authority to refuse planning permission for the above proposed development. The Review has been electronically submitted with reference 100658710-001.

The Review Documents comprise the following:

- Completed Notice of Review forms
- Grounds for Review Statement
- List of Documents intended to be relied upon in the Review

Should you require any further information to assist in determining the Review, please contact me in the first instance.

Yours sincerely,

[redacted]

Neil Gray
MA (Hons), MSc, Dip TP, MRTPI
Director
GRAY PLANNING & DEVELOPMENT Ltd
E: neil@grayplanning.co.uk
M: [redacted]

Angus Council
Comhairle Aonghais

This processing agreement sets out the information required to process the application and identifies key milestones. It also identifies that the development that is subject of this application will not be brought in to use while the application is being considered. This processing agreement is not legally binding.

SECTION 1. APPLICATION DETAILS

APPLICATION DETAILS	
Reference Number:	21/00081/FULL
Site Address:	Balgownie Farm Steading Eassie
Description of Development:	Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works
Application Type:	Local
Validation Date:	24 February 2021

SECTION 2. PLANNING AUTHORITY AND AGENT CONTACT DETAILS

KEY CONTACTS	
The persons identified below are the key contacts between the Council and the Applicant. The key contacts will liaise regularly on the progress of the masterplan and application and will contact each other as soon as possible should any matter arise which is considered likely to delay progress with processing the application.	
Applicant:	Mr Robert Mills and Mirna Melki
Agent:	Keith Renton Architect Humestanes Hume Hall Holdings Greenlaw TD10 6UW

Case Officer:	James Wright, Planning Officer (Development Standards), Planning Service, Angus House, Orchardbank Business Park, Forfar, DD8 1AN 01307 492629 WrightJ@angus.gov.uk
Alternative Contact:	Stephanie Porter, Team Leader (Development Standards Planning), Planning Service, Angus House, Orchardbank Business Park, Forfar, DD8 1AN 01307 492378 PorterSG@angus.gov.uk

SECTION 3. APPLICATION PHASE MILESTONES

Milestone	Date
Applicant / agent to submit all outstanding information to be considered as part of the application (indicated to be updated ecology and bat survey, architectural updates, design statement, drainage / flooding report(s)).	On or before 16 June 2023.
Consult with consultees on amended proposal and allow a period of 3 weeks for them to respond.	On or before 23 June 2023.
Consult with neighbours and interested third parties on amended proposal and allow a period of 21 days for them to provide comments.	On or before 23 June 2023.
Review issues and write to agent to identify them and confirm the likely recommendation for the application.	Within 10 days of the conclusion of the re-consultation period.
Progress telephone calls/meetings if required.	As required.

FINAL ASSESSMENT / DECISION PHASE	
Milestone	**Date**
Report application to meeting of Angus Council Development Standards Committee or issue delegated decision.	On or before 15 August 2023.
Issue decision notice.	On or before 18 August 2023.

For the avoidance of doubt, if the required information is not submitted within the timescale specified in this agreement [or if the development is brought in to use at any time (other than for purposes of undertaking assessments with the prior written approval of the planning authority)] the application will be determined on the basis of information available at that time [and enforcement action may be taken].

On behalf of Angus Council

Print Name: James Wright **Date:** 07 April 2023

Title: Planning Officer (Development Standards)

On behalf of applicant

Print Name: Mirna J Melki and Robert Mills **Date:** (5) May 2023

Title: Owners of Balgownie Steading

PLANNING APPEAL TO LOCAL REVIEW BODY – ONLINE REFERENCE 100658710-001

CONVERSION OF STEADING TO FORM SINGLE DWELLING HOUSE INCLUDING LANDSCAPING, BOUNDARY TREATMENTS, ERECTION OF A TREEHOUSE AND ASSOCIATED WORKS

BALGOWNIE FARM STEADING EASSIE

(PLANNING REF: 21/00081/FULL)

LIST OF DOCUMENTS FOR APPEAL

The following documents are relied upon to support the appeal case:

Please note other documents such as Local Development Plan, Supplementary Planning Guidance, Advice Notes, NPF4 and Scottish Government policy and guidance are not reproduced. We have assumed, at this stage, Angus Council can provide these if necessary.

Appeal Document GP01 – Decision Notice Application Ref: 21/00081/FULL dated 03.11.23

Appeal Document GP02 – Report of Handling of Planning Application 21/00081/FULL

Appeal Document GP03 – Design Statement

Appeal Document GP04 – Planning Statement

Appeal Document GP05 – Representations Received

Appeal Document GP06 – Flood Risk Assessment

Appeal Document GP07 – Ground Assessment Report and Drainage Recommendations

Appeal Document GP08 – Scottish Government Planning Circular 4/1998: *the use of conditions in planning permissions*

Full Planning application drawings and sections, application form, landowner certification all as submitted for planning approval 21/00081/FULL.

ITEM iv

GRAY PLANNING
AND DEVELOPMENT

MR MILLS AND MS MELKI

GROUNDS FOR REVIEW OF A PLANNING DECISION

CONVERSION OF STEADING TO FORM SINGLE DWELLINGHOUSE INCLUDING LANDSCAPING, BOUNDARY TREATMENTS, ERECTION OF A TREEHOUSE AND ASSOCIATED WORKS

BALGOWNIE FARM STEADING
EASSIE
ANGUS

(PLANNING REF:21/00081/FULL)

JANUARY 2024
Our Ref: 2023_41

Contents

1 INTRODUCTION 2
2 THE APPEAL SITE AND PROPOSALS 4
3 GROUNDS FOR REVIEW 6
4 CONCLUSIONS 11

Appendices

The following documents are referred to in this Grounds for Review Statement.

All such documents have been electronically uploaded to the ePlanning.Scot online portal.

Document GP01 – Decision Notice Application Ref: 21/00081/FULL dated 03/11/2023

Document GP02 – Report of Handling of Planning Application 21/00081/FULL

Document GP03 – Design Statement

Document GP04 – Planning Statement

Document GP05 – Representations Received

Document GP06 – Flood Risk Assessment

Document GP07 – Ground Assessment Report and Drainage Recommendations

Document GP08 – *Scottish Government Planning Circular 4/1998: the use of conditions in planning permissions*

A re-submission of the full planning application drawings and sections, application form, and landowner certification are also included, as are relevant planning application consultee responses.

1 INTRODUCTION

THE PROPOSED DEVELOPMENT AND REASONS FOR REFUSAL

1.1 There are Grounds for Review of a decision to refuse planning permission for the erection of a new dwelling, including landscaping, boundary treatment, erection of a treehouse and associated works. The appeal property at Balgownie Farm Steading, Eassie comprises 0.46 ha of land. The site is identified in the local development plan as open countryside.

1.2 The site is located between the villages of Eassie and Glamis, south of the A94 at Balgownie Farm. Access to the site is from the Zc16 via Balgownie Farm and Cottages to Balgownie Mill. The site is currently littered with dilapidated barns and other agricultural sheds, with a small woodland positioned in the northeast corner of the site.

1.3 The existing steading buildings consist of a collection of varying-height single-storey buildings, with pitched slate roofs. The buildings have been derelict and unused for a considerable period of time, and as such are in varying states of condition (see structural engineer assessment for further details).

1.4 The Review request is submitted under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended 2006). The Notice of Review has been lodged within the prescribed three-month period from the refusal of planning permission dated 3rd of November 2023 (Appeal Document **GP 01**).

1.5 By Delegated Powers, the Service Leader of Planning and Sustainable Growth of Angus Council decided to refuse the application, as recommended by a Planning Officer in the Report of Handling (Appeal Document **GP02**). The single reason for refusal is per the Decision Notice (Appeal Document **GP01**), which states:

1. The proposal is contrary to policy PV12 of the Angus Local Development Plan (2016) and policies 18 and 22 of NPF4 because it has not been demonstrated that appropriate drainage provision can be made and that the development would not materially increase the probability of flooding to existing or planned development.

PROPOSED PROCEDURE TO BE FOLLOWED IN DECIDING THE REVIEW

1.6 We recommend the Local Review Body undertakes a site visit (accompanied). It could also consider receipt and review of further written representations to reach a decision about the case.

1.7 With respect to the reason for refusal, a visual inspection of the appeal site is necessary to better understand the site location and context in terms of its location, the constraints of the site and its form, the relationship between the existing and proposed dwellings on the appeal site, and the arrangements for drainage.

1.8 Response to Letters of Representation to the planning application will be addressed during this Local Review Body appeal process, if required. The appellant retains the right to respond to any representations made.

1.9 With regard to the representations received (Appeal Document **GP05**) an appeal site visit during should note contrary to the points raised in these representations:

- The proposal does comply with development planning policy and relevant supplementary guidance. The Planning Officer's Report of Handling presents a fair and balanced assessment of many matters and notes these had been addressed positively and to the satisfaction of the planning authority, except for the matter of drainage.
- The design and materials have been carefully selected to promote a high-quality design suitable for the location. The Planning Officer's Report of Handling confirms "*The design has been amended to reduce potential for direct overlooking of the closest neighbouring property and neighbouring property would continue to enjoy a high degree of privacy"*
- The Planning Officer was also supportive of the style of building and use of materials stating "*The mix of materials is not inappropriate in the context of what was a farm building group and the more contemporary design features clearly differentiate the old and new sections of the building*"
- Therefore the proposals will not result in an adverse impact on neighbouring residential amenity.
- The application is for a single dwelling, the proposed annexe is ancillary to the main dwelling and will remain as such for the lifetime of the development. The Planning Officer indicated no concerns about the proposed land use nor the ancillary nature of the annexe.
- The proposals include an appropriate level of parking for the rural residential nature of the location. Transportation colleagues did not object to the plans.
- The proposals will not increase the flood risk elsewhere. SEPA expressed no objection stating the main courtyard buildings are not at flood risk and the proposal is in accordance with NPF4 Policy 22.
- The proposal will result in a biodiversity net gain through a comprehensive landscaping scheme.

1.10 On balance despite the above extensive list of positive aspects of the proposal, the planning officer moved to refuse planning permission on the grounds of deficient information concerning the proposed foul drainage system, relating to concerns raised by the Council's Roads service and to representations received.

1.11 This appeal will present the appellants case that the overwhelming positive aspects of the proposed development can proceed with confidence, subject to the appeal approving the appellants revised foul drainage design and to addressing the concerns of the consultees reported in the matter.

2 THE APPEAL SITE AND PROPOSALS

2.1 Full details of the planning application site, detailed site layout, planning and design considerations are contained in the planning application. Especially the Design and Access Statement **(**Appeal Document **GP03**) and the Planning Statement (Appeal Document **GP04**). These documents were submitted later in the determination process in response to design iterations and to bring the case file up to date. They represent the appellants' most accurate position with regard to design and planning policy matters. In the Planning Officer's Report of Handling references are made to these two documents regularly and indicate the officer's satisfaction that the appellant has addressed a significant amount of policy and land use matters. This fact should be taken into account in the appeal. It is not intended to repeat these details, but rather to pick out below key elements of the proposals which support the appeal grounds for review.

2.2 The planning application site comprises 0.46 ha of land. The site is located between the villages of Eassie and Glamis, south off the A94 at Balgownie Farm. Access to the site is from the Zc16 via Balgownie Farm and Cottages to Balgownie Mill. The site is currently littered with dilapidated barns and other agricultural sheds, with a small woodland positioned in the northeast corner of the site. The site is within open countryside.

2.3 The existing steading buildings consist of a collection of varying-height single-storey buildings, with pitched slate roofs. The buildings have been derelict and unused for a considerable period of time, and as such are in varying states of condition (see structural engineer assessment for further details)

2.4 The proposal seeks planning permission for the conversion and alteration of a former steading to form a single dwellinghouse with an ancillary integral annex. The proposal also includes refurbishment of an existing timber woodshed and the erection of a large tree house as well as landscaping and boundary treatments.

2.5 The existing walls of the steading would be retained on the south and west elevations, along with a smaller section on the east elevation. The remains of the roof structure would be removed and replaced with corten steel cladding and timber cladding, and these materials would also to be used on some of the walls along with significant areas of glazing. The overall height would be like the existing ridge height of the building. An area of ground would be excavated adjacent to the south elevation to allow for additional accommodation to be provided with additional openings being formed. Private drainage arrangements and SUDS are proposed, with a connection to the public water supply also being provided. Surface water and foul water soakaways are proposed to the north.

2.6 The proposed landscaping plan has been thoughtfully considered to ensure a biodiversity net gain following the development of the site.

2.7 Care has been taken to ensure that the proposed dwelling mirrors the design of the quirky multi-gabled appearance of the original buildings to ensure limited impact on the wider landscape.

2.8 Whilst proposals for surface water drainage were submitted, there were concerns raised in representation as follows:

2.9 The Local Review Body should be interested in the following two matters raised in the Report of Handling Appeal document **GP02** (see page 11) which sets the basis for the appellant to provide new information in support of its appeal:

The applicant has not provided information to demonstrate that the conditions required by the roads service can be met, and it has failed to provide any information to dispute the third party information which questions the veracity of the drainage report and the information provided in relation to infiltration rates which has been relied upon in soakaway design.

The council's expert advisor on flooding and drainage indicates that the accuracy of the submitted data is relevant to determination of the matter. Information submitted by an interested party raises reasonable doubt regarding the accuracy of the submitted information. The applicants have been invited to address this matter and provide information or evidence to confirm the veracity of their information or to rebut the claims made by the interested party but have declined to provide further information. In addition, no information has been provided to demonstrate that the conditions required by the roads service can be met. As matters stand, there is information which demonstrates some localised flood risk and there is information that raises reasonable doubt regarding information on drainage matters submitted in support of the application. In these circumstances and having regard to the advice from the roads service, it is concluded that there is insufficient information to demonstrate that matters regarding drainage and associated flood risk have been satisfactorily addressed such as to demonstrate compliance with policies 18 and 22 of NPF4 and policy PV12 of the ALDP.

3 GROUNDS FOR REVIEW

3.1 Section 1 sets out the Planning Authority's single reason for refusal. Based on the evidence presented in this appeal, the appellant contends that this one reason can be addressed by the new information that it will present to the appeal. Planning permission can be granted by the appeal, subject to the imposition of relevant, enforceable planning conditions on these matters.

3.2 This section will argue the following**:**

1. The planning authority has applied unreasonable weight to representations which has resulted in the refusal of permission for a proposed development which is overwhelmingly compliant with planning policy. Instead, the matters about drainage which resulted in refusal should not have been used to refuse the well-designed reasonable and sustainable development. The planning authority could have requested the shortcoming of information on the drainage matter as a planning condition in line with the Town and Country Planning (Scotland) Act 1997 S.37.

3.3 This is expanded in the paragraphs below, with the evidence presented and the justification given to support the appellant's case that planning permission should be granted.

3.4 Not only do the proposals meet the provisions of the Development Plan, but there are also material considerations which are relevant, and these add weight to and support the appellant's case. These material considerations include:

- The applicant has provided information of high quality on matters across land use subjects including flood risk, tree, bat and bird surveys, structural condition survey, ground conditions and drainage. Only the submitted drainage information by itself was of high quality, but it was the limitations of the detail being sought about surface water foul drainage which has fallen short of the planning authority's requirements.
- The Site's Planning History – particularly past permission granted in May 2008 to erect 6 dwellinghouses indicates the planning authority has previously accepted re-development of the site.

3.5 The Planning Authority's reason for refusal cited that the proposal is contrary to policy PV12 of the Angus Local Development Plan (2016) and policies 18 and 22 of NPF4 because they consider it has not been demonstrated that appropriate drainage provision can be made and that the development would not materially increase the probability of flooding to existing or planned development.

3.6 Policy 18 of NPF4 (Infrastructure First) states;

b) *The impacts of development proposals on infrastructure should be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. Where planning conditions, planning obligations, or other legal agreements are to be used, the relevant tests will apply.*

3.7 Policy 22 of NPF4 (Flood Risk and Water Management) states;

c) *Development proposals will: i. not increase the risk of surface water flooding to others, or itself be at risk. ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing bluegreen infrastructure. All proposals should presume no surface water connection to the combined sewer; iii. seek to minimise the area of impermeable surface*.

e) *Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.*

3.8 Policy PV 12 of the Angus LDP (Managing Flood Risk) states:

To reduce potential risk from flooding there will be a general presumption against built development proposals:

- *on the functional floodplain;*
- *which involve land raising resulting in the loss of the functional flood plain; or*
- *which would materially increase the probability of flooding to existing or planned development.*

Development in areas known or suspected to be at the upper end of low to medium risk or of medium to high flood risk (as defined in Scottish Planning Policy (2014), see Table 4) may be required to undertake a flood risk assessment.

This should demonstrate:

- *that flood risk can be adequately managed both within and outwith the site;*
- *that a freeboard allowance of at least 500-600mm in all circumstances can be provided;*
- *access and egress to the site can be provided that is free of flood risk; and*
- *where appropriate that water-resistant materials and construction will be utilised.*

Where appropriate development proposals will be:

- *assessed within the context of the Shoreline Management Plan, Strategic Flood Risk Assessments and Flood Management Plans; and*
- *considered within the context of SEPA flood maps to assess and mitigate surface water flood potential.*

*Built development should avoid areas of ground instability (landslip) coastal erosion and storm surges. In areas prone to landslip a geomorphological assessment may be requested in support of a planning application to ass*ess degree of risk and any remediation measures if required to make the site suitable for use.

3.9 As required, the applicant submitted a Stage 1 Flood Risk Assessment and a Ground Assessment Report and Drainage Recommendations (Appeal Documents **GP06 GP07**). The Scottish Environment Protection Agency (SEPA) had no objections in terms of flood risk and

stated that the proposal is in accordance with NPF4 Policy 22 (Page 6 of Appeal Document **GP02**). SEPA also stated that the proposals would not result in an increased flood risk off site.

3.10 In regard to foul drainage, the development would be provided by means of a package treatment plan, which would require building warrant approval. Angus Roads Service raised concerns with the foul drainage system, concerned that associated flows could overwhelm the soakaway. Letters of representation prepared by a neighbour (Appeal Document **GP05**) doubted the accuracy of the information provided in relation to infiltration testing.

3.11 The case officer approached the applicant to comment on these matters. As the applicant is not an engineer, nor a drainage expert, they did not consider it pertinent to comment on such matters that could be considered through a conditional planning approval, allowing them grace and time to connect with relevant consultants and undertake required reporting. This could have been an action the planning authority may have allowed, time for the appellant to rectify the matter and issue new information to the planning authority. However the decision to refuse permission was issued.

3.12 The Planning Officer's Report of Handling states that the "*Information submitted by an interested party raises reasonable doubt regarding the accuracy of the submitted information*" (Page 11 Appeal Document **GP02**).

3.13 The information submitted by the interested party amounts to a drawing, 2 professional consultant reports, and an additional 12 instances of letters, documents, and comments by email or via the Angus Council planning portal. It is acknowledged the party is a direct neighbour to the proposals. However, the representations are infatuation with the proposals and the reasonableness of the claims in these representations must be called into question. The "evidence" presented to the authority is circumstantial at best, fed by the respondent's emotional connection to the proposals. The representative provides theoretical speculation which is supported by an engineer's report commissioned by the neighbour. These are not reasonable actions, and we consider that the standard of proof is not met for the objector to raise "reasonable doubt". The neighbour is also alleged to have utilised drone recordings to evidence alleged shortcomings or failures on the appellants part, which is very unreasonable and does not sit comfortably in the circumstances.

3.14 Nonetheless, per the Town and Country Planning (Scotland) Act, Section 37 (1) allows a planning officer to "*grant planning permission, either unconditionally, or subject to such conditions as they think fit*."

3.15 This is supported by NPF4 Policy 18 (which is cited in the reasons for refusal), which states:

"The impacts of development proposals on infrastructure should be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. Where ***planning conditions****, planning obligations, or other legal agreements are to be used, the relevant tests will apply."*

3.16 Planning Circular 4/1998: the use of conditions in planning permissions (Appeal Document **GP08**) states that conditions imposed on a grant of planning permission can enable many development proposals to proceed where it would otherwise have been necessary to refuse

planning permission. The Circular emphasises that "*the sensitive use of conditions can improve the effectiveness of development control and enhance that confidence*."

3.17 The Circular goes on to state *"Planning conditions should only be imposed where they meet all of the following tests. They should be:*

- *necessary*
- *relevant to planning*
- *relevant to the development to be permitted*
- *enforceable*
- *precise*
- *reasonable in all other respects*"

3.18 The applicant is of the opinion that additional information requested by the roads department following the receipt of further representation from the neighbour, could have and should have been conditioned by Angus Council.

3.19 Not only would this be a reasonable regulatory approach to Development Management by Angus Council, it would also have highlighted a fair and balanced approach from the decision-making authority in regard to supporting new housing developments in the time of housing crises and rural abandonment. The appellant had consistently advised via its agents that it would wish to ensure all planning conditions are addressed, and from the evident depth of land use studies and information presented to the authority, there is no question of the appellant's commitment to delivering the project.

3.20 Therefore a planning condition regarding the need for future submission of additional information in relation to drainage could have been imposed on a grant of planning permission. The commentary below indicates the reasons why, as all the required tests as set out in Planning Circular 4/1998 are concerned below:

Test: Necessary – Circular 4/1998 questions whether planning permission would have to be refused if that condition were not to be imposed. In this case, permission was refused on the grounds of weakness of additional information, thus a condition to request this is considered necessary. The circular notes that "*Conditions should be tailored to tackle specific problems rather than unjustified controls*." In this case, the decision to refuse rested within one area, in which one technical report outlining the results of ground filtration testing and drainage effectiveness would have sufficed.

Test: Relevant to Planning – A condition relating to the provision of technical information in regards to drainage would not be *ultra vires*. i.e would not be beyond the Council's legal power to do so. Thus, a condition would have been relevant to planning.

Test: Relevant to the Development to be permitted – A condition requesting additional information relating to drainage would have been fair, reasonable and justified by the nature of the development.

Test: Enforceable – The provision of additional information is practical to enforce and reach compliance with the condition, would have be considered reasonable. This could also have been reasonable to require the timing or delivery stage of that information prior to commencement of

development, or before any other action being progressed by the applicant. Planning Authorities have used "Grampian Conditions" in the past. These are 'negative conditions' used to control development under a planning permission and can be adapted to suit individual circumstances. The Planning Officer's Report of Handling comments on the suitability of controlling the development at a range of paragraphs such as page 13 where they state "*it would be appropriate to remove certain permitted development rights*" through the use of planning condition.

Test: Precise – When a condition was worded precisely and clearly, the precision test would have been met. In much the same as Enforceable test, the appellants consider that carefully worded planning condition could have required the developer to present the deficient information prior to commencement of development.

Test: Reasonable in all other respects – A request for additional information by the form of a condition would not have been unduly restrictive. In the same way as above, the appellant would have then known the planning authority's expectations regarding the need for further information and would have been more confident to procure such information with the comfort that planning permission had been granted subject to the approval of condition(s).

3.21 As such the applicants are now proposing the submission of additional drainage information within the appeal process to support the application and allow the review body to support and approve the application.

3.22 The applicant has instructed a suitability qualified professional to undertake infiltration tests for both the foul and the surface water, as well as;

- Drainage Strategy Report and Below Ground Foul and Surface Water Drainage Design; which will include;
- Foul water drainage layout plan and details
- Surface water drainage layout plan, including SuDs
- Modelling of the surface water and SuDs for a 1 in 100 year plus 40% climate change storm event
- Surface Water and SuDs details
- SuDs report and associated calculations
- Management and Maintenance report for the proposed lifetime of the development.

3.23 It should be emphasised that if the Review Body are willing to accept the submission of additional information, in the following 3-4 weeks, relating to the reasons for refusal during the review cycle, then the proposals will surpass the requirements set out in the Development Plan.

3.24 The appellants respectfully ask the Local Review Body to consider this approach, that new information on an existing matter already before the planning authority, can be addressed through this appeal process, see Town and Country Planning Scotland Appeals Regulations 2013 Regulation 3 parts 5 and 6. The Scottish Government interprets "*matter*" as an "*issue*" permitting new information on an existing issue to be submitted (see Planning Circular 4/2013 Planning Appeals paragraph 22.

4 CONCLUSIONS

4.1 This Grounds for Review statement sets out the appellant's case, that the one reason for refusal can be set aside, and planning permission should be granted subject to planning conditions. This is because:

- Policy requirements have shifted following the adoption of NPF4. There is a greater emphasis on biodiversity and enhancing places. The appeal proposals offer significant new responses to the latest Scottish Government policy on low carbon technology, application of green roofs, enhancement of biodiversity. The proposals exceed the expectations for low-carbon dwellings. The proposals exceed the requirement for retention and renovation of vacant or redundant buildings – another positive carbon reducing part of the plans. The planning officer gave a full endorsement to the low carbon and sustainable redevelopment of this vacant site.
- The proposals are appropriate in siting and scale. The proposals satisfy every design and place making criterion for the 6 qualities of successful places. The design is of high quality and responds to NPF4. The planning officer gave a full endorsement to the design of the buildings.
- The proposals would continue the varied character of the local area. A truly mixed house type with variety and a pattern which creates interest and adds its own style to the uniqueness of the area. The appeal proposals would not harm these qualities. The planning officer gave a full endorsement to the varied use of design, materials and finishes. They also concluded that no harm to neighbouring residential amenity would occur and that matters of concern about privacy and overlooking noted in representations was addressed.
- The proposals have fallen short of the detail and confidence of technical information relating to drainage to fully satisfy the Council's roads officer, and as such, foul and surface drainage needs to be reconsidered and further details submitted to be approved. The appellants are respectfully requesting this can be fulfilled at the appeal.
- For the reasons demonstrating the competency and use of planning conditions, and arguments set out in support of the appellants position with regard to the provision of further information and the Local Review Body's power to consider this for approval, or for imposition of any planning condition(s) then the appellant would respectfully request that is the approach taken in this case.
- The appellants are asking the Local Review Body to visit the site, view its characteristics, and surrounding context, and to assess the significant body of information already found to be compliant with the development plan, alongside the presentation of updated new information to this appeal and reach a position to support the plans.

4.2 It is respectfully requested therefore that the Local Review Body reconsiders the proposals and finds favour with the arguments set out in this Review and grants planning permission.

Angus Council

Application Number:	21/00081/FULL
Description of Development:	Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works
Site Address:	Balgownie Farm Steading Eassie
Grid Ref:	335502 : 746701
Applicant Name:	Mr Robert Mills and Mirna Melki

Report of Handling

Proposal

The proposal seeks planning permission for the conversion and alteration of a former steading to form a single dwellinghouse with an ancillary integral annex. The application site measures some 4600sqm. The proposal also includes refurbishment of an existing timber woodshed and the erection of a large tree house as well as landscaping and boundary treatments. The existing walls of the steading would be retained on the south and west elevations, along with a smaller section on the east elevation. The remains of the roof structure would be removed and replaced with corten steel cladding and timber cladding and these materials would also to be used on some of the walls along with significant areas of glazing. The overall height would be similar to the existing ridge height of the building. An area of ground would be excavated adjacent to the south elevation to allow for additional accommodation to be provided with additional openings being formed. Private drainage arrangements and SUDS are proposed, with a connection to the public water supply also being provided. Surface water and foul water soakaways are proposed to the north.

Amended Tree House Plan (drawing number 811P2-12a) submitted on the 08/06/21, Amended Location Plan (drawing number 811P2-01a) submitted on the 07/04/23; Amended Proposed First Floor Plans (drawing number 811P-08a), Amended Proposed Ground Floor plan (drawing number 811P2-07a) Amended Proposed Section Plans (drawing number 811P-10a), Amended Proposed Site plan (drawing number 811P2-11c); Amended Proposed Boundary Treatment and Sections at South Elevation Plan (drawing number 811P2-14) submitted on the 23/06/23; supersede the drawings previously submitted. These drawings show changes to the proposed design of the dwelling, identifies proposed passing places, identifies changes to drainage soakaways to accord with submitted drainage report, clarifies works to the south boundary and corrects errors.

Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 5 March 2021.

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

Planning History

07/00018/FUL for Conversion of Steading to Create Six Dwellinghouses was determined as "approved subject to conditions" on 13 May 2008.
20/00515/FULL for Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works was withdrawn on 18 November 2020.

Applicant's Case

Revised Design Statement - June 2023:
- Provides an introduction to the project and a policy framework
- States that as the development of the site will need to be phased
- Describes the architectural brief and the architectural design
- States the original building courtyard layout, form and size, as well as the north gabled features are to be recreated by a combination of restoration, extension and new buildings (to replace ruinous or collapsed buildings)
- Provides photos of buildings (existing) and 3D images of proposals
- Materials - The choice of external materials has been chosen to reflect those different (old and new) elements of the building; All new stonework will be built and coursed using salvaged stone
- Weathered Steel (also known as Corten), will be used as a replacement roof covering
- Details of the external grounds and landscaping are referred to
- Provides details of the approach / gateway and the tree house.

Planning Statement - Dated May 2023:
- States the proposals meet or exceed the policy requirements of the National Planning Framework and the Angus Local Development Plan. NPF4 policies - 1 (Climate & Nature Crisis); 2(Climate Mitigation); 3 (Biodiversity); 9 (Brownfield Land), 14 (Design, Quality and Place), 16 (Quality Homes) 17 (Rural Homes). Angus LDP policies - DS3 (Design Quality & Placemaking); DS4(Residential Amenity); TC2 (Residential Development); PV6 (Development in the Landscape); PV7 (Woodland, Trees and Hedges); PV11 (Energy Efficiency).
- States that a single-family dwelling will have less of an impact on highways safety, residential amenity and pressure on local services such as doctors, pharmacies and schools than the 6 houses previously approved.
- On balance, the applicants have made a strong case that all the Development Plan policy requirements have been met.

Hedge Pruning Statement - Dated August 2022:
- Method statement to establish an approach and document the applied method for installation of a new boundary retaining wall beside an existing Leylandii hedge within property boundary of neighbouring No.1 Balgownie Cottage and future home at Balgownie Steading.
- The Leyandii hedge appears to be planted approximately 0.5- 1m from the plot boundary and varies along its length.
- Describes boundary proposals and provides recommendations / mitigation including methodology for installing the retaining wall.
- Provides examples of integrated privacy fencing.

Flood Risk Report: Stage 1 Flood Risk Assessment - dated 22/06/23:
- Describes a site walkover on 14 June 2023 and concludes that:
- The site will not be at risk of flooding, provided the site is built in accordance with the

original scheme as set out in the current layout drawings; the minimum finished floor level will be set at approximately 69.0m AOD for the main range of buildings; Based on the estimated flood levels on adjacent ground, this will allow a freeboard of more than the minimum 600mm which is normally required. However, for the southern range, a slightly higher min FFL of 69.3m AOD is recommended.

- As ground levels along the access route from the main access track to the site entrance are typically at least 200mm higher than on the eastern site boundary (and levels beyond the boundary are likely to be lower), it is not anticipated that there will be a significant flooding long the access route at any time. Hence, pedestrian and vehicular access and egress will always be available.
- States that no new barriers to flow should be erected along the line of the anticipated overland flow as a result of flows in excess of culvert capacity. This includes not only new features such as boundary walls and buildings, but should also mean that the ruinous timber shed on the western boundary should not be replaced but simply demolished. Hence any new or replacement boundary features should be of an open type such as open-boarded fencing, post and wire fencing, or hedges.
- Similarly, no increase in ground level should be made along the overland flow route. Hence, any surfacing or drainage features should be at or below existing levels (to prevent any obstruction to flow). Any reduction in ground levels (however unlikely) should not be sufficient to alter the flow path of any flood-related overland flow.
- Although there is no anticipated risk of flooding, the proximity of potential overland flows to the building means that the use of flood resilient construction methods and materials is recommended.
- Provided these proposals are adhered to, the new building will not be at risk of flooding, and will not cause any increase in flooding to third party property. The report supports the proposed development.

Ground Assessment Report & Drainage Recommendations - dated 06/06/23:

- States that the purpose of the site visit was to carry out a ground investigation to determine the nature of the materials underlying the area of the site and to undertake the following: to carry out percolation testing to assess the suitability of the underground strata for the disposal of effluent from a sewage treatment system to the ground via a designed sub-surface soakaway system; to carry infiltration testing for the disposal design for surface waters from the proposed Development;
- Trail pits were undertaken.
- Recommended that it is proposed to discharge all the drainage from the proposed development within the site boundaries to ground.
- Concludes that the proposed drainage design and installations should not have an adverse effect on the development, neighbouring properties, or the water environment. Full details of the proposed sewage treatment system will be made available to the Building Standards Officer.
- SEPA - The installed sewage treatment system and discharge will require to be registered with SEPA under CAR.
- In terms of surface water disposal, the size of the proposed surface water infiltration trench is based on the impermeable surface areas of the development i.e. the house roof areas. Describes system maintenance and provides calculations.

Bat and nesting Bird Survey Report - dated 21.06.23:

- States that previous ecological survey work undertaken by Stone's Wildlife Management identified a small maternity roost of 34 soprano pipistrelle bats in 2020. A maternity roost was also present in the location in 2016 according to the 2020 report. On this basis an updated day survey and one nocturnal bat survey was considered to be sufficient update survey effort, undertaken in June 2023.

- States that not of all of the buildings could be surveyed internally due to access and health and safety constraints.
- The updated nocturnal bat survey confirmed the presence of a Natterer's bat roost within the building, with two bats recorded, as well as single common pipistrelle roost, and an unknown pipistrelle roost.
- The maternity roost was not recorded as present on the night of the survey.
- As the presence of roosting bats has been confirmed, it will be necessary to carry out works under a NatureScot derogation licence.
- States various recommendations to follow best practice guidance and ensure legal obligations are fulfilled;
- Also notes that Barn owl pellets, and active bird nests, including a wrens nest and a house martins nest were found during the day survey. A recommendation regarding the installation of bird boxes has been made including integral nest provision for barn owl and other bird species.
- Concludes that if the works commence more than 18 months from these surveys, update surveys should be undertaken.

Assessment of Structural Condition of Existing Buildings - dated 23 October 2020:
- Describes the condition of all buildings.
- States the buildings on the site are in varying conditions and have suffered to a lesser or greater extent as a result of exposure and weathering over a long period of time. Notes that the original survey was carried out in 2016 and there has been some deterioration since.
- However significant areas of the masonry that have remained largely protected are capable of retention and repair. Some of the walls need to be demolished and these are shown on a plan;
- States that repair and remedial works will be necessary to the majority of the remainder of the walls which are suitable for retention as structural elements for the new development.

Structural feasibility of proposal - dated 14 July 2021:
- Notes that as part of the project, it is necessary to lower the floor in one of the buildings and provide the necessary boundary treatment to enable protection of and access to the building close to the existing boundary.
- States that to enable lowering of the floor in the building, it is necessary to underpin the existing wall to form foundations at a lower level than the existing.
- The depth of underpinning required under the building varies along the length but is of a scale that is feasible for the works.
- Some of the trenching although not straightforward, this is technically feasible.
- The remainder of the works from sections 3 onwards are also structurally feasible. The method and details will need to be assessed by the contractor on site to suit specific working method preferences;
- From a review of the proposals, it is considered that the design principles of the proposal are technically feasible from an engineering perspective.

BS5837:2112 Tree Survey Balgownie Steading:
- An arboricultural survey has been carried out and this report prepared to support a full planning application to construct a new detached residential property at Balgownie Steading, Glamis.
- This report provides information in compliance with British Standard BS 5837:2012,
- Six trees are to be removed directly as a result of the proposal. One early mature birch and five small poorly formed rowans. Eight further trees have been recommended for removal due to condition.

- The focus of the report is on the small woodland accommodating the "Treehouse", the spruce at the proposed entrance and the line of trees found adjacent to the west of the steading. Works, although minor, are proposed within the root protection area of some of these trees and specialist methods of design and construction are to be employed to minimise the impact on these trees and to be acceptable to the local planning authority. The report contains a draft arboricultural method statement heads of terms in accordance with recommendations in Table B1 of BS 5837. It is recommended that a detailed arboricultural method statement is produced in response to a planning condition following planning consent.
- If the recommendations made within this report are followed, the development should be achievable in arboricultural terms and should be acceptable to the local planning authority.

The following Documents were submitted originally with the application but are now superseded due to the above additional information submitted and / or design changes:
- Construction and Roads Access Options (providing 2 different options)
- Surface Water Disposal Information - Dated May 2021
- Report on Owls by Stones Wildlife Management
- Ecological Mitigation for Balgownie Steading, Angus
- Species Protection Plan for Breeding birds - dated 03/02/21

Consultations

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

Angus Council Environmental Health - No objection. Notwithstanding this, due to the location of what appears to be a redundant fuel tank, a condition requiring a remediation statement is requested.

Aberdeenshire Council Archaeology Service - No objections. Requested a photographic survey condition being attached along with advisories on the decision notice.

Angus Council Roads (Traffic) - No objection subject to conditions requiring upgrade of the access track.

Angus Council Roads - Flooding - No objections subject to the following conditions/items being met: -
1. No new barriers to flow should be erected along the overland flow route for the culvert in perpetuity for the life of the development. Updated drawings will be required to demonstrate this.
a. Any new boundary treatments within this route should be of an open type which will allow water to pass freely.
b. No increase in ground levels along the overland flow route shall be made. Similarly any reductions in ground level must not result in any material change to location of the existing overland flow route.
c. The existing wood shed should be removed and no new or replacement structures erected within the overland flow route.
2. Freeboard must be provided as per the recommendations within the Flood Risk Assessment. Updated drawings will be required to demonstrate this.
3. Measures must be taken to adequately prevent flooding of the new package treatment plant for the development as this is shown to be sited within the overland flow route. Should this not be possible, the package treatment plant would require to be re-sited outwith the overland flow route. Updated drawings or information will be required to demonstrate this.

4. If an existing Mill Lade is uncovered during the construction or investigation stage then suitable mitigations must be proposed for approval of the local authority and subsequently undertaken.
5. Paving with the overland flow route must be of a permeable nature as cannot be drained by soakaway. Updated drawings will be required to demonstrate this.
6. Paving outwith the overland flow route must be of a permeable nature or suitable proposals for drainage of these areas must be incorporated into the site drainage plans. Updated drawings will be required to demonstrate this.

In subsequent discussion, it has indicated that the decision not to offer objection is based on it being demonstrated that the above requirements can be met, and on the understanding that the submitted drainage information, including the infiltration testing is accurate. It has been indicated that if the submitted information is not accurate, advice regarding drainage and flooding could change materially as this would affect understanding of issues in the area and as the submitted design relies upon this information.

Scottish Environment Protection Agency - No objections. In terms of Flood Risk, SEPA agree with the conclusion of the FRA that out of bank flood water will flow overland towards the access road for the site. States the design flows proposed in the FRA for this catchment, and the depth of overland flow, are in accordance with their assessment. Content that the main courtyard buildings are not at flood risk and the proposal is in accordance with NPF4 Policy 22. The issue of vehicular access through floodwater is for Angus Council to determine. In relation to off-site concerns, SEPA notes the septic tank associated with Cottage 4 is an existing tank, which is already at flood risk and that the proposed development is downstream of the ditch and therefore will not make the existing flood risk to this septic tank worse, unless grey/foul water was being discharged directly into the watercourse.

Community Council - Objects to the application. Highlighted that the track upgrade should be undertaken before any development of the steading. Requested a structural engineers report for works to the south wall of the steading be provided. Also raised concerns regarding amenity on neighbouring housing, inappropriate materials and unresolved surface water drainage issues.

Representations

24 letters of representation have been received raising objection. It should be noted that many objections have been received by the same households. In summary terms the following issues are raised: -

- Proposal does not comply with development plan policy and supplementary guidance.
- Poor residential environment for residents and adverse impact on amenity of existing residents.
- Contaminated land issues.
- Unacceptable design and materials inappropriate for the area.
- Materials proposed have an extremely high embodied carbon rating contributing to global warming potential.
- Impacts on trees and adverse impact on natural environment.
- Inappropriate access arrangements and associated impacts on neighbours and neighbouring land uses and issues regarding ability to implement improvements to track.
- Flood risk concerns, existing flooding issues in the area, impact on existing infrastructure, and unacceptable drainage and flood risk impacts, including information to question infiltration testing.
- Adequacy of supporting information.
- Accuracy of structural report relating to retaining walls, level changes and that building may

not have structural integrity to support roof finish and potential for damage to neighbouring property.
- Inaccurate application form (not ticking box that area is at risk of flooding) and inaccurate drawings (shed location, septic tank location, sections).
- Adequacy of infrastructure, specifically water pressure and electrical supply.
- Permitted development rights should be removed.
- Concern that studio is commercial use and annex is dwelling.

Development Plan Policies

NPF4 – national planning policies

Policy 1 Tackling the climate and nature crises
Policy 2 Climate mitigation and adaptation
Policy 3 Biodiversity
Policy 4 Natural places
Policy 5 Soils
Policy 6 Forestry, woodland and trees
Policy 9 Brownfield, vacant and derelict land and empty buildings
Policy 12 Zero waste
Policy 13 Sustainable transport
Policy 14 Design, quality and place
Policy 16 Quality homes
Policy 17 Rural homes
Policy 18 Infrastructure first
Policy 22 Flood risk and water management
Policy 23 Health and safety
Policy 29 Rural development

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities
Policy DS3 : Design Quality and Placemaking
Policy DS4 : Amenity
Policy TC2 : Residential Development
Policy PV5 : Protected Species
Policy PV6 : Development in the Landscape
Policy PV7 : Woodland, Trees and Hedges
Policy PV12 : Managing Flood Risk
Policy PV15 : Drainage Infrastructure
Policy PV18 : Waste Management in New Development
Policy PV20 : Soils and Geodiversity

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.

In this case the development plan comprises: -

- National Planning Framework 4 (NPF4) (Published 2023)
- Angus Local Development Plan (ALDP) (Adopted 2016)

The development plan policies relevant to the determination of the planning application are reproduced at Appendix 1 and have been taken into account in preparing this report.

The ALDP was adopted in September 2016 while NPF4 was adopted in February 2023. Planning legislation indicates that where there is any incompatibility between the provision of the national planning framework and the provision of a local development plan, whichever of them is the later in date is to prevail.

The site is located outwith a development boundary and is not allocated or otherwise identified for development in the ALDP. Policy DS1 of the Angus Local Development Plan (ALDP) indicates that proposals for development outwith development boundaries will be supported where they are of a scale and nature appropriate to the location and where they are in accordance with relevant policies of the ALDP. Both the ALDP and NPF4 encourage the reuse of brownfield land in preference to the use of greenfield land.

NPF4 and ALDP seek amongst other things, to maintain and protect the diversity and quality of the rural area and to promote rural revitalisation by encouraging sustainable development in rural areas, recognising the need to grow and support rural communities.

NPF4 Policy 17 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations. It indicates that development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area. Policy TC2 in the ALDP indicates that in countryside locations the council will support proposals for the development of dwellinghouses which fall into at least one of a number of categories which include conversion of non-residential buildings and redevelopment of brownfield sites. The site is in an area defined as a category 1 rural settlement unit (RSU).

Policy TC2 of the ALDP deals specifically with proposals for new residential development. The policy identifies the circumstances where the council will support new housing in the countryside. The policy is supported by adopted countryside housing supplementary guidance (CHSG).

The principle of redeveloping the vacant building and regenerating the site is broadly compatible with policy. While a structural survey indicates that not all of the building may be capable of retention, retaining what can be kept is consistent with policy and minuses waste.

Policy TC2 in the ALDP also indicates that all proposals for new residential development must be compatible in terms of land use; provide a satisfactory residential environment; not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and to include provision for affordable housing in accordance with Policy TC3 in the ALDP. National planning policies require consideration of similar issues. The ALDP also requires proposals for new residential development to be assessed in terms of the council's CHSG.

The surrounding area is predominantly characterised by a combination of agricultural land and dispersed or small groups of houses and agricultural buildings. It is not uncommon for houses in rural areas throughout Angus to be located in close proximity to agricultural land. The proposal would generally be compatible with the land uses in the surrounding area.

In terms of the residential environment to be provided, the plot would have a reasonable degree of privacy. There would be adequate private garden ground and space to provide vehicle parking and turning and bin and recycling storage. The environmental health service is satisfied that issues associated with potential contamination could be addressed by planning condition. There would be adequate separation between the proposed dwelling and existing dwellings when assessed against council guidance set out in council planning advice notes which provide guidance on safeguarding amenity, specifically advice note 14 and 1/2016 in so far as they are relevant. The design has been amended to reduce potential for direct overlooking of the closest neighbouring property and neighbouring property would continue to enjoy a high degree of privacy. While the provision of a new house would have some impact on the amenity of those that currently live nearby, that must be balanced against the benefit that would be derived from removing dereliction or the potential for reuse of the building for agricultural activity. In general terms the proposal would provide a good living environment and would not unacceptably impact the amenity of neighbouring property, although issues related to drainage and flood risk are addressed below.

In terms of the built environment, the existing building is not designated as being of special architectural or historic interest. There is some evidence of areas of archaeological interest in the surrounding area, but the council's archaeological advisor has offered no objection to the application. The proposal seeks to retain elements of the existing farm building structure while at the same time introducing contemporary design elements and new building materials. While weathered steel and timber roofing is not common in Angus, it is not uncommon to see traditional farm buildings or farm complexes throughout the rural area adapted with the addition of modern metal buildings or extensions and corrugated metal roofs can be seen as a feature on old farm buildings. In general terms, the proposal retains the basic scale and form of the existing traditional steading. The mix of materials is not inappropriate in the context of what was a farm building group and the more contemporary design features clearly differentiate the old and new sections of the building. There are some design features that would benefit from amendment, but those could be addressed by condition. Overall, the design and layout are broadly acceptable and do not give rise to significant conflict with the council's design and placemaking supplementary guidance.

The site is not subject of any designation for natural heritage reasons. Information submitted with the application confirms the presence of roosting bats and of nesting birds. In terms of the natural environment, an updated bat survey was undertaken. As the presence of roosting bats has been confirmed, it will be necessary to carry out works under a NatureScot derogation licence and the report provided various recommendations to follow best practice guidance and ensure legal obligations are fulfilled. However, if a purposeful use is not found for the building, its condition is likely to deteriorate reducing its value as a habitat and there is some public interest in seeing a redundant building brought back to purposeful use. The report recommends the installation of bird boxes, including integral nest provision for barn owl and other bird species. There are trees within the application site and a submitted report identifies that some tree felling would be necessary to facilitate the development, and some would be beneficial for management purposes. These matters could be addressed by planning condition.

In relation to access issues, it is relevant to note that this is an existing building, and it could be reused for agricultural purpose without any planning permission and without any planning requirement for upgrade of the track. Notwithstanding that, the council's advice note 17 generally seeks upgrade of tracks where they will serve a number of residential properties to ensure they are acceptable for increased use by vehicles that may typically serve residential property. In this case, the proposal has been amended to include provision of passing places and upgrade works to the track. The roads service has reviewed the proposal and has raised no

objections in relation to access and parking arrangements subject to conditions, including conditions that require the upgrade works to be completed. The track is outwith the application site and does not appear to be in the applicants control. In such circumstance a negative suspensive condition requiring the upgrading to be undertaken prior to the commencement of development could be used.

The application site is not located within an area where SEPA flood maps identify a significant risk of flooding from any source, but a small pocket of surface water flooding is identified to the east of the development site. The roads service has indicated that the SEPA flood maps do not account for smaller watercourses and there is a minor culverted watercourse which runs through/adjacent to the eastern side of the site from south to north. Flooding and ponding has been observed at the east side of the site and as such there may be a risk of flooding which is not shown on the maps.

NPF4 policy 18 requires that the impacts of development proposals on infrastructure should be mitigated.
It states that development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure and clarifies that this includes drainage systems and sewerage (including flood risk management). Policy 22 aims to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. It states that development proposals will not increase the risk of surface water flooding to others, or itself be at risk and also manage all rain and surface water through sustainable urban drainage systems SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. It states that all proposals should seek to minimise the area of impermeable surface. Policy PV12 of the ALDP also deals with flood risk and amongst other things, the policy states, there will be a general presumption against built development which materially increases the probability of flooding to existing or planned development.

A flood risk report was submitted, and it indicates that pedestrian and vehicular access would be available to/ from the site in a flood event. In addition, a ground assessment and drainage recommendations report has been submitted. That document provides information on infiltration testing and indicates it has been undertaken as per the Domestic Scottish Building Standards Technical Handbook and BRE Digest 365, and advises it is proposed to deal with surface water from the proposed development by means of discharge to soakaway.

Foul drainage for the development would be provided by means of a package treatment plan and the details of this would require building warrant approval. However, the roads service has highlighted that the foul drainage system is shown as being sited within the overland flow route for flooding. It has some concern that package treatment plants can be damaged by flooding and as such recommend that measures are taken to prevent flooding of the plant or that it is re-sited outwith the path of the overland flow route. Similarly, while precise details of the surface water soakaway would require building warrant approval, the roads service has indicated that hard surface is shown within the overland flow route, and, unless the surface is permeable, associated flows could overwhelm the soakaway.

The applicant was invited to provide information to demonstrate that the requirements identified by the roads service (as detailed in the consultation response section of this report) could be met. No response has been received to this request.

In addition, letters of representations query the accuracy of the information provided in relation to the infiltration testing. Specifically, photographic and documentary evidence has been submitted by an interested party which suggests the testing was not undertaken for the requisite

time period as claimed in the submitted report. The applicants were asked to comment on these matters and advised they will not respond to any correspondence relating to professional differences of opinion and will not comment on information submitted by other parties regarding inaccuracy of infiltration testing. The applicants suggest there is sufficient information to allow the application to be determined.

While the roads service has raised no objections in relation to flood risk and drainage matters, this is only on the basis that the matters identified in its consultation response can be met, and that the drainage report submitted is accurate. The applicant has not provided information to demonstrate that the conditions required by the roads service can be met, and it has failed to provide any information to dispute the third party information which questions the veracity of the drainage report and the information provided in relation to infiltration rates which has been relied upon in soakaway design. The roads service has advised that it would be concerned if the submitted information was found not to be accurate and it would affect its consultation response as this would materially affect understanding of drainage and flood risk in the area.

The council's expert advisor on flooding and drainage indicates that the accuracy of the submitted data is relevant to determination of the matter. Information submitted by an interested party raises reasonable doubt regarding the accuracy of the submitted information. The applicants have been invited to address this matter and provide information or evidence to confirm the veracity of their information or to rebut the claims made by the interested party but have declined to provide further information. In addition, no information has been provided to demonstrate that the conditions required by the roads service can be met. As matters stand, there is information which demonstrates some localised flood risk and there is information that raises reasonable doubt regarding information on drainage matters submitted in support of the application. In these circumstances and having regard to the advice from the roads service, it is concluded that there is insufficient information to demonstrate that matters regarding drainage and associated flood risk have been satisfactorily addressed such as to demonstrate compliance with policies 18 and 22 of NPF4 and policy PV12 of the ALDP.

A treehouse is proposed within a wooded area within the site, but this does not give rise to significant issue. The site is reasonably large and would benefit from extensive permitted development rights which could impact woodland and which could materially impact drainage and flood risk. However, a condition could be used to remove permitted development as necessary.

The proposal is not of a scale where it would require a developer contribution or affordable housing provision when assessed against the council's developer contributions and affordable housing supplementary guidance. There is no reason to consider that the proposal would result in a significant impact upon infrastructure beyond drainage and flooding issues discussed above.

The proposal does not give rise to any significant issues in terms of the appendix 3 requirements of the council's CHSG.

The proposal is generally compatible with topic specific policies and with the council's approach for housing in the rural area, but as detailed above, it has not been demonstrated that the proposal complies with relevant policies on flood risk and drainage. As with any proposal, the development attracts support from some policies and is not entirely compatible with others. However, when those matters are balanced and considered in the round, in circumstances where compliance with flood risk and drainage policies has not been demonstrated, the proposal is contrary to the development plan.

In relation to other material considerations, the site has previously been granted planning permission for six houses, but that permission has expired. The development plan has changed in the period since grant of that permission in 2008, and the historic permission is of limited materiality.

A number of representations have been made in relation to the proposal and those are material in so far as they raise relevant planning matters. Material issues have generally been discussed in the policy discussion above, but further comment is provided below.

Issues regarding compliance with planning policy are discussed above. While the principle of residential development on the site is broadly acceptable, the proposal does not comply with the development plan for reasons related to drainage and flood risk. Reference to Policy H12 Farm Building Conversions of the Angus Local Plan 2000 is irrelevant as it no longer forms part of the development plan.

As discussed above, the proposal would provide a good living environment and impacts on the amenity of occupants of neighbouring property would not be unacceptable having regard to proposed mitigation and the council's design guidance. The proposal has been amended to reduce impact on neighbouring property and mitigation of impact could be secured by planning condition. Matters regarding potential ground contamination could be addressed by planning condition.

The design does not give rise to significant conflict with relevant policies or with the council's design and placemaking supplementary guidance. It is considered generally acceptable for the reasons set out above. The proposal seeks to use steel which may not be regarded as a particularly sustainable material; however, it also seeks to reuse a derelict building and its embodied carbon. The use of steel does not make the proposal unsustainable or contrary to policy.

Impact on the natural environment would not be unacceptable for the reasons set out in the policy discussion above and matters could be addressed by condition as necessary.

The roads service has offered no objection to the proposal subject to upgrade of the track. While that may not be in the ownership or control of the applicants, a negative suspensive planning condition could be used to require upgrade of the track prior to the commencement of development. The willingness of those with an ownership interest to allow that work to progress and issues associated with future maintenance of the track are a civil matter.

For reasons set out in the policy discussion above, it is concluded that there is insufficient information to demonstrate that the proposal is compatible with relevant development plan policies that deal with drainage and flood risk. SEPA has advised that an existing specific tank is already at risk of flooding and the proposed works would not make the existing flood risk situation to this septic tank worse. Issues associated with existing pipework within the site and legal or other agreements between parties are civil matters.

Issues regarding the structural stability of the building, associated specification, and potential for subsidence in the area are matters that can more appropriately be addressed and regulated through building regulations and the building warrant process. Ultimately, it would be a matter for a structural engineer to certify works. Available information does not indicate that an engineering solution to these matters could not be secured. A mitigation scheme for boundary treatments and impacts on leylandii hedging has been provided and there is no reason to consider that this would not be acceptable.

Scottish Water has offered no objection in terms of water supply. Electrical supply to the property is a matter for the relevant utility provider.

As discussed above, it would be appropriate to remove certain permitted development rights if planning permission was granted and that could be done by planning condition.

The applicant has confirmed that the proposed studio would be for private use and that the annex accommodation would be ancillary to the main dwelling. This could be regulated by condition.

In conclusion, the principle of reuse of the redundant building for residential use attracts reasonably significant support from development plan policy. However, this is an area where information indicates that there is localised flood risk. While the applicants have provided information to demonstrate the proposal is acceptable in terms of drainage and flood risk considerations, third parties have provided information that questions the accuracy of that information. The applicants have been provided opportunity to address that matter but have provided no clarification or rebuttal. In such circumstance and having regard to the nature of the third-party evidence and advice from the council's roads service, there is reasonable doubt and insufficient information to demonstrate compliance with relevant development plan policies that deal with drainage and flood risk. The proposal is contrary to development plan policy as it has not been demonstrated that the proposal complies with drainage and flood risk policies. There are no material considerations that justify approval of planning permission contrary to the provisions of the development plan.

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.

Decision

The application is Refused

Reason(s) for Decision:

The proposal is contrary to policy PV12 of the Angus Local Development Plan (2016) and policies 18 and 22 of NPF4 because it has not been demonstrated that appropriate drainage provision can be made and that the development would not materially increase the probability of flooding to existing or planned development.

Case Officer: James Wright
Date: 31 October 2023

Appendix 1 - Development Plan Policies

NPF4 – national planning policies

Policy 1 Tackling the climate and nature crises
When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy 2 Climate mitigation and adaptation
a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Policy 3 Biodiversity
a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
ii. wherever feasible, nature-based solutions have been integrated and made best use of;
iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long- term retention and monitoring should be included, wherever appropriate; and
v. local community benefits of the biodiversity and/or nature networks have been considered.

c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.

d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing

nature networks and maximising the potential for restoration.

Policy 4 Natural places
a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.

b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an "appropriate assessment" of the implications for the conservation objectives.

c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:
i. The objectives of designation and the overall integrity of the areas will not be compromised; or
ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

All Ramsar sites are also European sites and/ or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.

d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:
i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or
ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.

f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:
i) will support meeting renewable energy targets; or,
ii) is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area.

All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.

Policy 5 Soils
a) Development proposals will only be supported if they are designed and constructed:
i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and

ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.

b) Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:
i. Essential infrastructure and there is a specific locational need and no other suitable site;
ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite;
iii. The development of production and processing facilities associated with the land produce where no other local site is suitable;
iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and

In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.

c) Development proposals on peatland, carbon- rich soils and priority peatland habitat will only be supported for:
i. Essential infrastructure and there is a specific locational need and no other suitable site;
ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets;
iii. Small-scale development directly linked to a rural business, farm or croft;
iv. Supporting a fragile community in a rural or island area; or
v. Restoration of peatland habitats.

d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:
i. the baseline depth, habitat condition, quality and stability of carbon rich soils;
ii. the likely effects of the development on peatland, including on soil disturbance; and
iii. the likely net effects of the development on climate emissions and loss of carbon.

This assessment should inform careful project design and ensure, in accordance with relevant guidance and the mitigation hierarchy, that adverse impacts are first avoided and then minimised through best practice. A peat management plan will be required to demonstrate that this approach has been followed, alongside other appropriate plans required for restoring and/ or enhancing the site into a functioning peatland system capable of achieving carbon sequestration.

e) Development proposals for new commercial peat extraction, including extensions to existing sites, will only be supported where:
i. the extracted peat is supporting the Scottish whisky industry;
ii. there is no reasonable substitute;
iii. the area of extraction is the minimum necessary and the proposal retains an in-situ residual depth of part of at least 1 metre across the whole site, including
iv. the time period for extraction is the minimum necessary; and
v. there is an agreed comprehensive site restoration plan which will progressively restore, over a reasonable timescale, the area of extraction to a functioning peatland system capable of achieving carbon sequestration.

Policy 6 Forestry, woodland and trees
a) Development proposals that enhance, expand and improve woodland and tree cover will be supported.

b) Development proposals will not be supported where they will result in:
i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;
ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;
iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;
iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.

c) Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.

d) Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design.

Policy 9 Brownfield, vacant and derelict land and empty buildings
a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.
b) Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.
c) Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.
d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

Policy 12 Zero waste
a) Development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.

b) Development proposals will be supported where they:
i. reuse existing buildings and infrastructure;
ii. minimise demolition and salvage materials for reuse;
iii. minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life;
iv. use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials;
v. use materials that are suitable for reuse with minimal reprocessing.

c) Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:

i. provision to maximise waste reduction and waste separation at source, and
ii. measures to minimise the cross- contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.

d) Development proposals for waste infrastructure and facilities (except landfill and energy from waste facilities) will be only supported where:
i. there are no unacceptable impacts (including cumulative) on the residential amenity of nearby dwellings, local communities; the transport network; and natural and historic environment assets;
ii. environmental (including cumulative) impacts relating to noise, dust, smells, pest control and pollution of land, air and water are acceptable;
iii. any greenhouse gas emissions resulting from the processing and transportation of waste to and from the facility are minimised;
iv. an adequate buffer zone between sites and sensitive uses such as homes is provided taking account of the various environmental effects likely to arise;
v. a restoration and aftercare scheme (including appropriate financial mechanisms) is provided and agreed to ensure the site is restored;
vi. consideration has been given to co-location with end users of outputs.

e) Development proposals for new or extended landfill sites will only be supported if:
i. there is demonstrable need for additional landfill capacity taking into account Scottish Government objectives on waste management; and
ii. waste heat and/or electricity generation is included. Where this is considered impractical, evidence and justification will require to be provided.

f) Proposals for the capture, distribution or use of gases captured from landfill sites or waste water treatment plant will be supported.

g) Development proposals for energy-from-waste facilities will not be supported except under limited circumstances where a national or local need has been sufficiently demonstrated (e.g. in terms of capacity need or carbon benefits) as part of a strategic approach to residual waste management and where the proposal:
i. is consistent with climate change mitigation targets and in line with circular economy principles;
ii. can demonstrate that a functional heat network can be created and provided within the site for appropriate infrastructure to allow a heat network to be developed and potential local consumers have been identified;
iii. is supported by a heat and power plan, which demonstrates how energy recovered from the development would be used to provide electricity and heat and where consideration is given to methods to reduce carbon emissions of the facility (for example through carbon capture and storage)
iv. complies with relevant guidelines published by Scottish Environment Protection Agency (SEPA); and
v. has supplied an acceptable decarbonisation strategy aligned with Scottish Government decarbonisation goals.

Policy 13 Sustainable transport
a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals:
i. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy.

ii. which support a mode shift of freight from road to more sustainable modes, including last-mile delivery.
iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).

b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:
i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
ii. Will be accessible by public transport, ideally supporting the use of existing services;
iii. Integrate transport modes;
iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
viii. Adequately mitigate any impact on local public access routes.

c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.

d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.

e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.

f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.

g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered by Transport Scotland where significant economic or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with relevant guidance and where there will be no adverse impact on road safety or operational

performance.

Policy 14 Design, quality and place

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Policy 16 Quality homes

a) Development proposals for new homes on land allocated for housing in LDPs will be supported.

b) Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:

i. meeting local housing requirements, including affordable homes;
ii. providing or enhancing local infrastructure, facilities and services; and
iii. improving the residential amenity of the surrounding area.

c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:

i. self-provided homes;
ii. accessible, adaptable and wheelchair accessible homes;
iii. build to rent;
iv. affordable homes;

v. a range of size of homes such as those for larger families;
vi. homes for older people, including supported accommodation, care homes and sheltered housing;
vii. homes for people undertaking further and higher education; and
viii. homes for other specialist groups such as service personnel.

d) Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.

e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:
i. a higher contribution is justified by evidence of need, or
ii. a lower contribution is justified, for example, by evidence of impact on viability,
where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes.

The contribution is to be provided in accordance with local policy or guidance.

f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:
i. the proposal is supported by an agreed timescale for build-out; and
ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
iii. and either:
o delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
o the proposal is consistent with policy on rural homes; or
o the proposal is for smaller scale opportunities within an existing settlement boundary; or
o the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

g) Householder development proposals will be supported where they:
i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

Policy 17 Rural homes
a) Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:
i. is on a site allocated for housing within the LDP;

ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention;
iii. reuses a redundant or unused building;
iv. is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
vi. is for a single home for the retirement succession of a viable farm holding;
vii. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
viii. reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.

b) Development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location.

c) Development proposals for new homes in remote rural areas will be supported where the proposal:
i. supports and sustains existing fragile communities;
ii. supports identified local housing outcomes; and
iii. is suitable in terms of location, access, and environmental impact.

d) Development proposals for new homes that support the resettlement of previously inhabited areas will be supported where the proposal:
i. is in an area identified in the LDP as suitable for resettlement;
ii. is designed to a high standard;
iii. responds to its rural location; and
iv. is designed to minimise greenhouse gas emissions as far as possible.

Policy 18 Infrastructure first
a) Development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes will be supported.

b) The impacts of development proposals on infrastructure should be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. Where planning conditions, planning obligations, or other legal agreements are to be used, the relevant tests will apply.

Where planning obligations are entered into, they should meet the following tests:
- be necessary to make the proposed development acceptable in planning terms
- serve a planning purpose
- relate to the impacts of the proposed development
- fairly and reasonably relate in scale and kind to the proposed development
- be reasonable in all other respects

Planning conditions should only be imposed where they meet all of the following tests. They should be:
- necessary
- relevant to planning
- relevant to the development to be permitted

- enforceable
- precise
- reasonable in all other respects

Policy 22 Flood risk and water management

a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:

i. essential infrastructure where the location is required for operational reasons;

ii. water compatible uses;

iii. redevelopment of an existing building or site for an equal or less vulnerable use; or.

iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long- term safety and resilience can be secured in accordance with relevant SEPA advice.

The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk.

In such cases, it will be demonstrated by the applicant that:

o all risks of flooding are understood and addressed;

o there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;

o the development remains safe and operational during floods;

o flood resistant and resilient materials and construction methods are used; and

o future adaptations can be made to accommodate the effects of climate change.

Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require:

o the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and

o that the proposal does not create an island of development and that safe access/ egress can be achieved.

b) Small scale extensions and alterations to existing buildings will only be supported where they will not significantly increase flood risk.

c) Development proposals will:

i. not increase the risk of surface water flooding to others, or itself be at risk.

ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue- green infrastructure. All proposals should presume no surface water connection to the combined sewer;

iii. seek to minimise the area of impermeable surface.

d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.

e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.

Policy 23 Health and safety

a) Development proposals that will have positive effects on health will be supported. This could include, for example, proposals that incorporate opportunities for exercise, community

food growing or allotments.

b) Development proposals which are likely to have a significant adverse effect on health will not be supported. A Health Impact Assessment may be required.

c) Development proposals for health and social care facilities and infrastructure will be supported.

d) Development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely.

e) Development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.

f) Development proposals will be designed to take into account suicide risk.

g) Development proposals within the vicinity of a major accident hazard site or major accident hazard pipeline (because of the presence of toxic, highly reactive, explosive or inflammable substances) will consider the associated risks and potential impacts of the proposal and the major accident hazard site/pipeline of being located in proximity to one another.

h) Applications for hazardous substances consent will consider the likely potential impacts on surrounding populations and the environment.

i) Any advice from Health and Safety Executive, the Office of Nuclear Regulation or the Scottish Environment Protection Agency that planning permission or hazardous substances consent should be refused, or conditions to be attached to a grant of consent, should not be overridden by the decision maker without the most careful consideration.

j) Similar considerations apply in respect of development proposals either for or near licensed explosive sites (including military explosive storage sites).

Policy 29 Rural development

a) Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including:

i. farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected;

ii. diversification of existing businesses;

iii. production and processing facilities for local produce and materials, for example sawmills, or local food production;

iv. essential community services;

v. essential infrastructure;

vi. reuse of a redundant or unused building;

vii. appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;

viii. reuse of brownfield land where a return to a natural state has not or will not happen without intervention;

ix. small scale developments that support new ways of working such as remote working, homeworking and community hubs; or

x. improvement or restoration of the natural environment.

b) Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.

c) Development proposals in remote rural areas, where new development can often help to sustain fragile communities, will be supported where the proposal:
i. will support local employment;
ii. supports and sustains existing communities, for example through provision of digital infrastructure; and
iii. is suitable in terms of location, access, siting, design and environmental impact.

d) Development proposals that support the resettlement of previously inhabited areas will be supported where the proposal:
i. is in an area identified in the LDP as suitable for resettlement;
ii. is designed to a high standard;
iii. responds to their rural location; and
iv. is designed to minimise greenhouse gas emissions as far as possible.

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities
All proposals will be expected to support delivery of the Development Strategy.

The focus of development will be sites allocated or otherwise identified for development within the Angus Local Development Plan, which will be safeguarded for the use(s) set out. Proposals for alternative uses will only be acceptable if they do not undermine the provision of a range of sites to meet the development needs of the plan area.

Proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.

Proposals for sites outwith but contiguous* with a development boundary will only be acceptable where it is in the public interest and social, economic, environmental or operational considerations confirm there is a need for the proposed development that cannot be met within a development boundary.

Outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP.

In all locations, proposals that re-use or make better use of vacant, derelict or under-used brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.

Development of greenfield sites (with the exception of sites allocated, identified or considered appropriate for development by policies in the ALDP) will only be supported where there are no suitable and available brownfield sites capable of accommodating the proposed development.

Development proposals should not result in adverse impacts, either alone or in combination with other proposals or projects, on the integrity of any European designated site, in accordance with Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value.

*Sharing an edge or boundary, neighbouring or adjacent

Policy DS3 : Design Quality and Placemaking
Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

o Distinct in Character and Identity: Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.
o Safe and Pleasant: Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.
o Well Connected: Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in 'Designing Streets' are addressed.
o Adaptable: Where development is designed to support a mix of compatible uses and accommodate changing needs.
o Resource Efficient: Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform.

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

Policy DS4 : Amenity
All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.
Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate

mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

Policy TC2 : Residential Development
All proposals for new residential development*, including the conversion of non-residential buildings must:

- be compatible with current and proposed land uses in the surrounding area;
- provide a satisfactory residential environment for the proposed dwelling(s);
- not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and
- include as appropriate a mix of house sizes, types and tenures and provision for affordable housing in accordance with Policy TC3 Affordable Housing.

Within development boundaries Angus Council will support proposals for new residential development where:

- the site is not allocated or protected for another use; and
- the proposal is consistent with the character and pattern of development in the surrounding area.

In countryside locations Angus Council will support proposals for the development of houses which fall into at least one of the following categories:

- retention, renovation or acceptable replacement of existing houses;
- conversion of non-residential buildings;
- regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use;
- single new houses where development would:
- round off an established building group of 3 or more existing dwellings; or
- meet an essential worker requirement for the management of land or other rural business.
- in Rural Settlement Units (RSUs)**, fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility; and
- in Category 2 Rural Settlement Units (RSUs), as shown on the Proposals Map, gap sites (as defined in the Glossary) may be developed for up to two houses.

Further information and guidance on the detailed application of the policy on new residential development in countryside locations will be provided in supplementary planning guidance, and will address:

- the types of other buildings which could be considered suitable in identifying appropriate gap sites for the development of single houses in Category 1 Rural Settlement Units, or for the development of up to two houses in Category 2 Rural Settlement Units.
- the restoration or replacement of traditional buildings.

o the development of new large country houses.

*includes houses in multiple occupation, non-mainstream housing for people with particular needs, such as specialist housing for the elderly, people with disabilities, supported housing care and nursing homes.
**Rural Settlement Units are defined in the Glossary and their role is further explained on Page 9.

Policy PV5 : Protected Species
Angus Council will work with partner agencies and developers to protect and enhance all wildlife including its habitats, important roost or nesting places. Development proposals which are likely to affect protected species will be assessed to ensure compatibility with the appropriate regulatory regime.

European Protected Species
Development proposals that would, either individually or cumulatively, be likely to have an unacceptable adverse impact on European protected species as defined by Annex 1V of the Habitats Directive (Directive 92/24/EEC) will only be permitted where it can be demonstrated to the satisfaction of Angus Council as planning authority that:

o there is no satisfactory alternative; and
o there are imperative reasons of overriding public health and/or safety, nature, social or economic interest and beneficial consequences for the environment, and
o the development would not be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range
.
Other Protected Species
Development proposals that would be likely to have an unacceptable adverse effect on protected species unless justified in accordance with relevant species legislation (Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992) subject to any consequent amendment or replacement.

Further information on protected sites and species and their influence on proposed development will be set out in a Planning Advice Note.

Policy PV6 : Development in the Landscape
Angus Council will seek to protect and enhance the quality of the landscape in Angus, its diversity (including coastal, agricultural lowlands, the foothills and mountains), its distinctive local characteristics, and its important views and landmarks.

Capacity to accept new development will be considered within the context of the Tayside Landscape Character Assessment, relevant landscape capacity studies, any formal designations and special landscape areas to be identified within Angus. Within the areas shown on the proposals map as being part of 'wild land', as identified in maps published by Scottish Natural Heritage in 2014, development proposals will be considered in the context of Scottish Planning Policy's provisions in relation to safeguarding the character of wild land.

Development which has an adverse effect on landscape will only be permitted where:

o the site selected is capable of accommodating the proposed development;
o the siting and design integrate with the landscape context and minimise adverse impacts on the local landscape;
o potential cumulative effects with any other relevant proposal are considered to be

acceptable; and
- mitigation measures and/or reinstatement are proposed where appropriate.

Landscape impact of specific types of development is addressed in more detail in other policies in this plan and work involving development which is required for the maintenance of strategic transport and communications infrastructure should avoid, minimise or mitigate any adverse impact on the landscape.

Further information on development in the landscape, including identification of special landscape and conservation areas in Angus will be set out in a Planning Advice Note.

Policy PV7 : Woodland, Trees and Hedges
Ancient semi-natural woodland is an irreplaceable resource and should be protected from removal and potential adverse impacts of development. The council will identify and seek to enhance woodlands of high nature conservation value. Individual trees, especially veteran trees or small groups of trees which contribute to landscape and townscape settings may be protected through the application of Tree Preservation Orders (TPO).

Woodland, trees and hedges that contribute to the nature conservation, heritage, amenity, townscape or landscape value of Angus will be protected and enhanced. Development and planting proposals should:

- protect and retain woodland, trees and hedges to avoid fragmentation of existing provision;
- be considered within the context of the Angus Woodland and Forestry Framework where woodland planting and management is planned;
- ensure new planting enhances biodiversity and landscape value through integration with and contribution to improving connectivity with existing and proposed green infrastructure and use appropriate species;
- ensure new woodland is established in advance of major developments;
- undertake a Tree Survey where appropriate; and
- identify and agree appropriate mitigation, implementation of an approved woodland management plan and re-instatement or alternative planting.

Angus Council will follow the Scottish Government Control of Woodland Removal Policy when considering proposals for the felling of woodland.

Policy PV12 : Managing Flood Risk
To reduce potential risk from flooding there will be a general presumption against built development proposals:
- on the functional floodplain;
- which involve land raising resulting in the loss of the functional flood plain; or
- which would materially increase the probability of flooding to existing or planned development.

Development in areas known or suspected to be at the upper end of low to medium risk or of medium to high flood risk (as defined in Scottish Planning Policy (2014), see Table 4) may be required to undertake a flood risk assessment. This should demonstrate:

- that flood risk can be adequately managed both within and outwith the site;
- that a freeboard allowance of at least 500-600mm in all circumstances can be provided;
- access and egress to the site can be provided that is free of flood risk; and
- where appropriate that water-resistant materials and construction will be utilised.

Where appropriate development proposals will be:

- assessed within the context of the Shoreline Management Plan, Strategic Flood Risk Assessments and Flood Management Plans; and
- considered within the context of SEPA flood maps to assess and mitigate surface water flood potential.

Built development should avoid areas of ground instability (landslip) coastal erosion and storm surges. In areas prone to landslip a geomorphological assessment may be requested in support of a planning application to assess degree of risk and any remediation measures if required to make the site suitable for use.

Policy PV15 : Drainage Infrastructure
Development proposals within Development Boundaries will be required to connect to the public sewer where available.

Where there is limited capacity at the treatment works Scottish Water will provide additional wastewater capacity to accommodate development if the Developer can meet the 5 Criteria*. Scottish Water will instigate a growth project upon receipt of the 5 Criteria and will work with the developer, SEPA and Angus Council to identify solutions for the development to proceed.

Outwith areas served by public sewers or where there is no viable connection for economic or technical reasons private provision of waste water treatment must meet the requirements of SEPA and/or The Building Standards (Scotland) Regulations. A private drainage system will only be considered as a means towards achieving connection to the public sewer system, and when it forms part of a specific development proposal which meets the necessary criteria to trigger a Scottish Water growth project.

All new development (except single dwelling and developments that discharge directly to coastal waters) will be required to provide Sustainable Drainage Systems (SUDs) to accommodate surface water drainage and long term maintenance must be agreed with the local authority. SUDs schemes can contribute to local green networks, biodiversity and provision of amenity open space and should form an integral part of the design process.

Drainage Impact Assessment (DIA) will be required for new development where appropriate to identify potential network issues and minimise any reduction in existing levels of service.

*Enabling Development and our 5 Criteria (http://scotland.gov.uk/Resource/0040/00409361.pdf)
Policy PV18 : Waste Management in New Development
Proposals for new retail, residential, commercial, business and industrial development should seek to minimise the production of demolition and construction waste and incorporate recycled waste into the development.

Where appropriate, Angus Council will require the submission of a Site Waste Management Plan to demonstrate how the generation of waste will be minimised during the construction and operational phases of the development.

Development proposals that are likely to generate waste when operational will be expected to include appropriate facilities for the segregation, storage and collection of waste. This will include provision for the separate collection and storage of recyclates within the curtilage of individual houses.

Policy PV20 : Soils and Geodiversity
Development proposals on prime agricultural land will only be supported where they:

- support delivery of the development strategy and policies in this local plan;
- are small scale and directly related to a rural business or mineral extraction; or
- constitute renewable energy development and are supported by a commitment to a bond commensurate with site restoration requirements.

Design and layout should minimise land required for development proposals on agricultural land and should not render any farm unit unviable.

Development proposals affecting deep peat or carbon rich soils will not be allowed unless there is an overwhelming social or economic need that cannot be met elsewhere. Where peat and carbon rich soils are present, applicants should assess the likely effects of development proposals on carbon dioxide emissions.
All development proposals will incorporate measures to manage, protect and reinstate valuable soils, groundwater and soil biodiversity during construction.

BALGOWNIE STEADING
RENOVATION AND NEW BUILD ANNEX

DESIGN STATEMENT

IN SUPPORT OF PLANNING APPLICATION 21/00081/FULL
ANGUS COUNCIL

ISSUE #2 - June 2023

BALGOWNIE STEADING -
PLANNING APPLICATION DESIGN STATEMENT

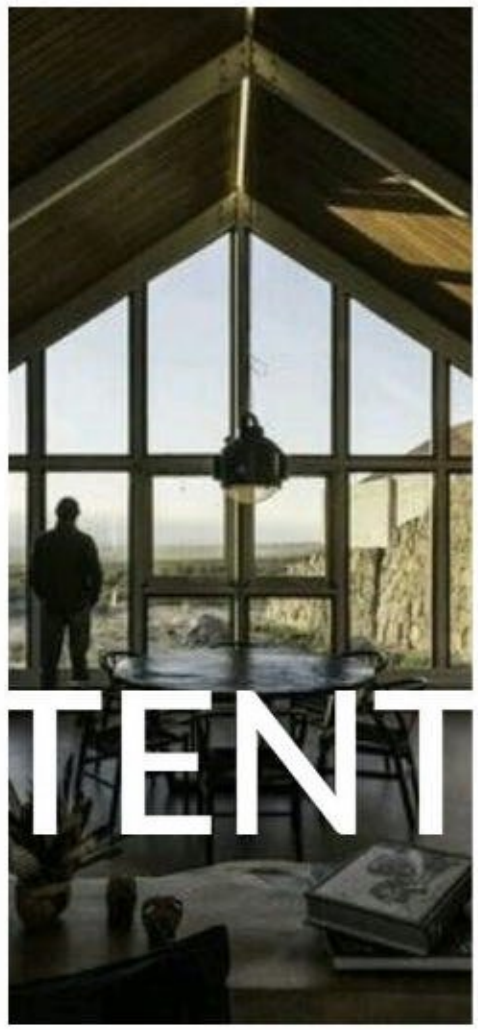
TEAM

CLIENTS : Mirna Melki and Robert Mills
ARCHITECT : Keith Renton Architects
PLANNING CONSULTANTS: Gray Planning
LANDSCAPE ARCHITECTURE: Mirna Melki CMLI
STRUCTURAL ENGINEERING : Christie Gillespies Structural Engineering
ECOLOGY : Direct Ecology
TREE SURVEY: Hinselwood Arboriculture
CIVIL ENGINEERING : Sara McGregor
FLOOD RISK: Atholl Associates

CONTENT
Design Statement (rev 2) in support of planning application 21/00081/FULL

ADDRESS OF PROJECT
BALGOWNIE STEADING, EASSIE, FORFAR, DD81SF
ANGUS
SCOTLAND

CONTENTS



1

Introduction

Brief Introduction to the document and its content

2

Project Context

Examining Balgownie Steading family home conversion in site context and site history

3

Project Brief

review of the brief and how the design evolves to fit the brief.site and context.

4

Architectural Proposal

Design review of the Architectural proposal , examining the layout, adjancencies and unique aspects of the remastered building

5

Buidling Appearance and Materials

A review of the proposed sustainable features , materials and material relationships.

6

External Environment

A description and review of the external grounds and its layout, programme , lighting and materials.

Image above: West Elevation view of Balgownie Steading- from sales brochure circa 2008
Image right: Old Alsatian Museum's Modern Makeover (Published 2015) - precedent project

INTRODUCTION

This design statement will cover all design related considerations of the proposed renovation and new build project, Balgownie Steading, in keeping with the aesthetic and character of the old industrial farm buildings that were part of a working farm dating back to the 1800s . We will demonstrate the adherence with National Scottish Government policy guidance setting out the expectations to create places with high standards of design in rural areas. This guidance- *Planning Advice Note 72 (PAN72) Housing in the Countryside* reinforces these expectations that good quality rural housing respects the Scottish Landscape and tradition building forms and materials and provides the backbone of the Balgownie Steading restoration.

This document outlines the design considerations for the development of the old Balgownie Steading farm buildings into a single family home by part restoration / part new build to the dilapidated structure. This document forms part of the planning application 21/00081/FULL to explain and highlight the design proposal of the development- looking at its building, its grounds, vehicular access and perimeter.

POLICY FRAMEWORK

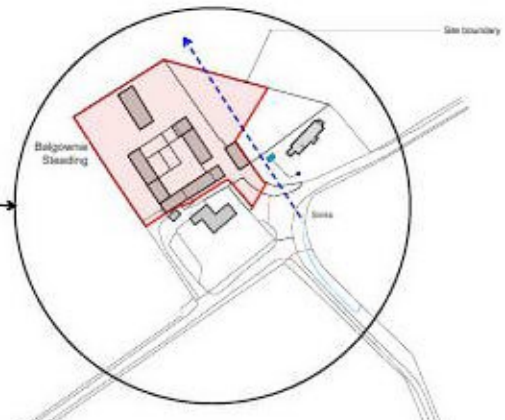
This document should be read in conjunction with 21/00081/FULL Planning Statement (June 23 ref 2023_41) as this will cover legislative considerations pertaining to the development.

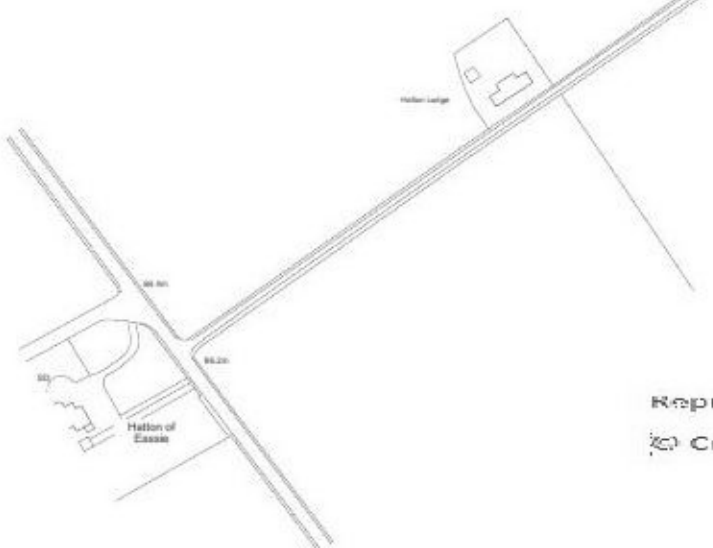
PROJECT CONTEXT

Balgownie Steading is located South-East of Eassie, Angus in amongst active arable farmland and was part of a larger farm dating back to the 1800s.

Balgownie Steading is located south east of Eassie in amongst active arable farmland and was part of a larger farm dating back to the 1800s. This has been sold of in parts over the years and the original farmhouse, #1 Balgownie Cottage is in separate ownership and still remains directly adjacent to Balgownie Steading that formed part of the former farm's farm buildings- house cattle and farm equipment. It is even thought to have formerly housed threshing equipment to form hay-bales The Balgownie Steading property covers an area of approximately 4,600sq.m and currently consists of derelict steading stone buildings and a ruinous barn and other agricultural sheds along with a small woodland to the north east corner of the site.

Surrounding land is in agricultural use and owned by Hatton of Eassie Farm. Two occupied residential dwellings are located close by to the south and south east of the site(the original cottage, #1 Balgownie Cottage and #3 Balgownie cottage- which is a new dwelling built on the site of a former dwelling. It is accessed via a shared farm track road that leads to several residential dwellings.





Balgownie Steading is located half a kilometer east of Hatton of Eassie farm and 2.8km west of the town of Glamis.

Grid Ref: NO355466
X(Easting) 335534;
Y(Northing) 746679
Lattitude 56.607539
Longitude -3.0517784

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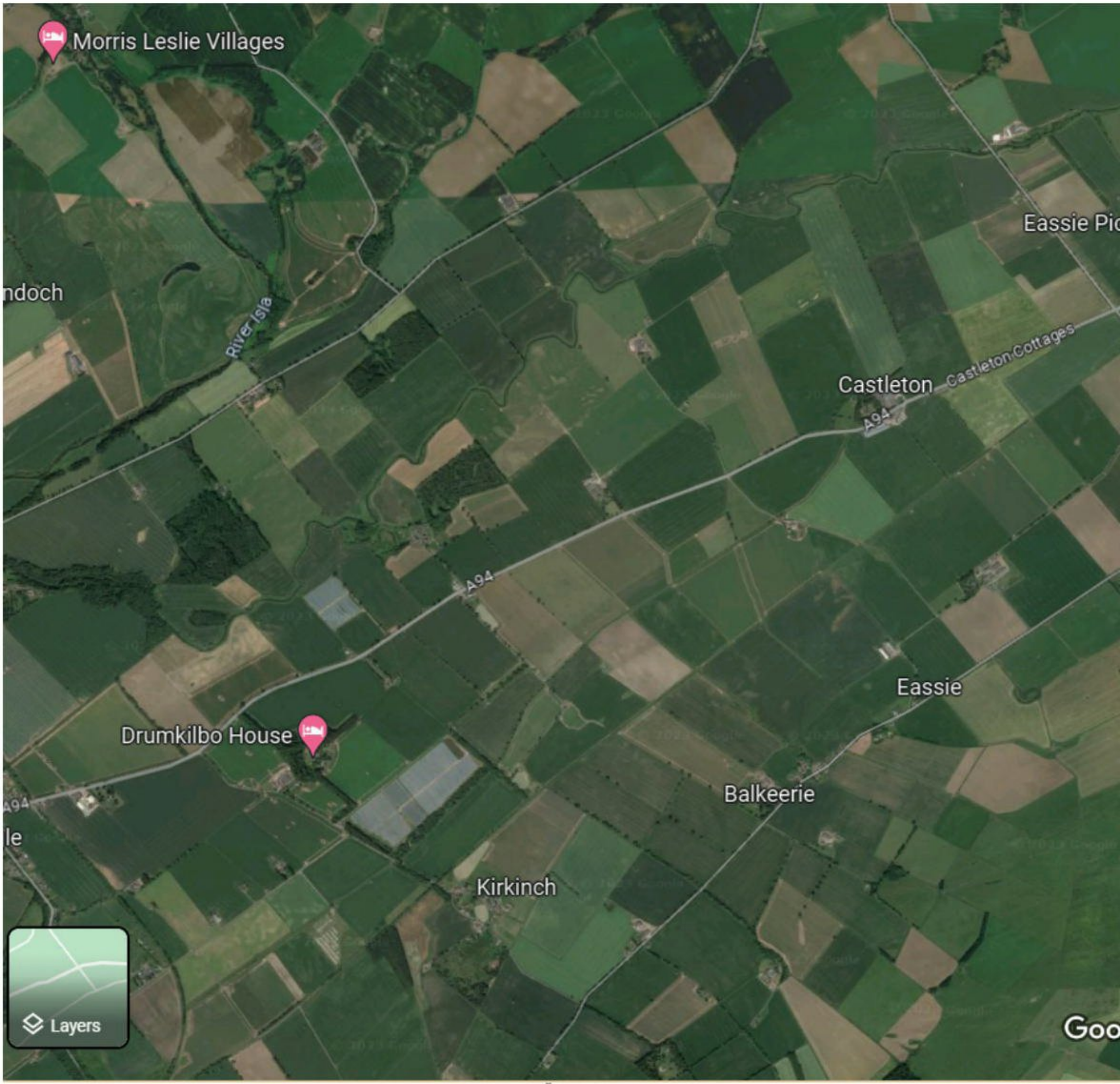
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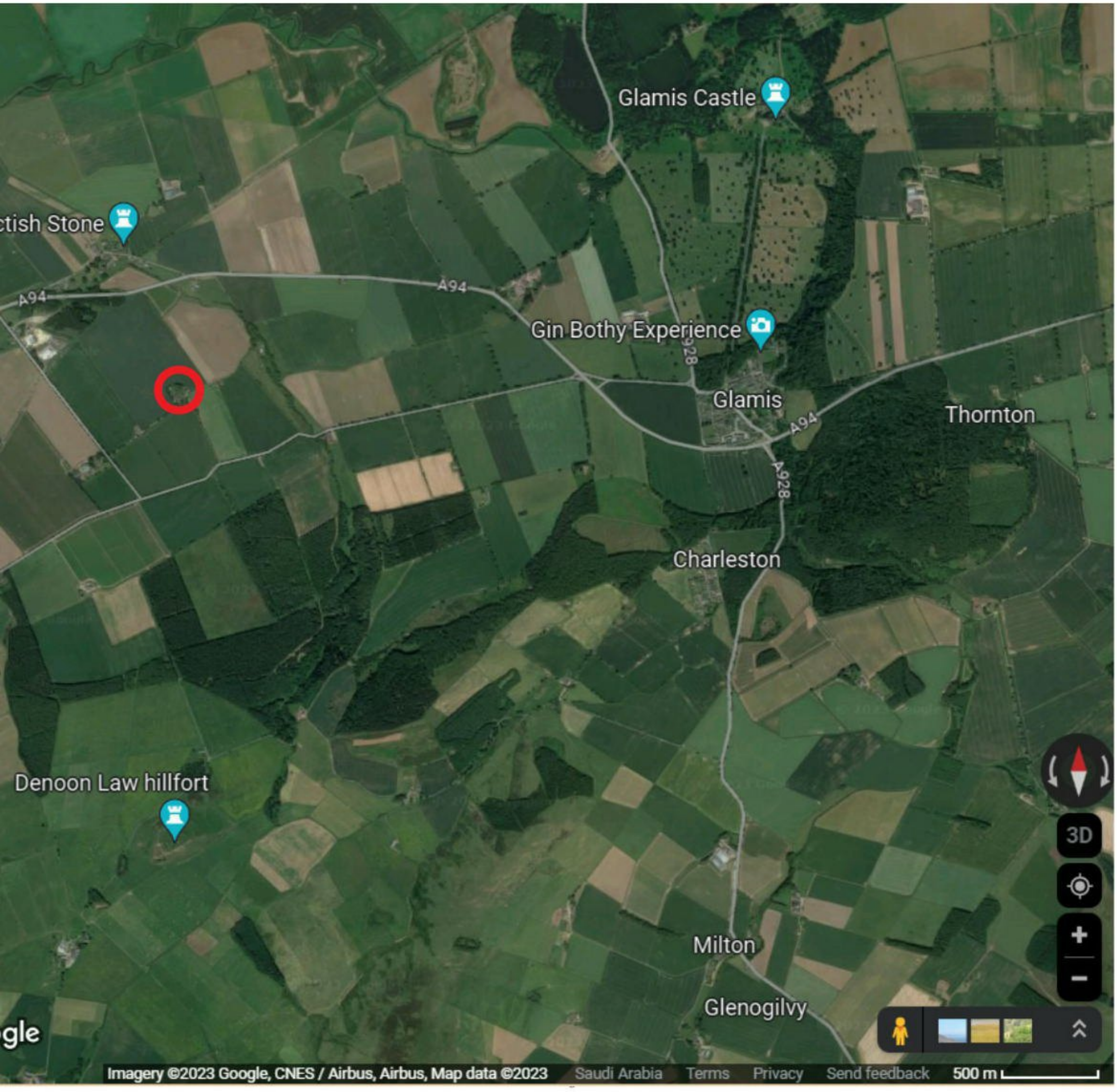
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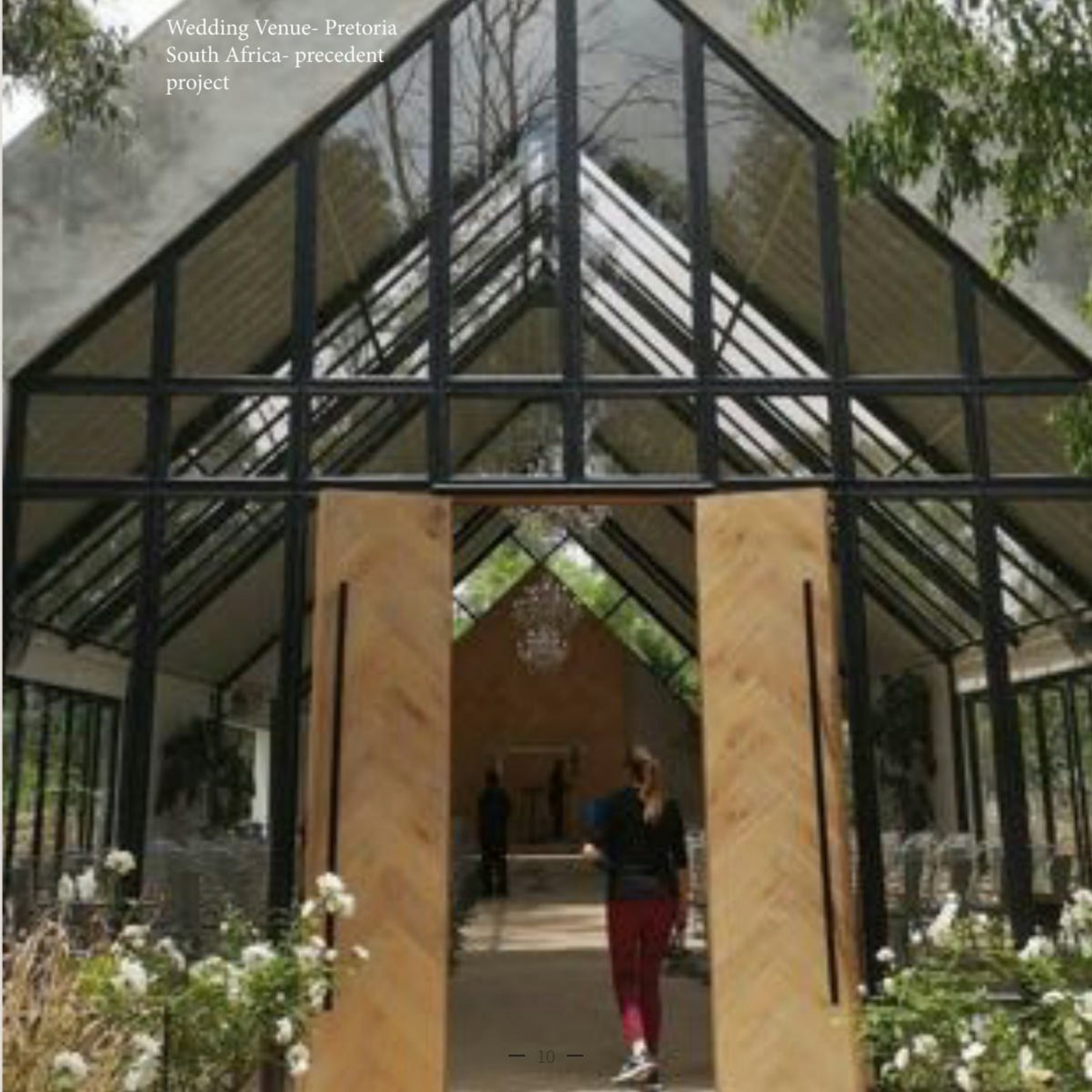


Wedding Venue- Pretoria South Africa- precedent project

PROJECT BRIEF

The brief for this project is to provide a large modern family home with studio space, integrated Granny Annex, greenhouse, external gardens and play space for the applicants growing family.
The current remains of the old Steading buildings will be changed into a family home by part restoration / part new build of the current delapidated structures.The remaining stone walls are to be renovated and integrated into the main family home.

The Annex will be the new part of the build and replace a collapsed part of the steading buildings and be an attached continuation contemporary interpretation of the main building using a combination of traditional and modern materials.

The existing steading footprint and window openings are largely being adhered to with larger windows included in places to maximise the views, bring in light and adhere to safety regulations.

As the development of the site will need to be phased it is essential that any initial phase should provide selfcontained accommodation for the applicants whilst they develop the remainder of the site. The initial self-contained accommodation (Granny Annex) will also provide accommodation for guests and family in the future.

There will also be a tree house or elevated platform wooden lodge located within the small woodland on the property. This will be designed around the woodland and have no impact on the existing roots

Inaccordance with **Designing Places-** *Planning Advice Note 72 (PAN72) Housing in the Countryside, Balgownie Steading will be*:

Distintive
Balgownie's distinctiveness will be retained by its unique 5 apex north elevation, footprint, primarymaterials and overall proportions.

Safe and Pleasant
Balgownie Steading will form a strong building with a singular point of vehicular entry and add the area by changing a dangerous derelict building into a home- further support to the little development around the hamlet of housing along the rural track.

Easy to get around
Balgownie Steading will be located in its original location and be serviced by an existing well used access track that currently serves 5 homes.

Welcoming
Balgownie Steading will be a welcome familiar addition to the homes located along Hatton of Eassie farm track when it is restored to its former glory.

Adaptable
The design of the project is purely around the needs of a growing and ageing family where over time, should the need arise then generations can use various parts of the dwelling and can be subdivided if need be to suit future circumstances with th eintention to keep the family together and selfsufficent on the property if needed.

Resource Efficient
Siting Balgownie Steading in its exact footprint will not only renew the farmland landscape but can also bring benefits by utilising current infrastructure and services and reducing energy consumption through reuse of materials onsite and using the land to provide heat and explore other renwables. Using locally sourced materials aremore sustainable and better suited to the local natural and built environment.

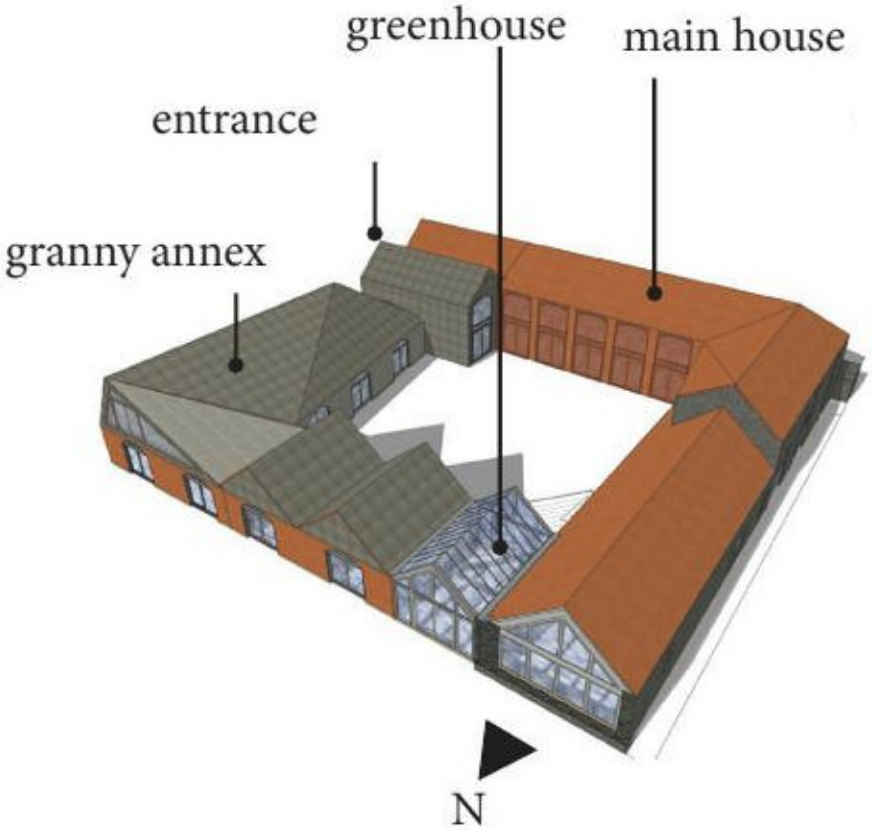
ARCHITECTURAL PROPOSAL

ARCHITECTURAL PROPOSAL

BUILDING FORM AND EXISTING SECONDARY STRUCTURES

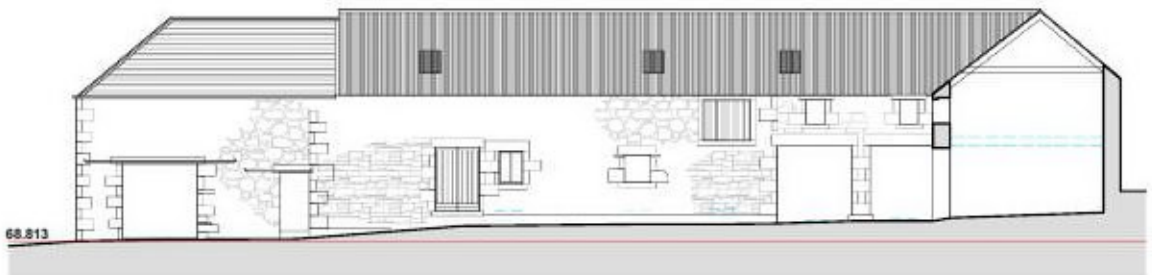
The original building courtyard layout, form and size, as well as the north gabled features are to be recreated by a combination of restoration, extension and new buildings (to replace ruinous or collapsed buildings). The main building- previously containing farm equipment and possibly a threshing barn, and adjoining single storey outbuildings on the South East and South West boundaries will be restored and extended to form the primary family accommodation. The remaining 2 sides of the courtyard will be formed by new buildings to house the Annex, Studio Space and Greenhouse.

A tree house with incorporated viewing deck and play area will be created within the small woodland area for family and children use. This will be constructed in timber with various types of timber cladding.
Low impact footings (upon existing tree roots) will be used to support additional timber support posts. The existing Woodshed will be rebuilt, at an early stage, to match it's original external appearance and be used initially as a site office, workshop and storage area during construction eventually becoming a garden shed and workshop on completion. The existing Dutch barn, that sits directly opposite the North elevation of the Steading, will be retained initially for partially covered storage but will be removed before completion of the works.

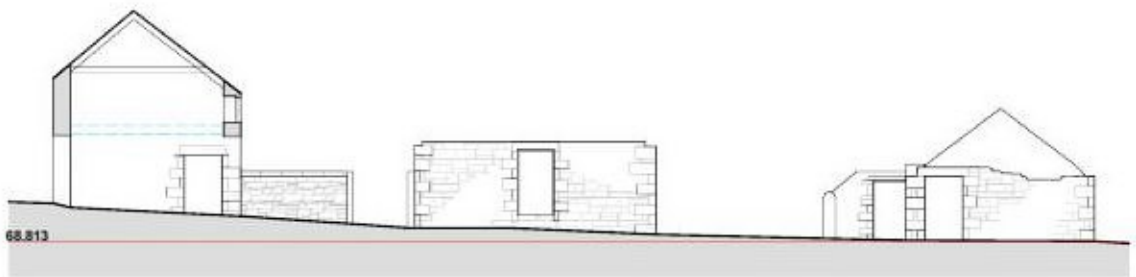


1.Entrance to plot
2.Old barn/shed
3.Main house
4.Granny Annex
5.Northern Elevation- orginally 5 apex roofline (see image)
6. Small woodland and location for treehouse
7.Old Dutch barn- to be removed
8. Old Western Elevation(see image)

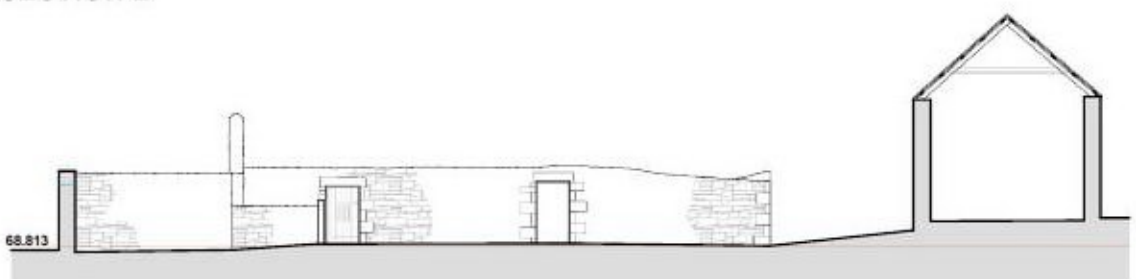
EXISTING CONDITION



SECTION A

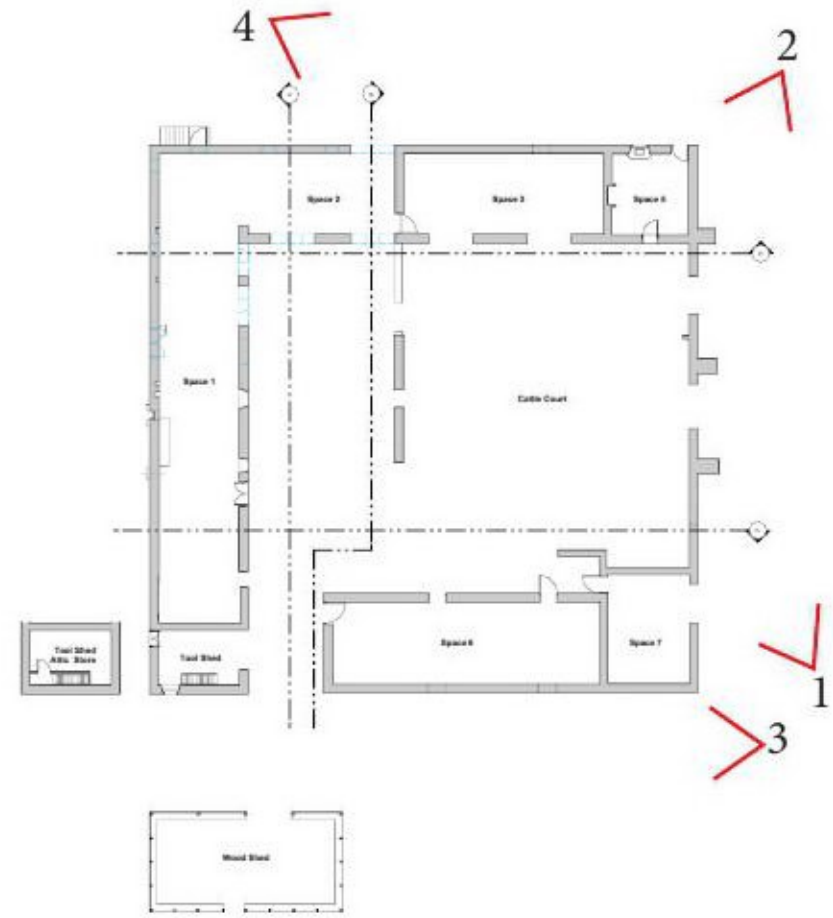


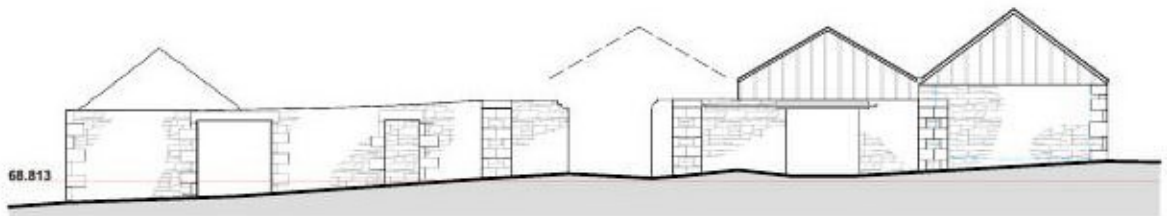
SECTION B



SECTION C

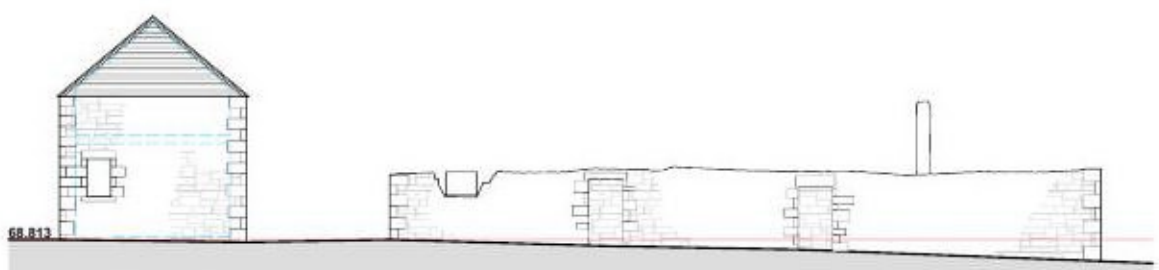
SECTION D



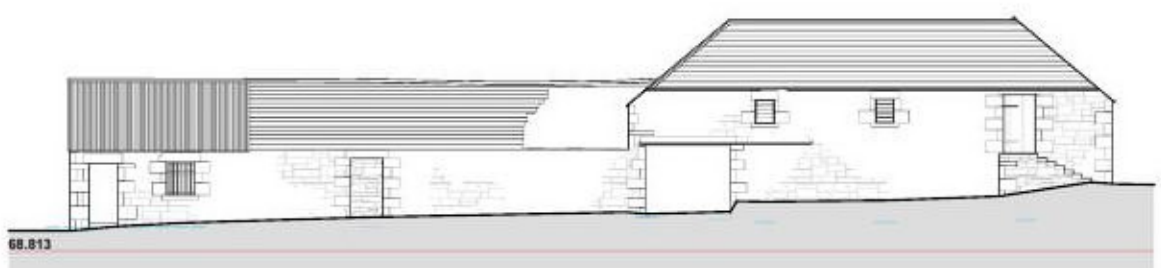


NORTH ELEVATION

SOUTH ELEVATION



EAST ELEVATION

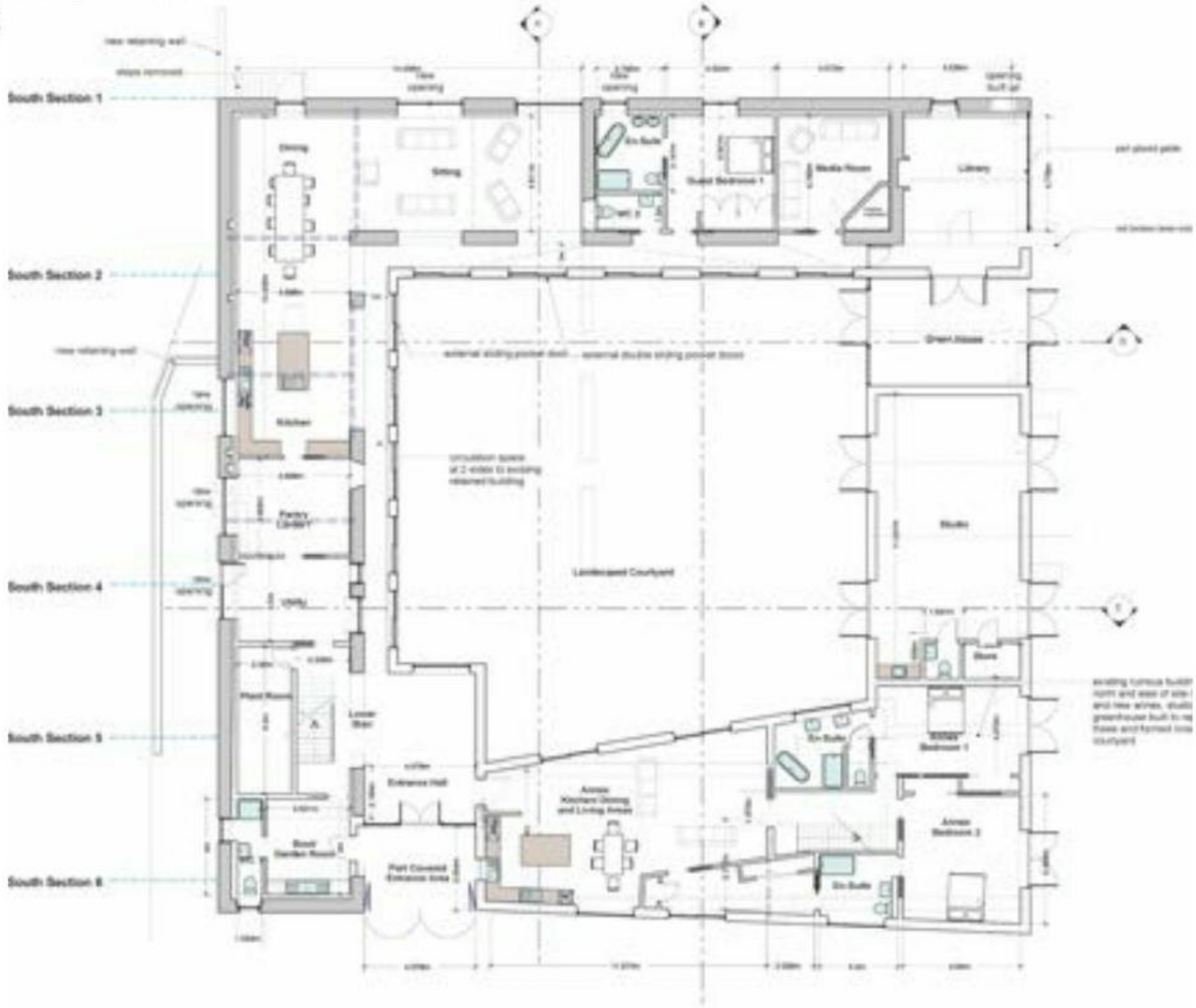


WEST ELEVATION

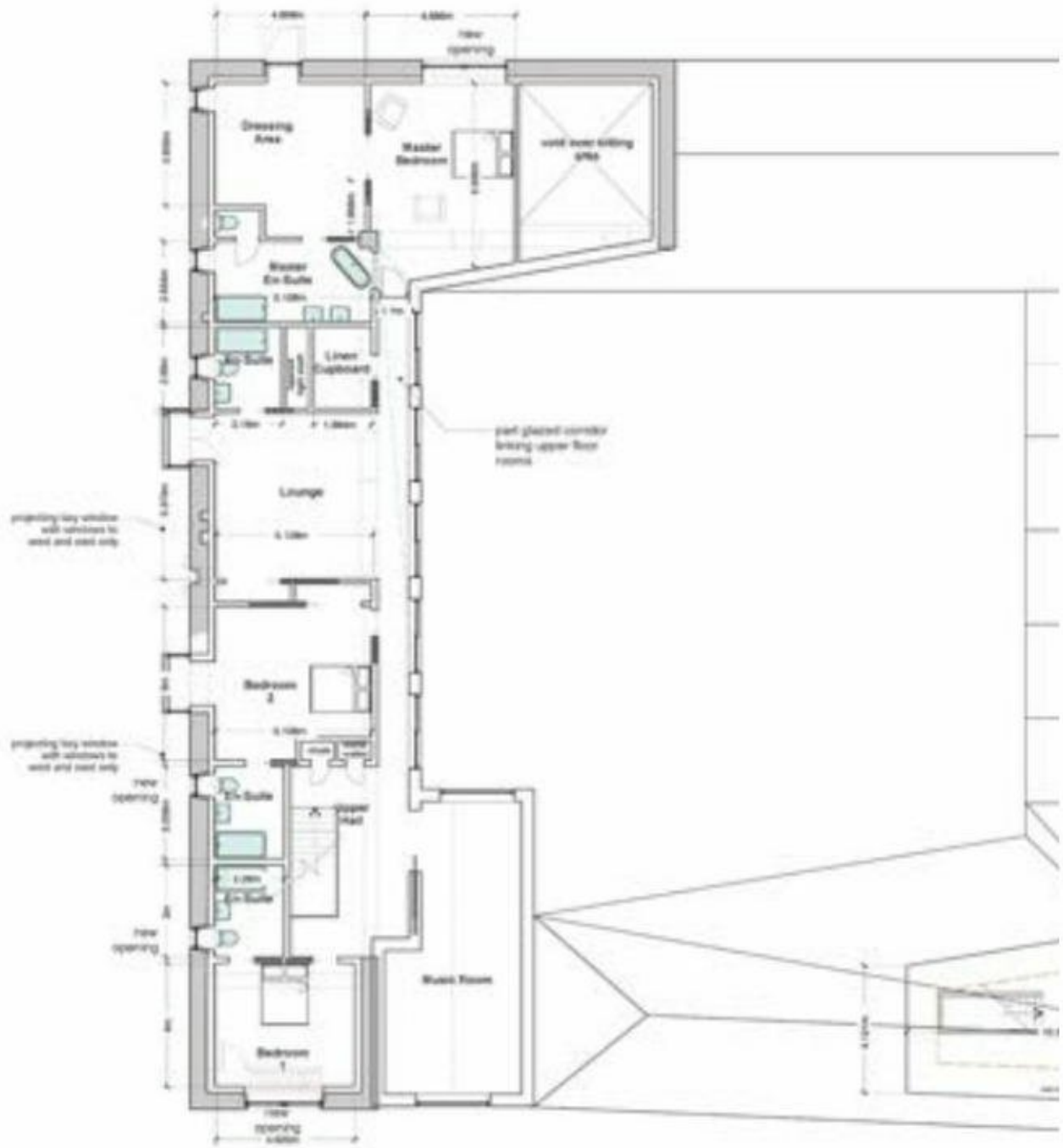
site images of existing condition taken June 2023

RENOVATION AND NEW BUILD PROPOSAL- 3D VIEWS

RENOVATION AND NEW BUILD PROPOSAL- GF AND FIRST FLOOR PLANS



GROUND FLOOR PLAN



FIRST FLOOR PLAN

RENOVATION AND NEW BUILD PROPOSAL- ELEVATIONS

SOUTH ELEVATION

NORTH ELEVATION

EAST ELEVATION

WEST ELEVATION

SECTION A

SECTION B

SECTION C

SECTION D

BUIDLING APPEARANCE & MATERIALS

Throughout the design process the basic form of the building has remained very similar to its original state and character as now presented (courtyard with gabled north features, western and southern elevations). However the design and detailing of the external appearance has evolved through the exploration of different roof forms, that can be seen from the obscured eastern elevation and internally from the courtyard.

Materials chosen for the buildings remain mostly as originally found with the addition of weathered steel (of a rusted appearance), in keeping with the buildings industrial nature and farming character, to be used as the proposed roofing material and window frame accents.

Whilst simple traditional pitched roofs are used to cover the original retained buildings along with the north elevation gabled greenhouse and studio, roofs over new or extended areas comprise of complex and diverging pitches accentuating the new extension of the steading. The final shape and arrangement of these new multi-pitched roofs provide a dramatic and dynamic contrast the original built form and clearly differentiate "new" from "old".

Similarly the choice of external materials has been chosen to reflect those different (old and new) elements of the building. Reduced basic pallets of materials are to be used:

- **Existing pink and grey toned Sandstone**
- **Weathered Steel Roofing**
- **Aluminum Roofing**
- **Linear Larch Cladding/Roofing**
- **Weathered Steel detailing (External lintel window frames)**

SANDSTONE

Stone: Existing pink toned sandstone walls are to be retained. All new stonework will be built and coursed using salvaged stone to match the original appearance of the original stone walls and pointed using lime mortar. Where new openings are required in these walls these will be framed with weathered steel (Corten) to clearly define new from existing openings and to relate these to all other openings (within the new built structures) which will also feature Corten frames.

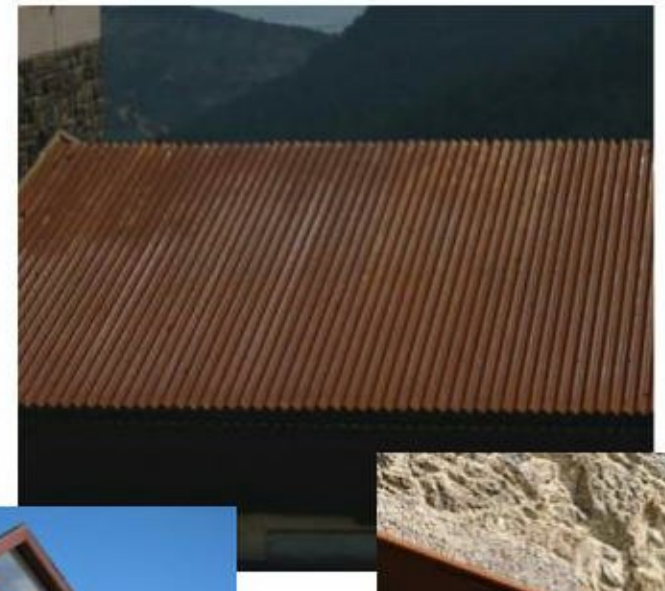
Image below and right orginal farm steading buildings current condition showing pink and grey local sandstone

Image above: orginal linear wood siding on the farm steading buildings

WEATHERED STEEL

Weathered Steel(also known as Corten), will be used as a replacement roof covering to the retained and extended main stone building. This replaces the mixture of corrugated asbestos and pitted and sporadicly placed slate tiles currently being used in places and fits in with the farmyard aesthetic of the rusted metal elements of the site. This material used as roofing will form a self healing strong robust and very long lasting roofing material and form a beautiful contrast to the large siding and roofing proposed for the new build Granny Annex. The weathered steel will lighten over time and blend with the natural tones of the fallow fields and changing arable landscapes of the Glamis and Eassie hillsides. The weathered steel will also be used as a feature within the courtyard as window sills where possible .

Images on page: source pintrest



WOODEN CLADDING

The Granny Annex (the new build part of the steading development) as well as the structure above the main entrance will be clad in larch wood siding to differentiate it from the original stone buildings adjacent to it. The larch wood will be locally sourced and match the wood used to restore the woodshed and any other wood component of the project.

Images on page: source pintrest

Image above: orginal linear wood siding on the farm steading buildings

EXTERNAL ENVIRONMENT

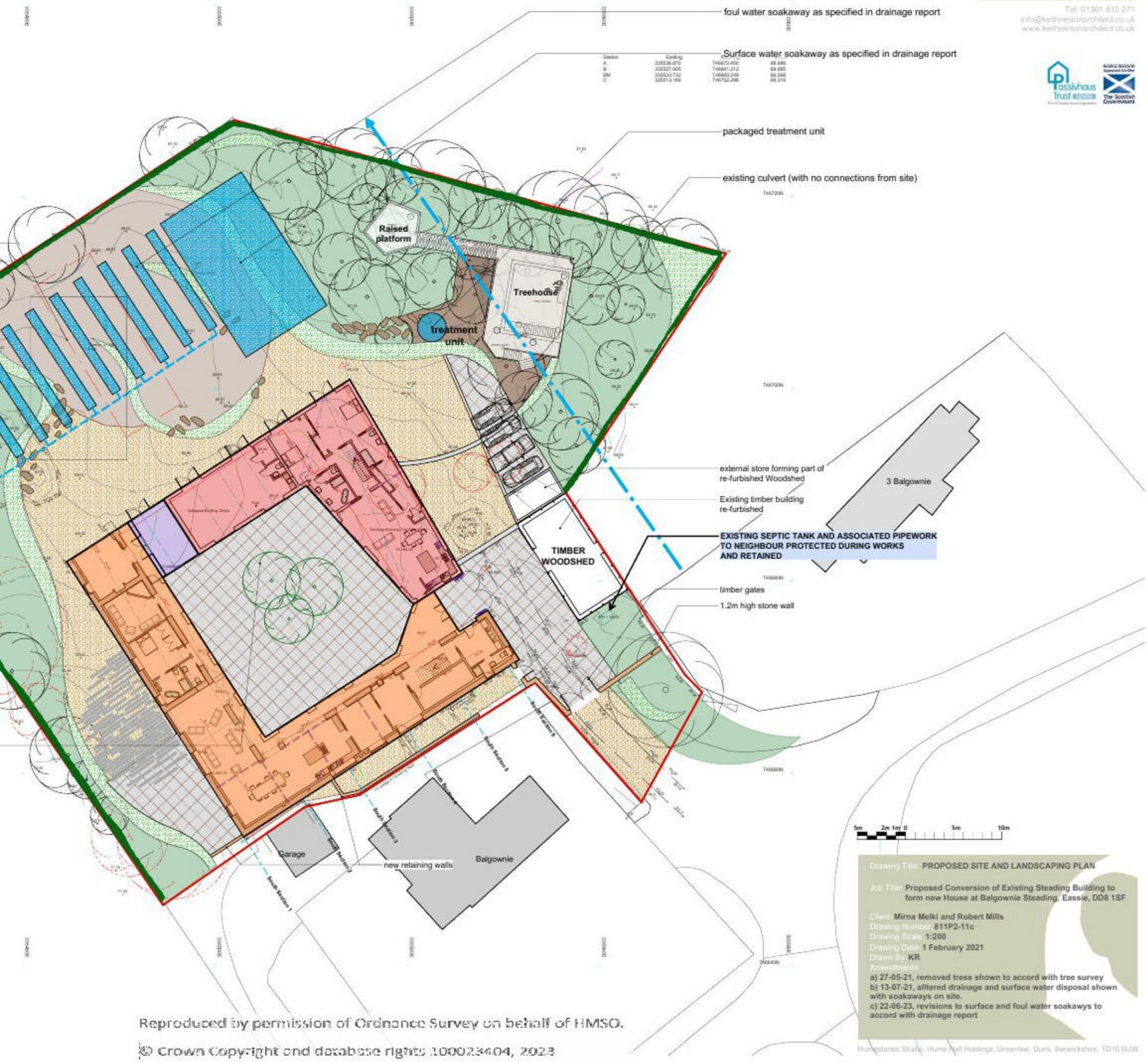
EXTERNAL ENVIRONMENT

Balgownie Steadings plot area is approximately 4,600sq.m and the remaining 3000 sq.m around the perimeter of the existing structures will support the amenity landscape requirements of the house but also the infrastructure requirements and ground source heat pump solutions for the development.

The grounds are surrounded by arable fields on most of the perimeter with two neighbouring properties on the southern boundary. Within the plot is also a small woodland with semi mature trees of various endemic species(Birch, Rowan, Ash etc) and the perimeter is dotted with established hawthorn, acer and cypress species. Upon approach to the entrance of the site there is feature Spruce tree that flanks the entrance on the right.

The ground is slightly sloping to the eastern edge and the low point is the depression in the centre of the woodland. The Steading buildings are built on raised ground and is approximately 0.75-1m above the surrounding arable fields.

Keith Renton architect
Tel: 01361 810 271
info@keithrentonarchitect.co.uk
www.keithrentonarchitect.co.uk



Drawing Title: PROPOSED SITE AND LANDSCAPING PLAN

Job Title: Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF

Client: Mirna Melki and Robert Mills
Drawing Number: 811P2-11c
Drawing Scale: 1:200
Drawing Date: 1 February 2021
Drawn By: KR
Amendments:
a) 27-05-21, removed trees shown to accord with tree survey
b) 13-07-21, alltered drainage and surface water disposal shown with soakaways on site.
c) 22-06-23, revisions to surface and foul water soakaways to accord with drainage report

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Humestanes Studio, Hume Hall Holdings, Greenlaw, Duns, Berwickshire, TD10 6UW

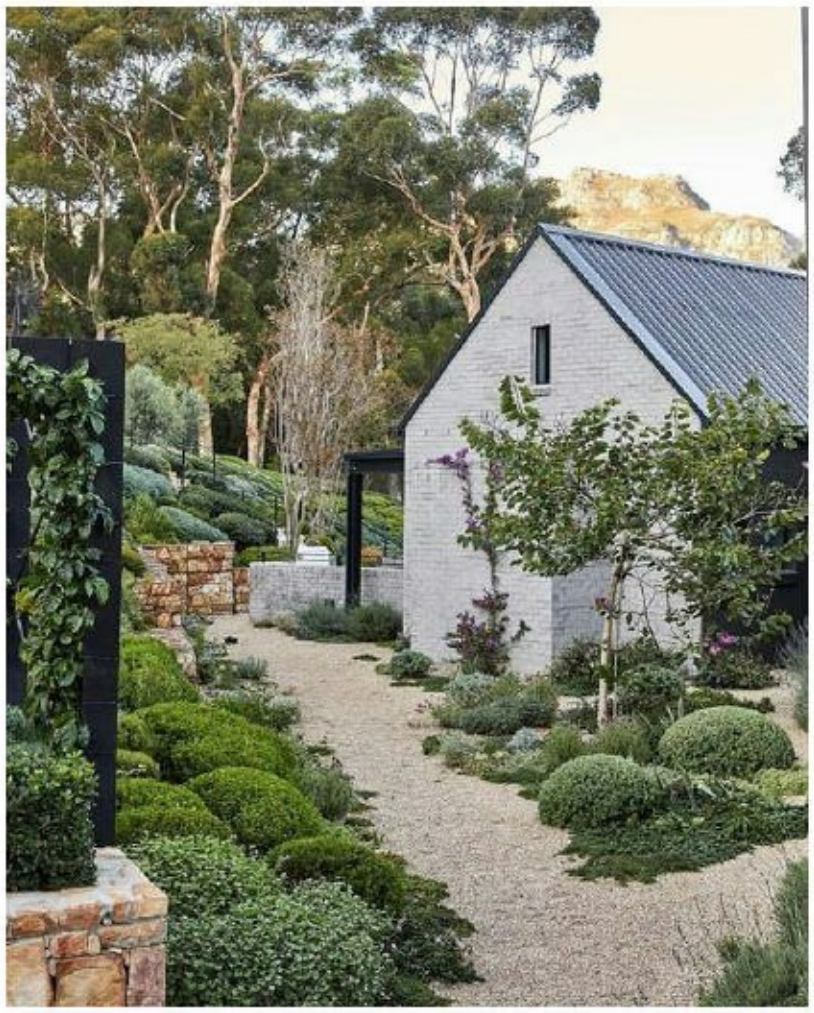
LANDSCAPE GROUNDS

The external gardens of Balgownie Steading are designed to practicaly respond to the internal uses as well as practically support a functional and productive garden.

- **Perimeter Boundary treatments**
  - Living hedge
  - retaining wall and screen fencing

- **Hard landscaping**
  - reclaimed granite and brick pavers
  - pea gravel

- **Soft landscaping**
  - Edemic species as primary planting pallete
  - Bee and butterfly attracting plants
  - Selected ornamental grasses
  - Fruiting plants- rasberries,blueberries
  - Orchard fruit bearing trees



APPROACH AND GATEWAY

Practicalities of denoting ownership boundaries and entrance to Balgownie Steading will take form of a low stone wall to mimic the neaby wall that seperates Balgownie Steading from 3# Balgownie Cottage. This will support a gate that can be locked.

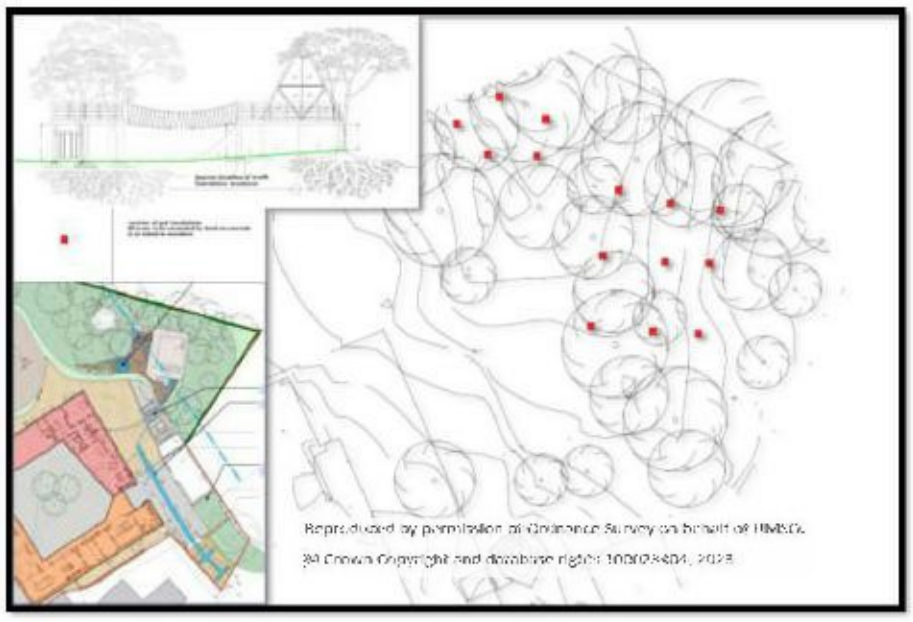
- **Refer to BOUNDARY HEDGE INTERVENTION AND MEASURES issue #1 August 22 submitted with this application for further information about the perimeter boundary treatment of Balgownie Steading development.**

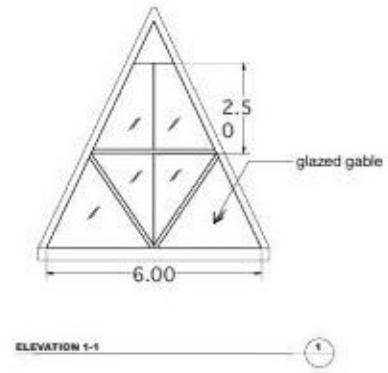
BARTON
FARM

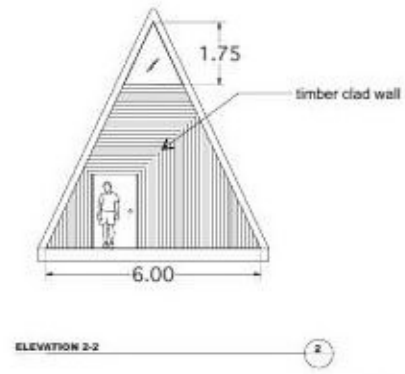
TREE HOUSE

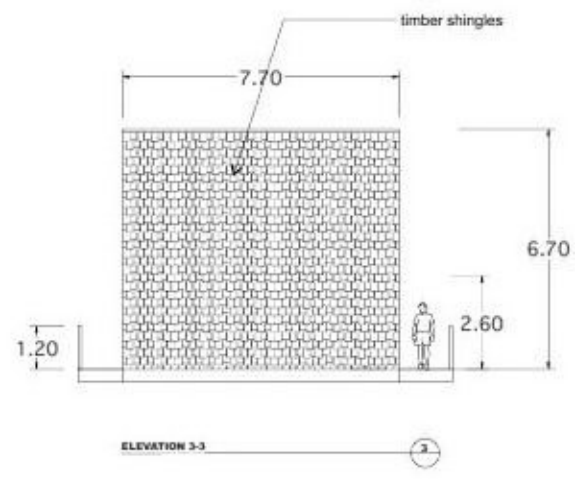
Tree House: loacted within the small woodland within the grounds of Balgownie Steading will be made of larch wood to match all sustainably and long lasting wood used within the build. This will allow for it to aesthetic blend with the woodland as it ages as well as the reconstructed shed and the Granny Annex

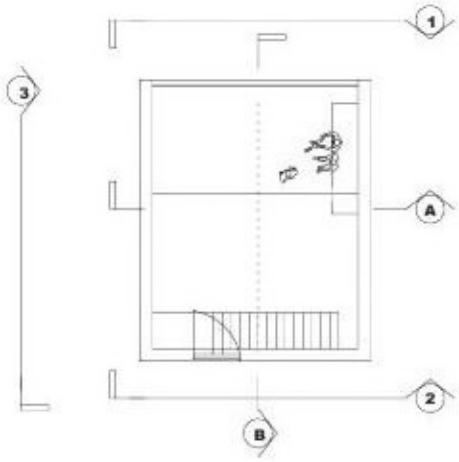
Formation of tree house and position of support pads



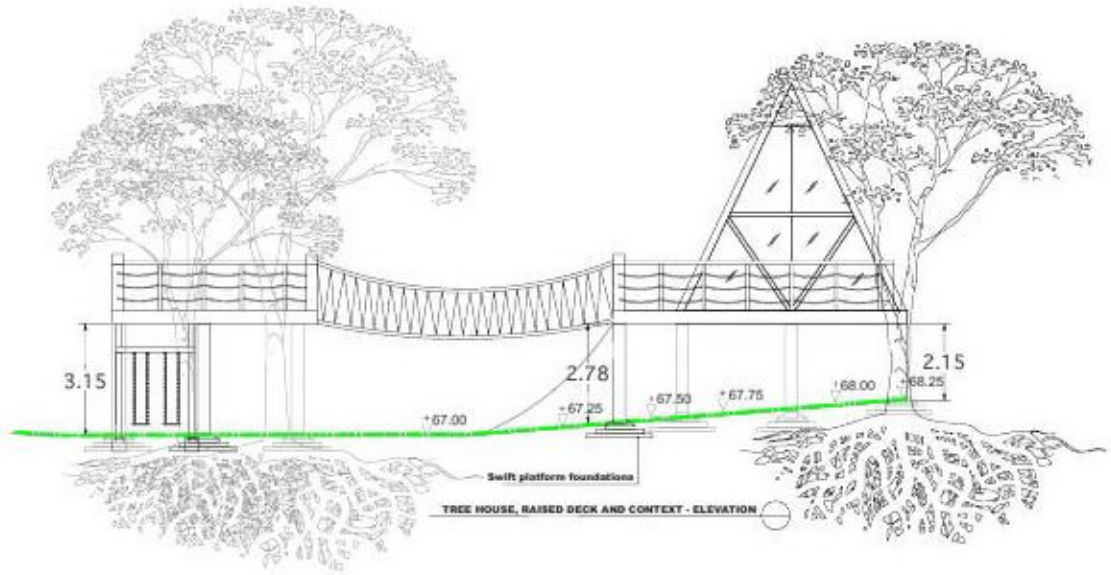




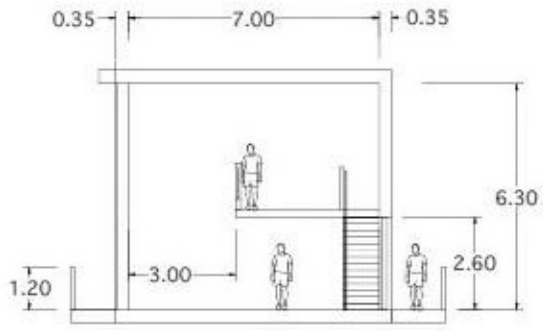




TREE HOUSE PLAN



TREE HOUSE, RAISED DECK AND CONTEXT - ELEVATION



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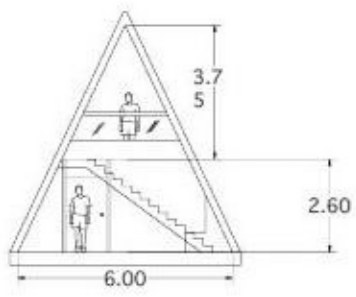

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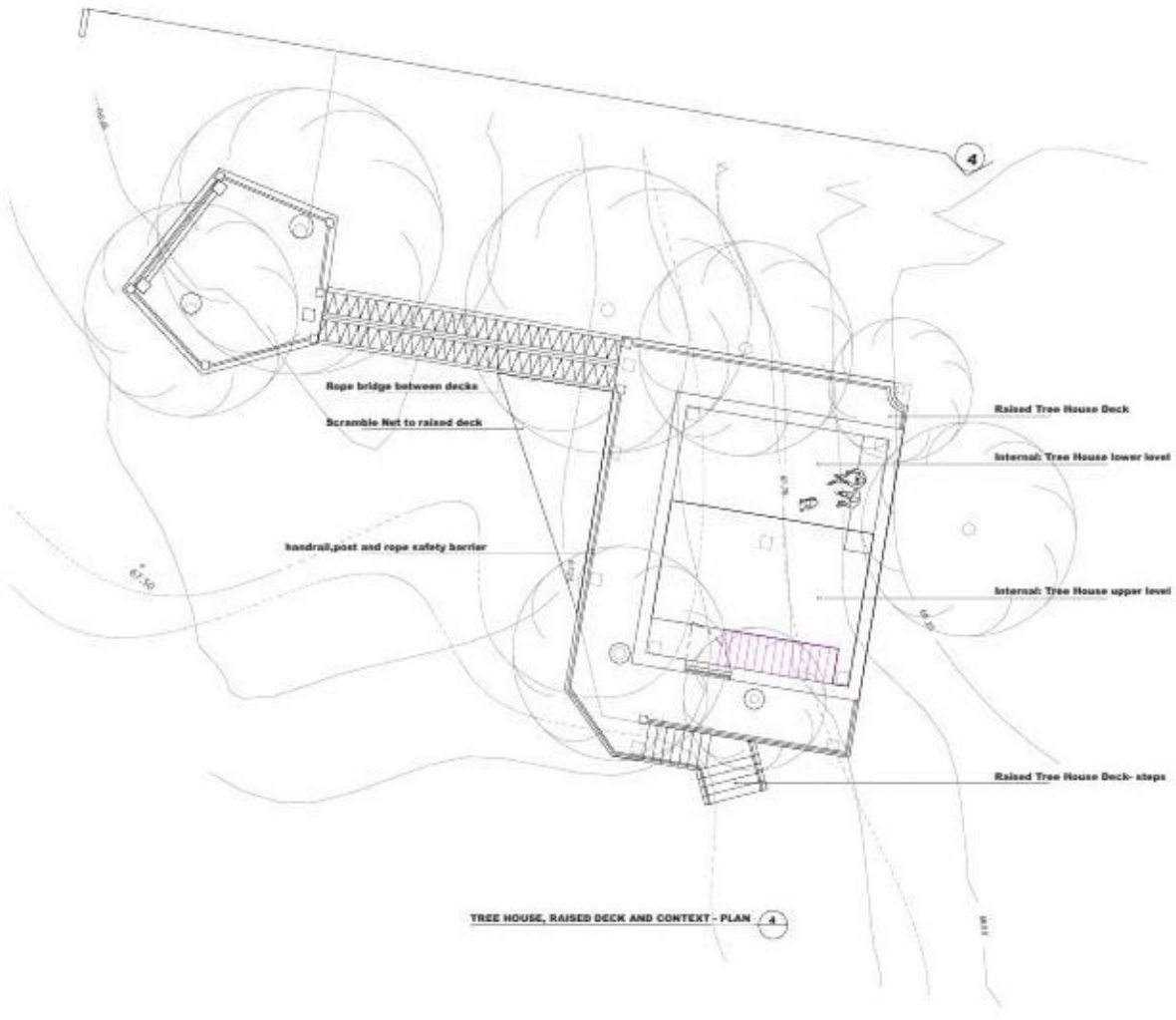

TREE HOUSE, RAISED DECK AND CONTEXT - PLAN

BALGOWNIE STEADING

RENOVATION AND NEW BUILD ANNEX

DESIGN STATEMENT

IN SUPPORT OF PLANNING APPLICATION 21/00081/FULL
ANGUS COUNCIL

ISSUE #2 - June 2023

ITEM 7

GRAY PLANNING
AND DEVELOPMENT

MR MILLS AND MS MELKI

PLANNING STATEMENT

CONVERSION OF STEADING TO FORM SINGLE DWELLING HOUSE INCLUDING LANDSCAPING, BOUNDARY TREATMENTS, ERECTION OF A TREEHOUSE AND ASSOCIATED WORKS

AT

BALGOWNIE FARM STEADING
EASSIE
ANGUS

MAY 2023

Our Ref: 2023_41

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1 EXECUTIVE SUMMARY

1.1 The proposals are for the conversion of existing agricultural buildings to create a new high-quality sustainable family dwelling house in the Angus countryside.

1.2 The development proposals include retaining and refurbishing the structurally sound existing buildings where possible to create a new family dwelling, centred around a courtyard area, which mimics the historic form of the site. This also provides an opportunity to promote indoor-outdoor living amenity, which has gained popularity post-pandemic.

1.3 By bringing a brownfield site back into a new, viable residential use, this limits the need for future greenfield development, whilst providing a high-quality family-sized dwelling to the area. This is a sustainable use of the land due to the previous use as agricultural land, with existing nearby residential neighbours, the site benefits from existing access, which will be improved and maintained following the approval of the proposals.

1.4 The proposals further include the reuse and recycling of existing site materials where possible to ensure that the character of the new dwelling is in keeping with the varied and predominately agricultural architectural heritage of rural Angus.

1.5 The proposals benefit from a flexible floorplan that ensures the dwelling is adaptable for future occupants and includes additional areas inspired by modern ways of living, such as a studio which allows for homeworking.

1.6 The proposals have been designed to take advantage of passive elements of the site such as solar gain and shelter. Further proposed low carbon/low energy measure include the use of local recycled materials, energy-efficient glazing, insulations and a general fabric-first approach to the conversion of the existing buildings.

1.7 The proposals meet or exceed the policy requirements of the National Planning Framework and the Angus Local Development Plan. The policies are- NPF4- 1 (Climate & Nature Crisis); 2 (Climate Mitigation); 3 (Biodiversity); 9 (Brownfield Land), 14 (Design, Quality and Place), 16 (Quality Homes) 17 (Rural Homes). Angus LDP policy DS3 (Design Quality & Placemaking); DS4 (Residential Amenity); TC2 (Residential Development); PV6 (Development in the Landscape); PV7 (Woodland, Trees and Hedges); PV11 (Energy Efficiency).

1.8 The proposals result in clear economic, social and environmental benefits, and promote the highest standards of design, coupled with a strong base of sustainability. As such, we respectfully request that the application is approved.

2 INTRODUCTION

PLANNING STATEMENT PURPOSE

2.1 This Planning Statement has been prepared by Gray Planning & Development Ltd, on behalf of the applicants Mr Mills and Ms Melki. The Statement supports the proposals and demonstrates compliance with the development plan and other material considerations. A clear description of the proposal being submitted for the approval of Angus Council is given. This statement describes the content of the proposals; planning history, an assessment of the relevant development plan policies; and any other material considerations relevant to the application.

2.2 A detailed planning application has been submitted to Angus Council for:

Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works"

2.3 The proposed development is to create a new high-quality family dwellinghouse. The development complies with the National Planning Framework 4 and with the existing Angus Local Development Plan and its associated Supplementary Guidance.

2.4 The Planning Statement supports the submitted drawings prepared by Keith Renton Architect along with the following supporting documentation:

- A Design Statement prepared by Keith Renton Architect
- A Ground Assessment Report prepared by S.A.McGregor
- Ecology reports prepared by Direct Ecology
- Flood Risk Assessment prepared by Atholl Associates

3 EXISTING SITE DESCRIPTION

3.1 The planning application site comprises 0.46 ha of land. The site is located between the villages of Eassie and Glamis, south off the A94 at Balgownie Farm. Access to the site is from the Zc16 via Balgownie Farm and Cottages to Balgownie Mill. The site is currently littered with dilapidated barns and other agricultural sheds, with a small woodland positioned in the northeast corner of the site.

3.2 The existing steading buildings consist of a collection of varying-height single-storey buildings, with pitched slate roofs. The buildings have been derelict and unused for a considerable period of time, and as such are in varying states of condition (see structural engineer assessment for further details)

3.3 The site is identified in the local development plan as open countryside.

PLANNING HISTORY

3.4 A search of Angus Council's planning database indicates a limited yet mixed planning history associated with the proposed site.

Conversion of Steading to Create Six Dwellinghouses

Ref. No: 07/00018/FUL | Status: Approved Subject to Conditions

Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works

Ref. No: 20/00515/FULL | Status: Withdrawn

3.5 The broad conclusion to be drawn from planning history is the application site has been available for redevelopment to residential use for many years following the approval for the conversion to create 6 dwellinghouses. A single-family dwelling will have less of an impact on highways safety, residential amenity and pressure on local services such as doctors, pharmacies and schools and as such should be supported by Angus Council.

3.6 The Design Statement along with the drainage, ecology and landscape reports record how the applicants have worked with the site to create a functional yet funky design which is compliant with the design and land use policies of the Angus Local Development Plan, Angus Placemaking Supplementary Guidance and the National Planning Framework 4's six Qualities of a Successful Place.

4 THE PROPOSED DEVELOPMENT

4.1 The proposal is for the conversion of existing steading to create a family dwelling, this includes a granny annexe which will be utilised by the family during the first phase of construction, as well as a greenhouse, and a studio space to facilitate home working.

4.2 The proposals look to mix the old in with the new, restoring and retaining existing buildings where suitable and structurally possible. Stone walls which exist on site will be integrated within the design of the dwelling, increasing the sustainability of the construction and reducing waste.

4.3 The basic form of the existing buildings and agricultural sheds on site will be replicated albeit improved for the form and function of the proposed dwelling. The dwelling will centre a courtyard area which provides an opportunity for indoor-outdoor living.

4.4 The proposed materials for the development are vernacular, with a mix of repurposed stone from the existing walls combined with weathered steel and wooden cladding, this will retain the rural and agricultural style of the area, thus will be in keeping with the character of the wider countryside.

4.5 The proposed dwelling is 1-2 storeys and has been designed to ensure no overlooking risk to the nearest neighbours. First-floor windows will have restricted opening widths and are obscure where they face south, with the remaining windows orientated to view east and west only via projecting bays.

4.6 The proposed site layout benefits from defined areas of hard and soft landscaping, with the full details of a planting scheme yet to be determined.

4.7 The proposed boundary treatments will combine the existing fencing, enhanced with a willow hedge, whilst the south-eastern boundary will maintain the existing neighbouring hedge combined with a new local stone wall.

4.8 Care has been taken to ensure that the proposed dwelling mirrors the design of the quirky multi-gabled appearance of the original buildings to ensure limited impact on the wider landscape.

4.9 As will be discussed and examined in Section 5, the proposed development demonstrates through form, scale, layout, detailing, siting, design, and materials, how the development will make a positive contribution to the local area whilst advocating best practices for sustainable residential development in rural locations.

4.10 Further justification is provided in Section 5/6 and concluded in Section 7 to explain that the proposal meets all relevant planning policies and other guidance requirements in full.

5 DEVELOPMENT PLANNING POLICY

DEVELOPMENT PLAN

5.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 and as amended by the Planning Etc. (Scotland) Act 2006 (updated 2019), requires the determination of a planning application must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

5.2 On the 13th of February 2023 the Scottish Government adopted the National Planning Framework 4 (NPF4). The NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan. As such, more weight will be given alongside the Local Development Plan in assessing planning applications.

5.3 The following planning policy documents are considered to be relevant to the proposals are outlined below:

- National Planning Framework 4 (2023) (NPF4)
- Angus Local Development Plan (2019) (LDP)
- Countryside Housing (Supplementary Guidance 2016)
- Design Quality and Placemaking Supplementary Guidance (Supplementary Guidance 2018)

NPF 4

5.4 The following key NPF4 policy areas are relevant to the determination of this planning application's compliance with the development plan. The specific policies and compliance of the development to these are summarised and expanded upon later in the planning assessment discussion. Those relevant to the planning application are:

5.5 Policy 1 – Tackling the Climate and Nature crises - To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

5.6 Policy 2 – Climate Mitigation – States that development should minimise emissions and adapt to current and future impacts of climate change.

5.7 Policy 3 – Biodiversity – NPF4 requires that proposals contribute to the protection of biodiversity and deliver net gain by delivering positive effects from development.

5.8 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings –Encourage, promote and facilitate the reuse of vacant land and help reduce the need for greenfield development.

5.9 Policy 14 – Design, Quality and Place – Promote well-designed developments that create a successful place using a design-led approach in line with the new 6 qualities of a successful place.

5.10 Policy 17 – Rural Homes – Facilitate the delivery of high-quality sustainable rural homes

ANGUS LOCAL DEVELOPMENT PLAN (ADOPTED 2016)

5.11 The Adopted Angus Local Development Plan (2016) does not identify any specific proposal for the site, it lies in open countryside. The policies which are considered relevant to the proposals are outlined below. The assessment of the proposals against policy criteria follows in the assessment section of this statement.

5.12 Policy DS3- Design Quality and Placemaking states- *Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area.*

5.13 Policy DS4- Amenity states- *All proposed development must have full regard to opportunities for maintaining and improving environmental quality. This includes issues such as highway safety and residential amenity.*

5.14 Policy TC2 Residential Development states- *new development should be compatible with current and future land uses in the surrounding area; provide satisfactory residential environment for the proposed dwelling and not result in an unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure.*

5.15 Policy PV6- Development in the Landscape aims to- *protect and enhance the quality of the landscape in Angus, its diversity (including coastal, agricultural lowlands, the foothills and mountains), its distinctive local characteristics, and its important views and landmarks.*

5.16 Policy PV7 Woodland, Trees and Hedges seeks to ensure that - *new planting enhances biodiversity and landscape value through integration with and contribution to improving connectivity with existing and proposed green infrastructure and use appropriate species*

5.17 Policy PV11 Energy Efficiency, whilst stating that conversion of buildings are excluded, new development should- *consider energy efficiency measures where possible including: • siting, form, orientation and layout of buildings to maximise solar gain, natural ventilation and light; • the use of landscaping and boundary treatment to modify temperature extremes such as shelter belts; and • the re-use and/or local sourcing of building materials.*

5.18 Policy PV15 Drainage Infrastructure requires SUDs for new development, however, this excludes developments of single dwellings. Further details on the site's drainage recommendations can be found in the drainage statement.

6 ASSESSMENT OF NPF4 AND LDP AGAINST THE PROPOSALS

6.1 As introduced in previously the following Section will assess the development proposals against the relevant NPF4 and LDP policies to show their compliance.

6.2 The proposals comply with NPF4 policies 1 and 2 (Climate and Nature Crisis and Climate Mitigation) by reusing the structurally safe buildings which are existing on the site. The development will also introduce a new comprehensive landscaping scheme to ensure that there is no loss of biodiversity within the site area.

6.3 The proposals meet the requirements of NPF4s Policy 9 (Brownfield Development) by proposing development on brownfield land, this ensures that greenfield sites are left as is and offers a more benign form of development. By utilising brownfield land, the development has existing access and materials existing on site that can be recycled, re-used and reduces waste throughout the lifetime of the development.

6.4 The dwelling has been designed with the 6 qualities of successful places in mind, healthy pleasant, connected, distinctive, sustainable, and adaptable in mind. The development exploits the countryside environment to take advantage of the existing built form to create a classic courtyard-built form which can be utilised by occupants for indoor-outdoor living.

6.5 The proposed design is pleasant by using local materials which are appropriate for the existing character of the countryside landscape.

6.6 The proposals utilise the connection to the countryside to create a cohesive dwelling design which connects the proposed use of the site, with its agricultural heritage, resulting in a thoughtful well-designed proposal, which ties in with the distinctive element of successful qualities.

6.7 The proposals are sustainable by bringing a brownfield site back into use, reducing the need for greenfield development to create a long-term family dwelling.

6.8 The proposals are adaptable through a clever floor plan which allows for changing use of ground floor rooms to account for ageing or disability. The design-led approach to the proposals has resulted in an architecturally interesting building in which form also follows function.

6.9 It is noted within the Angus Supplementary Guidance for Countryside Housing (2016), that Rural Angus is not a single homogenous area, as it varies significantly in character and land-use.

6.10 It is further noted that Angus Council support the conversion of non-residential buildings. The guidance states that a building suitable for conversion should make a positive contribution to the character and architectural heritage of rural Angus.

6.11 The proposals meet the requirements of NPF4 policy 16 Quality Homes, which looks to encourage the delivery of high-quality homes in the right locations, this is in conjunction with Policy 17, Rural Homes which promotes the delivery of high-quality, sustainable homes in the right locations. As mentioned, the proposals are utilising existing non-residential buildings on a brownfield site to create a high-quality, sustainable family dwelling. The use of sustainable

materials, which are in keeping with the landscape character of rural Angus, come together with the existing basic form of the agricultural buildings to create a functional family home.

6.12 The proposals deliver a high-quality design standard, inspired by the existing landscape and contribute a positive addition to the character of the area, in line with LDP policy DS3 Design, quality and place.

6.13 As required in LDP policy DS4 Amenity the proposal ensure that the development will not have any adverse impact on highway safety, neighbouring amenity, biodiversity or ecology.

6.14 The proposed dwelling is compatible with current and future land use (as demonstrated by the historic planning approval for conversion to 6 dwellings), provides a satisfactory residential environment and as above does not result in any unacceptable impacts on built or natural environments, or surrounding amenity in line with LDP policy Tc2 Residential Development.

6.15 LDP Policy PV6 Development in the landscape looks to protect and enhance the local landscape quality. The proposals reflect the local characteristics, which are not homogeneous, by using local materials, and materials that would be used for agricultural buildings as an acknowledgement of its historic use.

6.16 The proposals intend to contribute to existing and proposed green infrastructure with the use of appropriate species upon completion of construction to form a comprehensive landscaping scheme, to enhance biodiversity and increase the landscape value which is harmonious with the objectives of LDP policy PV7 Woodland, Trees and Hedges.

6.17 Whilst conversions of buildings are excluded from the requirements of LDP policy PV11 Energy Efficiency, the site has taken on several energy efficiency measures such as the sitting and form of the proposals and the re-use and local sourcing of building materials.

7 MATERIAL CONSIDERATIONS

7.1 Section 5 has demonstrated the considerable development planning policy compliance of the proposals. They meet the relevant local development plan policies and the NPF4 requirements. Notwithstanding, if there is any reason the planning authority considers the proposals are not in full compliance with the development plan, then the following material considerations should be given proper weight and considered assessment.

Shortfall in Supply Across the West Angus HMA

7.2 The Angus Housing Land Audit 2022 shows that the West Angus Housing Market Area has a 182-unit shortfall in its 5-year supply position. The extent of the shortfall increased between 2021 and 2022 and as such this site presents a strong opportunity to create a much-needed family dwelling with the West Angus HMA.

Planning History

7.3 As stated previously, the broad conclusion to be drawn from planning history is the application site has been available for redevelopment to residential use for many years following the approval for the conversion to create 6 dwellinghouses.

7.4 A single-family dwelling will have less of an impact on highways safety, residential amenity and pressure on local services such as doctors, pharmacies and schools and as such should be supported by Angus Council.

Changes and Additions Provided Throughout the Planning Process

7.5 Throughout the planning process, the applicant and their architect have made several changes and additions to the proposals. This includes but is not limited to:

7.6 Amendments made to the physical design of the proposals to make them more suitable for the character of the area.

7.7 Reassurance that the proposed granny annexe will remain ancillary to the main dwelling, and will not form its own planning unit.

7.8 Provision of numerous specialist reports where and when requested.

7.9 Surface water drainage issues resolutions, alongside the design of a drainage system to ensure that all water (surface and waste) is disposed of on-site via soakaways (see ground assessment report and drainage recommendations.)

7.10 Upgrades to the road as agreed by highways. The applicant will provide 2 passing places on the existing access and repair any existing potholes and depressions.

8 CONCLUSIONS

8.1 We have demonstrated in this Supporting Statement, along with the accompanying drawings prepared by Keith Renton Architects and detailed supporting documents from a wide range of consultants on other topics, that the proposed development can be supported.

8.2 This is because the principle of the development is acceptable as the proposal includes the creation and sustainment of a new adaptable and future-proof family dwelling within the Angus Countryside on a currently vacant and underutilised brownfield site.

8.3 The proposed designs are quality, offer a high level of amenity, and comply with both the LDP and NPF4 policies and guidance on place and placemaking, housing in the countryside as well as the six successful qualities of place.

8.4 The applicants have demonstrated that all the relevant planning policies of the local development plan can be met, therefore the proposals should be supported.

8.5 The proposals will bring a brownfield plot of land back into use through the creation of a new, high-quality, sustainable family dwelling, satisfying policies: NPF4 Policy 9, and 17 as well as LDP policies TC2 and PV6.

8.6 The application is present a proposal which is of high-quality design and sustainable development, offering a net gain of improvements to the site and improving the character of the area, which is in keeping with the policies: NPF4 policy: 1,2,3,14,16,17 and LDP policy DS3, DS4, TC2, PV6, PV7 AND PV11.

8.7 The proposals' offerings of economic, environmental, and social objectives ensure that the proposals are "sustainable development".

8.8 On balance, the applicants have made a strong case that all the Development Plan policy requirements have been met and that the proposal is justified with very strong positive support from the submitted land use documents and evidence.

8.9 We would therefore request that Angus Council approve this planning application.

KAREN CLARK
PLANNING CONSULTANCY

Angus Council – Planning
Angus House
Orchardbank Business Park
Orchardbank
Forfar
Angus
DD8 1AN.

Date: 1st August 2023

Dear Sir/Madam

Ref: 21/00081/FULL Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works at Balgownie Farm Steading, Eassie.

With reference to the above-mentioned planning application and I note amended plans have now been submitted. I act on behalf of Mr and Mrs Grant who reside at Balgownie Farmhouse (also known as Balgownie Cottage no. 4) and are immediate neighbours to the application site wish to make a formal objection on their behalf to the application. In spite of have over 2 ½ years to provide a satisfactory design, the proposed continues to represent an inappropriate redevelopment of the traditional steading resulting in a detrimental impact on the residential amenity of the immediate neighbours and the visual amenity of the wider area. This submission is supported by a review of the application by Fairhurst Engineers and an assessment of the detailed design by the objector, an experienced architect.
The specific concerns remain as follows:

Description of Development

The proposal is for a five-bedroom house with an adjoining three-bedroom annex. The proposed floor plans show the "annex" as containing a large living/dining/kitchen space, three bedrooms, two with en-suites etc. It is submitted that in planning terms this annex accommodation is in fact a self-contained residential unit and not ancillary accommodation reliant on the main house.

Karen Clark, Planning Consultancy, Mayriggs, Brechin Road, Kirriemuir DD8 4DE
Telephone [redacted] | Email: karen@ktclark.co.uk

Further, the landscape drawing shows parking for four cars plus visitor spaces.

Given the size of the annex accommodation, it is disingenuous to assess the current application as a single home and an amended description of development should be sought which confirms the proposal for 2 houses with all required associated amenities indicated including private garden area, parking etc. The assessment of the application would therefore consider the 2 properties with all relevant consultees renotified in light of the amended description of development.

Access - The existing access track from the public road is a rough hard-cored track and it provides access to the surrounding fields and is in constant use by agricultural vehicles by the neighbouring farmer at Hatton of Eassie Farm. The farmer, Mr Fotheringham, owns all of the agricultural land around Balgownie Steading and also owns the access track. There are 5 existing cottages (Hatton of Eassie Lodge and Balgownie Cottages Nos. 1 to 4), which along with the farm traffic, all take their access from the track.

It is understood that, in general, 5 houses are permitted off a private access. The current proposal will result in a total of 7 houses plus agricultural traffic using this existing rough track which exceeds the general accepted level of use.

The Road Service response dated 5th March 2021 requires a number of improvements to this access track. Condition 1 (iv) requires the agreement for the upgrading works with any other owners or persons with rights over the track. I can confirm that Mr and Mrs Grant will not agree to the required works. As such any condition requiring the improvement works would not be enforceable and therefore the required road improvement works cannot be secured.

Foul drainage – The SEPA registered septic tank associated with Balgownie Farmhouse is located within the application red line boundary, to the south of the timber woodshed and is annotated on the submitted site plan (drawing No. 811P2-11). The title of Balgownie Farmhouse provides access to the septic tank for maintenance and, if necessary, full replacement. The foul drain from the Balgownie Farmhouse runs from the northwest corner of the house directly down to the septic tank with the pipe benefiting only from minimum cover. The proposed plans show that the applicant intents to reduce the ground level along the southern edge of the barn mill and construct a retaining wall adjacent to the proposed kitchen window. The location of the existing foul drainpipe runs within this area, and it is difficult to see how the proposed ground level can be substantially reduced without affecting the neighbour's foul drainage pipe.

It is noted that the development contains a total of 7 No. en-suites bathrooms and there is a total of 10 WCs, 8 showers, 3 baths and 12 wash hand basins. The design proposes to discharge into new a new SUDS. The Fairhurst's Report lodged alongside this objection has raised a number of questions related to the supporting information which require to be dealt with prior to the application being determined.

Surface Water Drainage – It is noted that further information is required by the Roads- Flooding and Drainage before the application can be approved. This includes an infiltration and percolation tests

and the identification of the ground water levels. Until this information has been submitted no decision can be made on this application.

Again, the Fairhurst's Report lodged alongside this objection has raised a number of questions related to the supporting information which require to be dealt with prior to the application being determined.

Ground contamination - The steading buildings have not been used or occupied for a considerable number of years, but there is a disused, raised fuel tank that is located just inside the steading building on the left-hand side. The site therefore has a history of potentially contaminating uses. The extent and nature of the potential contamination should be investigated and a suitable scheme for the mitigation of any risks arising from the contamination should be agreed and implemented to the satisfaction of the Planning Authority. The Environmental Protection Officer in the response date 8th March 2021 that – "I am satisfied that this site does not pose a significant risk of harm to the proposed use from land contamination." However, in light of the information on the location of the disused fuel tank the EHO should be renotifed.

Fairhursts have recommended that given the history of the site a Phase 1 Geo-environmental and Geotechnical Desk Study Report and Phase 2 – Intrusive Ground Investigation and Ground Investigation Report (GIR) are required.

Ground re-contouring, specifically Alteration of Existing Ground Levels - The proposal includes the reduction of the external ground level by 1.9m and the construction of a retaining wall adjacent to the kitchen. This area forms the boundary with Balgownie Farmhouse and it is clear that the prepared ground works and erection of the substantial proposed retaining wall will affect Balgownie Farmhouse. Fairhurst, as expert engineers, have expressed a number of concerns with regard to the proposed ground recontouring and construction of the retaining wall, all points must be considered in detail prior to any decision as to grant consent without the required engineering details, the proposed works are likely to result in damage to the neighbouring property. Therefore, at this time it is clear that this element of the proposal cannot be undertaken.

Loss of private Amenity **-** The proposed first floor plan shows a bedroom and lounge with large new window openings facing directly into the garden of Balgownie Farmhouse. The introduction of these windows will result in the loss of privacy of this house and garden ground.

Legal Issue: Balgownie Farmhouse (also known as Balgownie Cottage no. 4) has a burden in the ownership title that says that as a neighbour the objector is required to contribute 1/15 of the cost of maintaining the access road. It is assumed that the other four cottages have the same in their title. As stated above, the Roads Service response dated 5th March 2021 requires a number of improvements to this access track. 1 (iv) requires the agreement for the upgrading works with any other owners or persons with rights over the track. The objector is not agreeable to these works and therefore the required condition cannot be assured.

Planning Policy

National Planning Framework 4 was approved on the 13th of February 2023 and now forms part of the development plan, considering the relevant policies:

Policy 14 Design Quality and Place

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Response: In the current circumstances the proposed redevelopment fails to provide a successful place, the development cannot achieve the necessary safe access, the design does not reflect the traditional architecture introducing incongruous and inappropriate design elements. Further the proposed design will have a detrimental impact on the residential amenity of the surrounding residents.

Therefore, the proposal is contrary to Policy 14 of NPF4.

Policy 17 Rural homes

Policy Intent: Seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations.

a) Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area

Response: As stated, it is submitted that while the principle of reuse of the steading may appear acceptable, the detail of the current proposal is wholly inappropriate. The design fails to respect the traditional character of the building and introduces inappropriate design and materials. Further, the proposed development will have a detrimental impact on the amenity of existing residents through overlooking of a currently private rear gardens and an unacceptable increase of traffic on an unmade track.

Therefore, the proposal is contrary to Policy 17 of NPF4.

The application will be assessed against the Angus Local Development Plan 2016 and the associated Supplementary Guidance considering the policies of relevance:

Policy DS1 Development Boundaries and Priorities, states that

In all locations, proposals that re-use or make better use of vacant, derelict or under used brownfield land or buildings will be supported where they are in accord with relevant policies of the ALDP.

Response – It is accepted that this policy supports the re-use of this redundant building.

Policy DS3 Design Quality and Placemaking requires that development proposals should create buildings and places which are:

- Distinct in character and amenity
- Safe and pleasant
- Well connected.
- Adaptable
- Resource efficient

Response – this development fails to fit with the character or integrate into the surrounding landscape by virtue of the proposed scale of alterations to the buildings, the form and materials, resulting in a building which will be incongruous in the wider Angus countryside.

Policy DS4 Amenity states that

"All development must have full regard for opportunities for maintaining and improving environmental quality. Development will not be permitted where there is adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties. Angus Council will consider the impacts of development on

- *the effect and timing of traffic movements to, from and within the site, car parking and impacts on highway safety, and*
- *Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing."*

Response – As has been stated in the body of the Objection, the existing access will effectively accommodate to traffic associated with 7 properties (5 existing and 2 new) along with the existing heavy agricultural use. It is submitted, and as required by the Roads Service, that the track requires upgrading and the insertion of inter-visible passing places to handle the anticipated level of traffic. As the consent of all who own and have access rights is required to undertake there works, and the objector for one will not grant this consent, these works cannot be undertaken, rendering the required track improvement unachievable and any proposed condition unenforceable.

With regards privacy, the rear garden and rear elevation, which contains 2-bedroom windows of Balgownie Farmhouse will be severely compromised by this development. For these reasons it is submitted consider that the proposal fails to meet the requirements of Policy DS4 Amenity.

Policy TC2 Residential Development states
"All proposals for new residential development, including the conversion of non-residential buildings must:
……provide a satisfactory residential environment for the proposed dwelling(s)
Not result in unacceptable impact on the natural and built environment, surrounding amenity, access and infrastructure…."

"In the Countryside locations Angus Council support conversion of non-residential buildings."

Response –It is submitted that the proposed design does not achieve the required "satisfactory residential environment". The proposal fails to meet the policy requirements fails to respond positively to the historic form and nature of the steading resulting in a poorly considered design which uses inappropriate materials. Further, the proposal impacts on the surrounding amenity by failing to meet privacy distances to the neighbouring property at Balgownie Farmhouse with questions remaining over the ability to provide the necessary access and infrastructure. For these reasons the proposals fail to meet the requirements of Policy TC2.

Countryside Housing Supplementary Guidance states

"To be suitable for conversion, a building should have characteristics that would make a positive contribution to the character and architectural heritage of rural Angus. Such nonresidential buildings are often constructed in stone; have a simple form with few openings; and have pitched roofs, which are usually covered in slate.

The policy supports the conversion of appropriate buildings, where (amongst other things) proposals would retain or enhance valued architectural features. A design statement based upon and including details of an architectural appraisal and landscape assessment should be provided in support of proposals to convert any nonresidential buildings. The design solution should show how valued characteristics have been retained or enhanced. The requirement for supporting design information will be proportionate to the scale of the proposed development and its landscape context.

Buildings suitable for conversion come in a wide variety of shapes and sizes, so there is no defined limit to the number of housing units that may come forward from conversion. The number of units that can be provided will depend on factors such as the size of the building to be converted, the acceptability of the alterations required (from the perspective of building design and residential amenity), and existing/proposed access arrangements."

Response –It is submitted that the proposed design does not respect the simple architecture of the original steading. The changes sought to the buildings, include the formation of large openings, complicated roof forms and inappropriate use of materials, combine to create a development which

by virtue of is massing, scale and materials will appear incongruous in the wider agricultural landscape context. For these reasons the development does not accord with the principles of the SG.

The objector, an experience architect has reviewed the design against the policies of Angus Council and has provided a detailed assessment which is lodged as part of this objection. This highlights the many failing of the detailed design which, in its current form, fails to respond positively to the design guidance of Angus Council.

Policy PV15 Drainage Infrastructure Requires that out with areas served by public sewers or where there is no viable connection for economic or technical reasons private provision of wastewater treatment must meet the requirements of SEPA and/or The Building Standards (Scotland) Regulations.

Response: there are clear issues with the information lodged in support of this application in terms of the drainage and SUDs. This matter must be resolved prior to determination. At present, as insufficient information has been provided the application is contrary to Policy PV15.

In summary, the proposal as currently submitted is contrary to Policy 14 Design Quality and Place and 17 Rural Housing of NPF4 and Policies DS1 Development Boundaries and Priorities, DS3 Design Quality and Placemaking, DS4 Amenity, TC2 Residential Development of the ALDP 2016 and the Supplementary Guidance of Housing in the Countryside for these reasons it is submitted that the application should be REFUSED.

Yours Faithfully

Karen Clark

Comments for Planning Application 21/00081/FULL

Application Summary

Application Number: 21/00081/FULL
Address: Balgownie Farm Steading Eassie
Proposal: Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works re application
Case Officer: James Wright

Customer Details

Name: Mrs alison wilson
Address: 2 BALGOWNIE COTTAGE EASSIE, BY FORFAR EASSIE DD8 1SF

Comment Details

Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:Dear Sir/Madam
I refer to the above application and wish to raise a few points that are causing me concern.
1. Due to the size of this development I envisage a large quantity of materials being required. These all being brought down a small farm track with our mains water supply beneath it. Although the highways department state that this road must be improved it would be beneficial for this to occur before work commences, for safety and drainage purposes.
2. On the application the "no risk" for flooding box has been ticked but according to the SEPA website this area is classed as "medium risk" likely of surface water flooding.
I can confirm that at present when we have heavy rainfall, the run off water from the fields, runs down the farm track past our house and down towards a culvert near the new development. With all the water run off from the many new roofs and paved areas will the normal run off have anywhere to go.
3. At present our water pressure is not terrific and wonder how a house with 2 kitchens and nine bathrooms will affect my supply and pressure, as the water passes the new development before my house.
4. I understand that an ecology survey should be undertaken, especially as we have at least one barn owl, bats and migrating birds in the summer. The buildings that are the proposed development are potential dwellings for all of the above and have been for a good number of years.
5. The scale of these premises concern me and that they will not conform to your guidance policy where it states that Farm Buildings in the Angus area tend to be constructed in stone, have a simple form, with few openings and with roofs usually covered in slate. Due to the size of this development I would like to be assured that these premises will not be used for commercial purposes in the future.

Comments for Planning Application 21/00081/FULL

Application Summary

Application Number: 21/00081/FULL
Address: Balgownie Farm Steading Eassie
Proposal: Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works re application
Case Officer: James Wright

Customer Details

Name: Mrs Alison Wilson
Address: 2 Balgownie Cottages EASSIE DD8 1SF

Comment Details

Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:Further comments on the above planning application.
1. Flooding
This is not a matter of opinion, but a matter of established fact.
SEPA have determined that the Balgownie area from the main road adjacent to Hatton of Eassie Farm down to Balgownie Mill is an area that has a medium likelihood of surface water flooding. Therefore the applicant should not be questioning the councils request for a flood risk assessment. We have in the past had our property flooded by run of surface water causing a great deal of damage.
2.Improvement to Access Track
As a user of the access road with a right of access, I would like to know, what standard the track surface is going to be and what arrangements will be put in place to deal with surface water.

Comments for Planning Application 21/00081/FULL

Application Summary
Application Number: 21/00081/FULL
Address: Balgownie Farm Steading Eassie
Proposal: Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works
Case Officer: James Wright

Customer Details
Name: Mrs alison wilson
Address: 2 balgownie cottages eassie by forfar

Comment Details
Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:I refer to the above application and wish to raise a few points that are causing me concern.

1. Due to the size of this development I envisage a large quantity of large vehicles bringing on site large quantities of materials, down a small track access road with our mains water supply running beneath. Requirements from the Roads Deptartment was for upgrading of the surface, inserting of passing places and sufficient drainage with approval from the owner and users but what has been presented is completely different and to a much lesser standard. This is farm track was not built for construction traffic.

2. With regards to the "Flood Risk Assessment 1" that has been carried out, as this site is of "Medium Risk" on Sepa's website should this not be a "FRA2".
At present when there is heavy rainfall the run off from the fields, runs down the farm track past our house and down towards the culvert, with so many more new roofed areas and hard surfaces will there be anywhere for this to go.

3. At present our water supply and pressure is not terrific and wonder how 2 kitchens and nine bathrooms will affect my supply and pressure, as the water passes the new development before my house. On Scottish Waters report they are unable to confirm capacity which suggests to me there may be a problem.

4. The scale of these premises concern me along with the materials being used for the build, which are not traditional stone and slate
for farm buildings, which are mentioned in your guidance Policy in the Angus area. Due to the

scale of this development I would like to be assured these premises will not be used for commercial purposes now or in the future.

My concerns are basically what I initially submitted but am disappointed that they have not been addressed fully!

Angus Council – Planning
Angus House
Orchardbank Business Park
Orchardbank
Forfar
Angus
DD8 1AN.

Date: 24 March 2021

Dear Sir/Madam
Ref: 21/00081/FULL | Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works at Balgownie Farm Steading, Eassie.

We refer to the above-mentioned planning application and would wish to formally OBJECT to the application for the following reasons. Whilst accepting the re-use of a derelict building, the scale of the proposal and a number of technical matters give serious cause for concern. As a direct neighbour to the Balgownie Farm steading at 4 Balgownie, we are directly adjacent to the steading and most likely to be affected by the proposal.

This objection is separated into two parts:
Part 1 - Non-Compliance with Legislative Planning Policies
Part 2 - Architectural and Technical Analysis.

Non-Compliance with Legislative Planning Policies

Planning Policies

The application will be assessed against the Angus Local Development Plan 2016 and specifically these policies, which will be responded to in turn:

Policy H12 Supplementary Planning Guidance for Farm Building Conversions.

This policy was revised in April 2008 to provide a clear interpretation of planning policy and assessment of planning applications for conversion of farm buildings to housing. This document sets out guidance that includes a list of required information that **must** accompany any planning application for a farm building conversion. This includes:

- A report from a structural engineer to confirm that the building is capable of conversion in the intended manner and that the works required for the conversion will not compromise its structural integrity.
- Ecological survey undertaken by a suitable qualified professional to establish the presence of or the use of the building or trees by species including bats,

barn owls, swallows, martins, and swifts and other protected species together with any protection measures and mitigation to be implemented during the construction period.

- Details of access arrangements, including provision of passing places and improvements to the standards of the access track or junction with the public road.

The Policy states that it is important that from the outset, the technical feasibility of the conversion project is fully investigated by a suitable qualified professional. A report by Christy Gillespie, structural engineers, was submitted with this application. This report states that the engineers visited the site in 2016 after which they prepared structural information and a specification for the proposed demolition and making safe the existing buildings in support of a Building Warrant application, which was obtained in May 2017 and is now beyond the three-year validity period and no longer current.

The current engineer's report (containing much of the 2017 wording) simply states in its Summary Conclusions and Recommendations that *'However significant areas of the masonry that have remained are capable of retention and repair' and 'Repair and remedial works will be necessary to the majority of the of the remainder of the walls which are suitable for retention as structural elements for the new developments'*.

There is no supporting information detailing the proposed extensive excavation of the internal floor levels and external ground levels, no site logs to identify the existence or levels of any foundations, no trial hole logs, no porosity test results, no detailed drawings of the proposed 2.1m high retaining walls that are to be constructed, no details of how the new interventions into the existing stone walls are to be formed, nor any comment regarding the suitability of the existing building to be altered in the intended manner and that the works required for the conversion will not compromise the building's structural integrity.

Only a bat survey report, prepared by Stone's Wildlife Management was submitted with the planning application. This report only confirms that there is a colony of bats residing in the steading buildings. The report contains a passing remark that 'no Breeding birds, but the survey was carried out at the end of the breeding season'.

No details of the road improvements, passing places, road drainage have been provided with the submission.

The H12 Policy refers to the retention of vernacular architecture and states that '*farm buildings in the Angus Area tend to be constructed in stone and have a simple form with few openings, often of various size and plain pitched roofs, usually covered in slate. The materials and simple form tend to create a character which is distinctive to the area and worthy of retention. Proposals are likely to be most acceptable where*

they minimise the level of alteration required and thus retain the original character and appearance of farm buildings.'

The Policy goes on: 'the proposals should:

- *Retain important architectural features identified by the architectural appraisal.*
- *Retain and re-use existing openings. New openings should be kept to a minimum but where necessary AND justified should reflect the style, proportions, and pattern of the existing.*
- *Retain the existing roof form. Roofs should be finished in slate.*
- *Avoid insensitive additions that change the character of the building. Suburban or overtly domestic architectural features such as canopies, conservatories, bay windows and balconies should be avoided. We would suggest that Oriel windows (which are a form of bay window) also fall into this category.*
- *Make provision for unobtrusive car parking.*

Lastly the H12 Policy considers that any approval granted should contain a Condition that removes Permitted Development Rights that provide for the erection of boundary treatments and the erection of any ancillary structures.

Response – *We would suggest that none of the above H12 Policy guidance has been followed in this planning proposal.*

Policy DS1 Development Boundaries and Priorities, states that:
In all locations, proposals that re-use or make better use of vacant, derelict or under used brownfield land or buildings will be supported where they are in accord with relevant policies of the ALDP.
Response – we accept that this policy supports the re-use of this redundant building.

Policy DS3 Design Quality and Placemaking requires that:
….. development proposals should create buildings and places which are:
Distinct in character and amenity
Safe and pleasant
Well connected
Adaptable
Resource efficient …..”

Response – this development fails to fit with the character or integrate into the surrounding landscape by virtue of the proposed scale of alterations to the buildings, the form, and materials, resulting in a building which will be incongruous in the wider Angus countryside.

<u>Policy DS4</u> Amenity states that:
"All development must have full regard for opportunities for maintaining and improving environmental quality. Development will not be permitted where there is adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties. Angus Council will consider the impacts of development on
…… the effect and timing of traffic movements to, from and within the site, car parking and impacts on highway safety, and
Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing."

Response – As has been stated in the body of the Objection, the existing access will effectively have to handle traffic for 7 properties (5 existing and 2 new). It is our view that the track and the insertion of inter-visible passing places added to handle the anticipated level of traffic must be carried out prior to the commencement of any works to ensure the safety of all user of the access track and all farm activities. (All as per Angus Council's Advice Note 17).

With regards privacy, our rear garden and rear elevation which contains 2 apartment windows will be severely compromised by this development, with distances of 6.7m & 12.1m. For these reasons we consider that the proposal fails to meet the requirements of Policy DS4 Amenity. To support our overlooking claim, we submit several 3D views created using the submitted drawings to demonstrate that despite the use of Oriel windows on the first floor, our private amenity garden spaces will continue to be overlooked by the development resulting in our loss of privacy.
See Appendices A, B, C, D, E & F.

<u>Policy TC2</u> Residential Development states:
"All proposals for new residential development, including the conversion of non-residential buildings must:
*……provide a **satisfactory** residential environment for the proposed dwelling(s)*
Not result in unacceptable impact on the natural and built environment, surrounding amenity, access and infrastructure…."

"In the Countryside locations Angus Council support conversion of non-residential buildings."

Response – a "satisfactory" residential environment is very subjective, but it is our view that this development fails with this proposal, specifically it impacts upon the built environment by nature of its scale, form, design, and materials. It impacts on the surrounding amenity by failing to meet privacy distances to our property directly adjacent to the site and questions remain over the access and infrastructure capacity. For these reasons, the proposals fail to meet the requirements of Policy TC2.

Countryside Housing Supplementary Guidance states:

"To be suitable for conversion, a building should have characteristics that would make a positive contribution to the character and architectural heritage of rural Angus. Such non-residential buildings are often constructed in stone; have a simple form with few openings; and have pitched roofs, which are usually covered in slate.

The policy supports the conversion of appropriate buildings, where (amongst other things) proposals would retain or enhance valued architectural features. A design statement based upon and including details of an architectural appraisal and landscape assessment should be provided in support of proposals to convert any non-residential buildings. The design solution should show how valued characteristics have been retained or enhanced. The requirement for supporting design information will be proportionate to the scale of the proposed development and its landscape context.

Buildings suitable for conversion come in a wide variety of shapes and sizes, so there is no defined limit to the number of housing units that may come forward from conversion. The number of units that can be provided will depend on factors such as the size of the building to be converted, the acceptability of the alterations required (from the perspective of building design and residential amenity), and existing/proposed access arrangements."

Response – what makes a positive contribution to the character and architectural heritage is again subjective, but it is our view that the proposal will not be wholly constructed in stone, will not have a simple form with few openings and does not have slate roofs and therefore the proposal will not make a positive contribution to the amenity of the immediate area.

The changes sought to the buildings, such as radically reducing external ground levels, forming massive interventions in the existing stone walls to form new window and door openings, complicated roof forms using Corten weathered steel or timber and inappropriate use of materials, combine to create a development which by virtue of its massing, scale, and materials, will appear totally incongruous in the wider agricultural landscape context. For these reasons, the development does not accord with the principles of the SG.

Architectural Design and Technical Analysis

Any planning application must be considered against good design parameters and it falls to the Local Authority Planning Department to be the arbiters and monitors of these matters.

I am a Chartered Architect with 41 years' experience and knowledge of designing and building in Angus, Fife, and Perthshire, so my professional credentials & experience qualify me to carry out my own technical analysis of the proposed development and identify its many shortcomings.

I refer to guidance commissioned by the Scottish Executive in 2001, called **The Conversion of Redundant Farm Steadings to Other Uses.** This guidance was undertaken by the Central Research Unit and contains chapters on the History and Descriptions of Traditional Farm Steadings, the Re-Use of Redundant Steadings and Design Criteria. Various Local Authorities use this guidance to inform and influence 'best practice', to demonstrate good design to educate and enlighten prospective developers/applicants in the sustainable re-use of agricultural buildings in the countryside setting.

In the executive summary it states that '*the over-riding principle should always be to adapt the proposed new use of the steading to suit the physical and architectural constraints of the building itself, rather than visa-versa. Any conversion works should subscribe to the best principles of conservation and ecological design. They should promote the use of traditional materials and building techniques and be 'low impact ' in physical and environmental terms.'*

In the Design Section, the most salient points relative to this proposal are noted as:

- '*Alterations should be kept to a minimum, particularly where they affect the appearance of the building. Existing openings should be re-used, and new ones introduced with circumspection.*
- *Let the existing building dictate the nature of the conversion. The new function should be made to follow the existing form of the buildings and be modified to suit if necessary.*
- *Most roofs are simple in form, consisting of straightforward pitches running between gable ends. The simple roof form is a fundamental characteristic of the traditional steading – its proportions and relatively clean lines should not be disturbed without due cause.*
- *A common problem in conversion work is that ground levels need to be altered in order to direct moisture away from the building or internal levels have to be reduced to provide a sound basis or solum for a new floor. This can expose the shallow footings or the base of the wall and trigger the need for underpinning if height permit it is often better to superimpose anew floor onto an existing one, thereby avoiding the need for excavation altogether.*

- *Wherever practicable, existing openings should always be re-used, regardless of how they relate to the spaces within.*
- *The formation of new openings in existing walls requires very careful consideration as their cumulative effect can often blight the character of the building. In all cases new openings should be used sparingly with due thought given to their distribution and detailing.*

Response – Although the design largely retains the courtyard shape of the existing steading building and the proposals has not raised the eaves height or ridge line of the main threshing building, the good design practice provided in the Scottish Executive guidance has been largely ignored.

Design Analysis

The first major concern is that the proposed design relies completely on the ability to extensively excavate below the internal floor levels and extensively excavate below external ground levels: without affecting the structural integrity and stability of the existing mass stone walls, which are in-part retaining structures. These assumptions have not been supported by any structural engineer's foundation details or calculations.

The ground floor of the main threshing building contains the kitchen, dining area and lounge. This accommodation which generally form the hub of any house are virtually sub-terrainial. As a solution to this, the proposals indicate the creation of 2.1m high retaining walls to try to introduce spaces directly outside these new window openings. Even so, these internal areas have limited daylight penetration and almost no views out to the surrounding Angus countryside. Instead, these areas look directly at the face of the retaining wall opposite the kitchen window or look out to an earth embankment through the dining room window.
The ability to construct these retaining walls have not been supported by any structural engineer's details or calculations. The retaining wall that is to be parallel to our northern site boundary must be designed with its foundation to be wholly within the curtilage of the proposed site and must ensure that our site boundary markers and adjacent buildings are protected from subsidence or damage.

The proposed ground floor plan has kept generally to the shape of the existing steading and whilst this is considered desirable, the amazing views from the site have been largely ignored in preference to forming a rather dull introspective looking, massive courtyard occupied by only three specimen trees surrounded with hard paving. The removal of the external ground around the west perimeter of the building to form a paved space outside of the dining and sitting area and the general reduction of the external ground level around the edge of the building will have a detrimental effect on the remaining trees that are identified as being retained along the western boundary.

The submitted proposal drawings have been drawn in complete isolation and do not show any context of the applicant's extensive site and do not actually extend much beyond the faces of the building. This is dis-ingenuous as our single storey cottage and our closest apartment windows have not been shown in any relationship to the proposed new windows and results in direct overlooking into our private amenity spaces. The wall of our timber garage which forms the site boundary at this point is only 850mm away from the face of the main building and an en-suite window looks directly onto our garage wall and a dressing room window looks directly into our private amenity space.
This lack of site context must be addressed by the applicant so that the Planning Department can comprehend the closeness of all of the relevant buildings and their various openings.

The proposal is for a four-to-five bedroom house with an integral three-bedroom auxiliary accommodation with a combined Gross Floor area of 931.1m2 (10,022 square feet). The proposed floor plans show the annex with a GFA of 178sqM (1915 square feet) and contains a large living/dining/kitchen space, two bedrooms with en-suites and a further bedroom in the roof space.
We consider that in planning terms this 'annex' accommodation is a self-contained residential unit, which is not reliant on the main house in any way. This would actually mean that the proposal will create 2 no. new dwelling units, not 1!
It is noted that the planning application form states that there will be 5 No. vehicle parking spaces provided, but the landscaping plan suggests that there is sufficient hardstanding space created to accommodate up to six cars.

Given the size of the annex accommodation, it is disingenuous to assess the application as a single home and this application should be considered as an application for 2 dwelling units and any assessment of impacts should clearly take this into consideration.

It is noted that the first-floor plan indicates a space that is open to the passageway and is annotated as a 'Lounge'. Interestingly, the adjoining space has been provided with a 3-piece large 'en-suite' shower room and a built-in hanging wardrobe space which could, by the addition of a partition and a door, be converted into yet another bedroom, thereby providing 8 double bedrooms capable of accommodating up to 16 people.
(*An 'en-suite' is defined as* '*immediately adjoining a bedroom and forming part of the same set of rooms)'.*

Future Use for Commercial Purposes

Given the total number of bed spaces that the proposed house is to provide, we believe that the Local Authority must seek assurances from the applicant that the property is not to be used for any commercial purpose in the long term e.g., Artist's or other vocational Retreat, or leased/rented in whole or in part for holiday usage. Any vocational activities would be most unwelcome to all of the immediate residents who appreciate the peace and quiet of countryside living and which would generate additional number of vehicles movements up and down the private track.

Balgownie Farmhouse Foul Drainage

Our SEPA registered septic tank is located within the applicant's land to the south of the timber woodshed and is annotated on the submitted site plan (Drawing No. 811P-11a) as 'MH, cover level of 86.7'. Our property title provides us with access to our foul drainage pipe and septic tank for maintenance and, if necessary, full replacement. The foul drain from our cottage runs from the northwest corner of our house down to the septic tank and we know that the pipe has minimum cover.

The proposals show that the applicant intends to reduce the ground level by 1.9 metres along the southern edge of the barn mill and to construct a retaining wall adjacent to the proposed kitchen window. We believe that our foul drainpipe runs down and crosses this strip of land, so it is difficult to see how the proposed ground level can be substantially reduced without affecting the foul drainage from our property.

Mains Water Supply

It is noted that the development contains numerous water fittings and appliances including 10 WCs, 7 Showers, 4 Baths, 14 Wash Basins & 3 Sinks. Although not identified on the floor plans, it is assumed that the main house and the annex will also have a washing machine, a utility sink, and a dishwasher. It is noted that the timber shed building is to be brought back into use initially as a construction site office. There is no detail of the proposals for the timber shed provided in the application and it would seem plausible that to function as a working office, it would require a WC, wash basin and a utility sink.

The current two-inch diameter water main runs from the public road at Hatton Farm and currently provides mains water to 7 properties: Hatton Lodge, Balgownie Cottage No. 1- 4, Balgownie Mill Cottage and Balgownie Mill. The owners of the neighbouring cottages have let me know that the existing main water pressure to their properties is very variable and there is a concern that the water pressure will reduce even further given such a large water demand for the proposed development.

Interestingly, the RIBA 2030 Climate Challenge has set targets for potable water reduction by at least 40%. This equates to a domestic target of 75 Litres/person/day by minimising water demand, optimising building systems, and harvesting rainwater as well as recycling and re-using water on-site.

Assuming a full household totalling 16 persons, the target total would be 1200 Litres per day. The application does not contain any information regarding harvesting rainwater or recycling or re-using water and if the applicant is to be environmentally aware of the intended 2030 targets, the high number of water fittings and sanitaryware should be re-considered.

Foul Water Drainage

The design statement notes that the discharge from the on-site sewage treatment plant is to discharge into the culvert that passes through the site. Given the large number of water fittings included in the proposed development, the applicant must provide a written report from a suitable qualified and experienced person that the culvert has the capacity to receive all of the waste discharge and to confirm that there is sufficient capacity in the existing mains water supply.

Surface Water Drainage

See the Public Comment submitted by us to Angus Council's portal on the 10 March regarding the SEPA Flood Hazard and Risk Information stating that the applicant site is adjacent to an area with a Medium Likelihood of Surface Water Flooding.

It is noted that the applicant stated that the application site was not subject to flooding or cause flooding elsewhere.

To comply with the Council's H12 Policy, the applicant must undertake and submit a **Flood Risk Assessment** and full SUDS calculations by a suitably qualified & experienced person. Porosity test results must be submitted by the applicant to confirm that garden ground is capable of accepting the surface water run-off and also to confirm that the existing culvert has the capacity to receive all of the overflow from any proposed surface water attenuation.

Habitat Survey

See the Public Comment submitted by us to Angus Council's portal on the 10 March regarding a Habitat Survey.

It is noted that only a Bat survey has been submitted with the application.

The application does not include an Ecology Constraints Study.

To comply with the Council's H12 Policy, the applicant must undertake and submit an **Ecological Constraints Study** by a suitably qualified & experienced person.

Ground Contamination See the Public Comment submitted by us to Angus Council's portal on the 10 March regarding Contamination. It is noted that the applicant stated that the application site was not subject to contamination. The previous planning application contained the demolition report from Christy Gillespie that stated that 'There are sections of asbestos cement roofs on the partly collapsed buildings and asbestos cement sheets lying on the ground'. In addition, the applicant's site drawing indicates a disused oil tank; both of which have the potential to contaminate the surrounding area.

Ground Level Reduction/Alteration of Existing Ground Levels

The barn mill building once had a mechanical water-driven wheel on the south side of the building and the protruding stone base for the axle is still in evidence on the wall. The farmer believes that the wheel was fed with water via a Lade pipe from a holding pond that was located in the upper sections of one of the fields to the south of Balgownie. During our own excavations to install an outside water tap, the crown of a large diameter fireclay pipe was uncovered running diagonally below the south side of our garage and it is assumed that this pipe continues on towards the old water wheel location. It is not known if this Lade pipe is still 'live' to some degree, nor is it known where the end of the Lade pipe currently terminates or if it has an outfall to a permanent watercourse further downstream, but the proposed substantial reduction of the ground levels in the area adjacent to the barn building where the old water wheel was located could lead to localised flooding, surface water drainage problems and possible ground erosion.

The submitted drawings show that the intention is to substantially reduce the existing ground levels to the south west corner of the proposed development by 2.2m. The intention here is to reduce the level to provide a floor to ceiling window into the dining area. This ground is immediately adjacent to our car parking area and the proposed West Elevation shows that the intended retaining wall structure is to be no higher than the upper ground level and this clearly would raise safety concerns which would need to be addressed. It is further noted that there is no proposed boundary treatment between the two properties on the West Elevation.

There are a group of 10.0 - 12.0m high Cupressus trees immediately adjacent to the above area where the external ground level reduction is proposed. These trees are not noted on the plans as being removed, but it is likely that the severe ground level reduction could affect the stability and health of these trees.

Massing, Scale, Design and Materials

The surrounding architecture comprises traditional single storey farm cottages, many of which have been altered and extended but which retain a dominant architectural form exemplified by gable widths, roof pitches and the use of natural materials. This proposal is wholly at odds with this style, introducing massing, particularly in relation to the roof forms and heightened buildings, which will appear dominant and incongruous in this agricultural landscape and significantly detracts from the original simple form of the buildings. Specifically, in relation to the design elements:

- The overall size and proportions of the new window openings are also much larger than the formed openings of the existing building, which will detract from the original architectural and vernacular features of this group of steading buildings. The design uses a large amount of full height window openings that are at odds with the existing rural character that proportionally contains more solid forms than voids.

- A Corten steel roof covering has been used for the majority of the existing buildings, but the use of this material is more suited to inner city industrial settings and although the pitched roofscape is broken up with a variety of pitches, the geometrical junctions appear to be over-complicated and at odds with the simple geometry of stone or slate covered farm buildings. It is worth keeping in mind that the rainwater running off the steel sheeting will lead to a rusty brown discoloration of the surrounding materials.

- Other roof areas are shown to have a timber roof covering. Given that the damp humid conditions that prevail in Scotland, the suitability of timber used as a durable waterproof covering over habitable accommodation is highly questionable.

Loss of Private Amenity

The proposed first floor plan shows Bedroom 2 and a Lounge that are to have Oriel windows facing onto the garden of our cottage. Policy H12 and the Conversion of Redundant Farm Steadings both say that suburban or overtly domestic architectural features such as bay windows should be avoided. Given that Oriel windows are a form of bay window, this architectural device should not be permitted.
The south elevation drawing shows new first floor Oriel windows which project 900mm from the steading wall and are 2650mm high overall and 1920mm long overall. The full height windows to either side of each Oriel window are 720mm wide x 2000mm high. The introduction of both of these Oriel windows will still result in the loss of privacy of our garden ground.
See 3D Views from these Oriel windows - Appendices A, B, C, D.
See 3D Views from our private amenity space looking towards the steading building - Appendices E & F.

A similar overlooking situation occurs from the dressing area of the master bedroom. Even if this window is obscured glass, this window could be openable, and our privacy encroached upon. An existing door opening on the west elevation is to be replaced with a full height glazed sash and a smaller window on the south elevation, which is only 850mm away from the ownership boundary, and looks directly onto the wall of our garage.

The Planning Officer must obtain further detailed site cross sections from the applicant to illustrate how all of the new windows relate to the private amenity space and apartment windows of our adjoining house, as we have significant concerns that these do not meet adequate privacy distances.

Proposed Kitchen to Balgownie Apartment window – 6.9m
Proposed Pantry to Balgownie Apartment window - 6.7m
Proposed Utility Room to Balgownie Apartment window – 12.1m.

Proposed First Floor Lounge to Balgownie Apartment window – 7.1m
Proposed First Floor Bedroom 2 to Balgownie Apartment window – 12.3m

Finally, the Local Authority must condition any consent granted to remove any Permitted Development rights to protect the steading for having undesirable future additions such as PV roof panel arrays, Air Source Heat Pumps, Carports etc. without requiring additional applications for further planning consent.

In summary, it is disappointing that even after two planning submissions the applicants have ignored the simple design guidance which is to minimise the level of interventions/alterations required, keep to a simple solution, and retain the original character and appearance of the farm buildings. The over-riding principle should have been to adapt the new use of the steading to suit the physical and architectural constraints of the building itself, rather than visa-versa. The new alterations to the steading should be legible and elegantly handled, not 'audible' as appears to be the case here. We consider that there are some fundamental issues which prove that the proposal does not accord with the statutory Local Development Plan and associated Supplementary Guidance, and for these reasons we consider that the application should be REFUSED.

[redacted]

Euan & Beverly Grant

Balgownie Farm

Eassie

DD8 1SF

APPENDICES

Appendix A
3D View Looking East from Bedroom Oriel Window

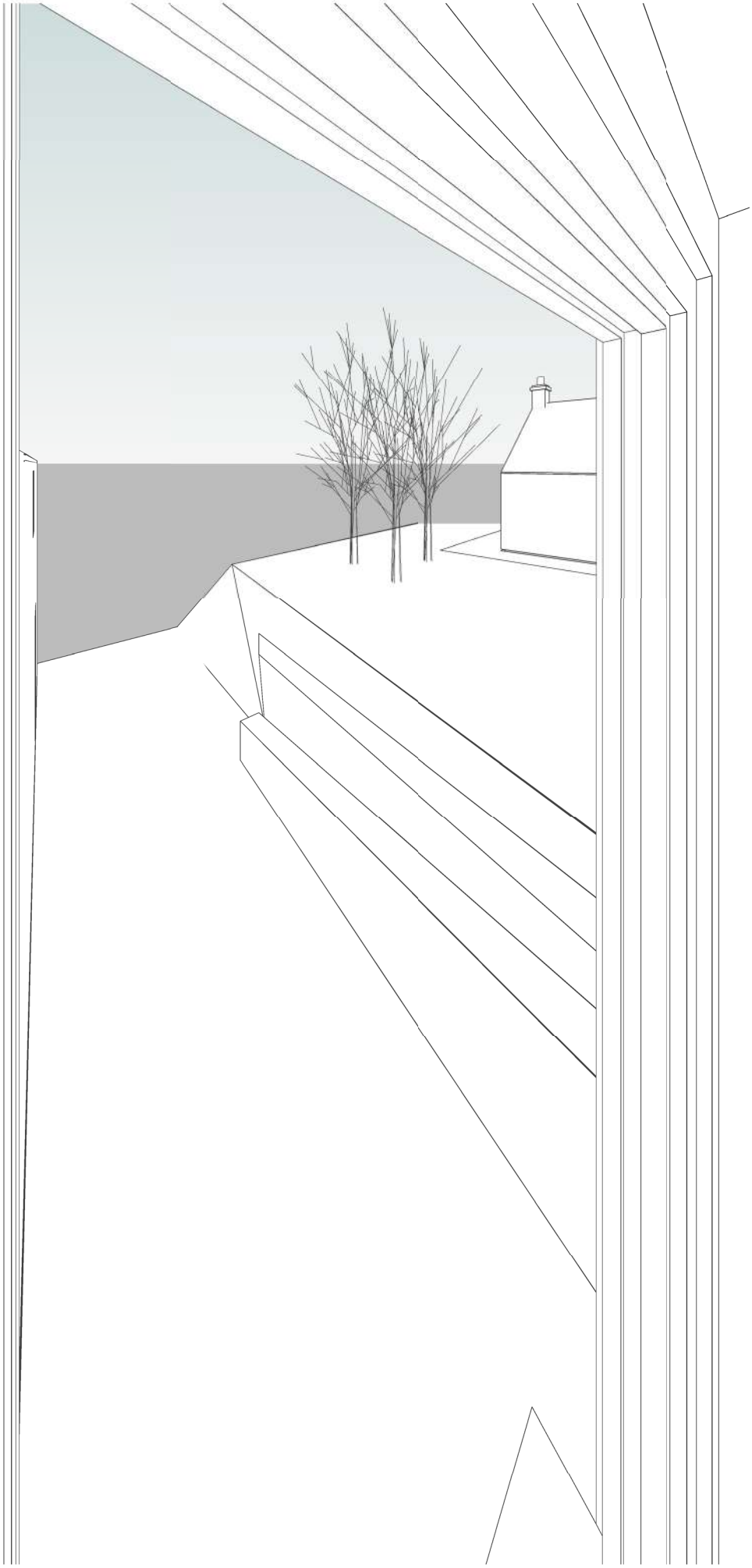
Appendix B
3D View Looking West from Bedroom Oriel Window

Appendix C
3D View Looking East from Lounge Oriel Window

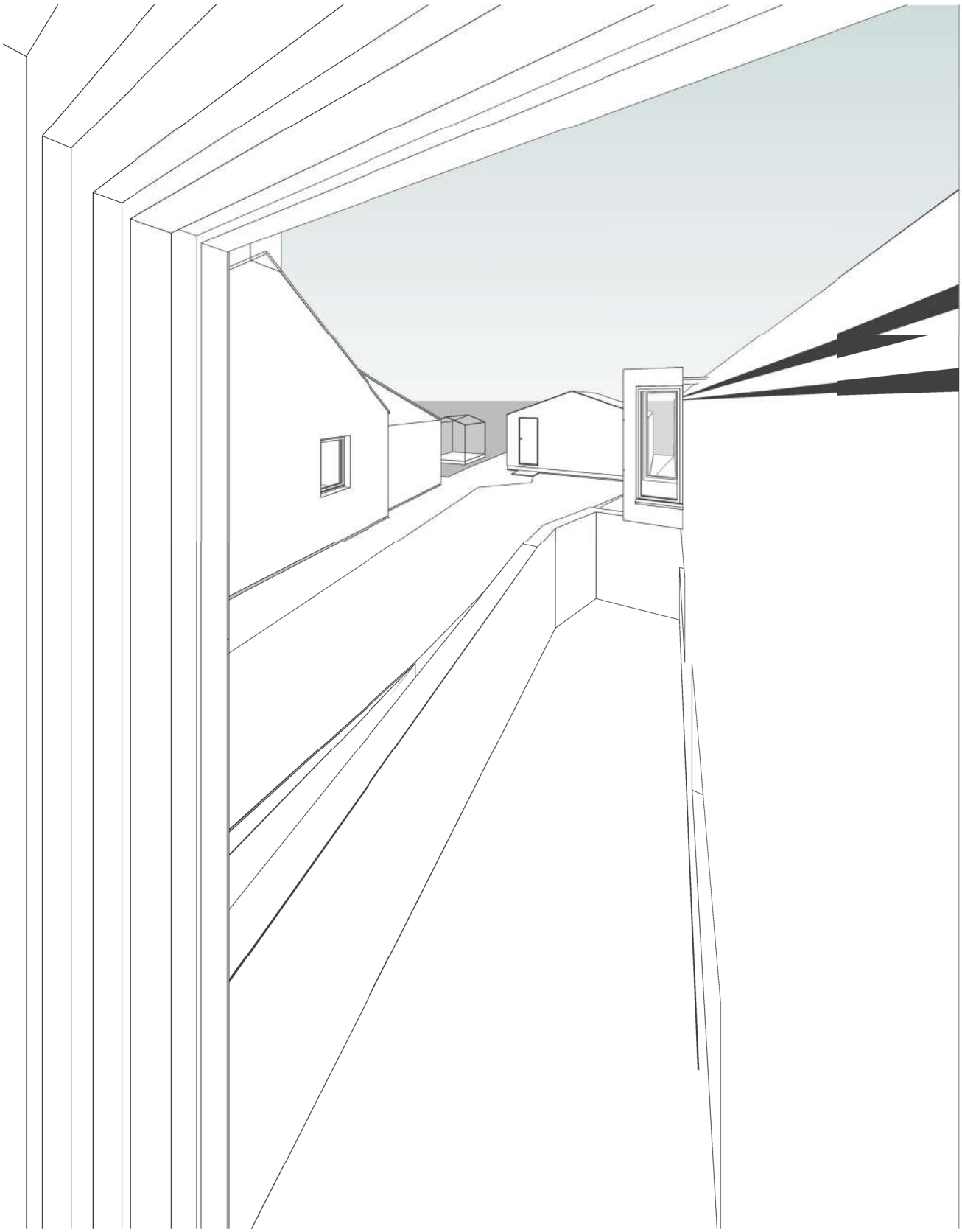
Appendix D
3D View Looking West from Lounge Oriel Window

Appendix E
3D View Looking from Private Amenity Space towards Steading_East to West

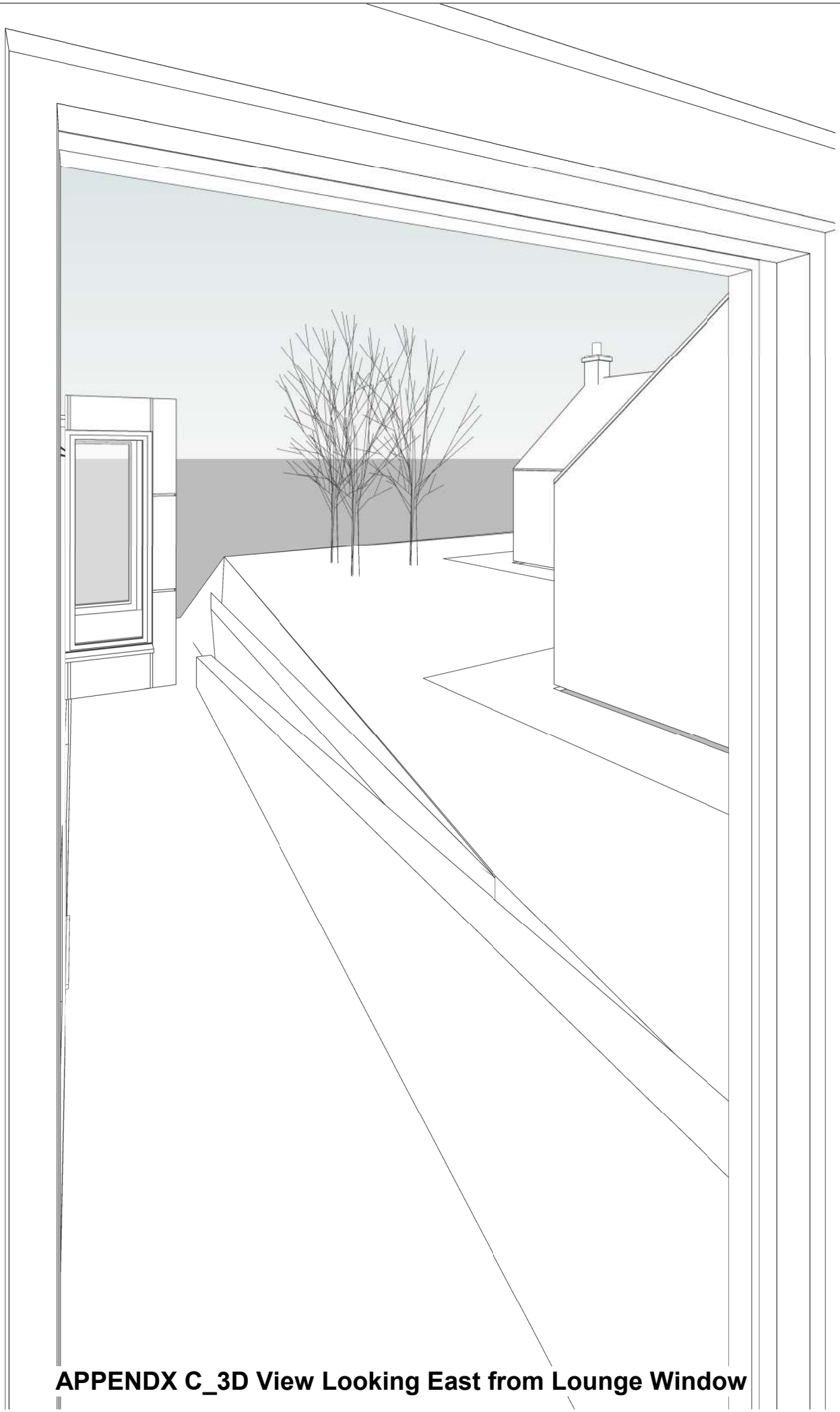
Appendix F
3D View Looking from Private Amenity Space towards Steading_West to East



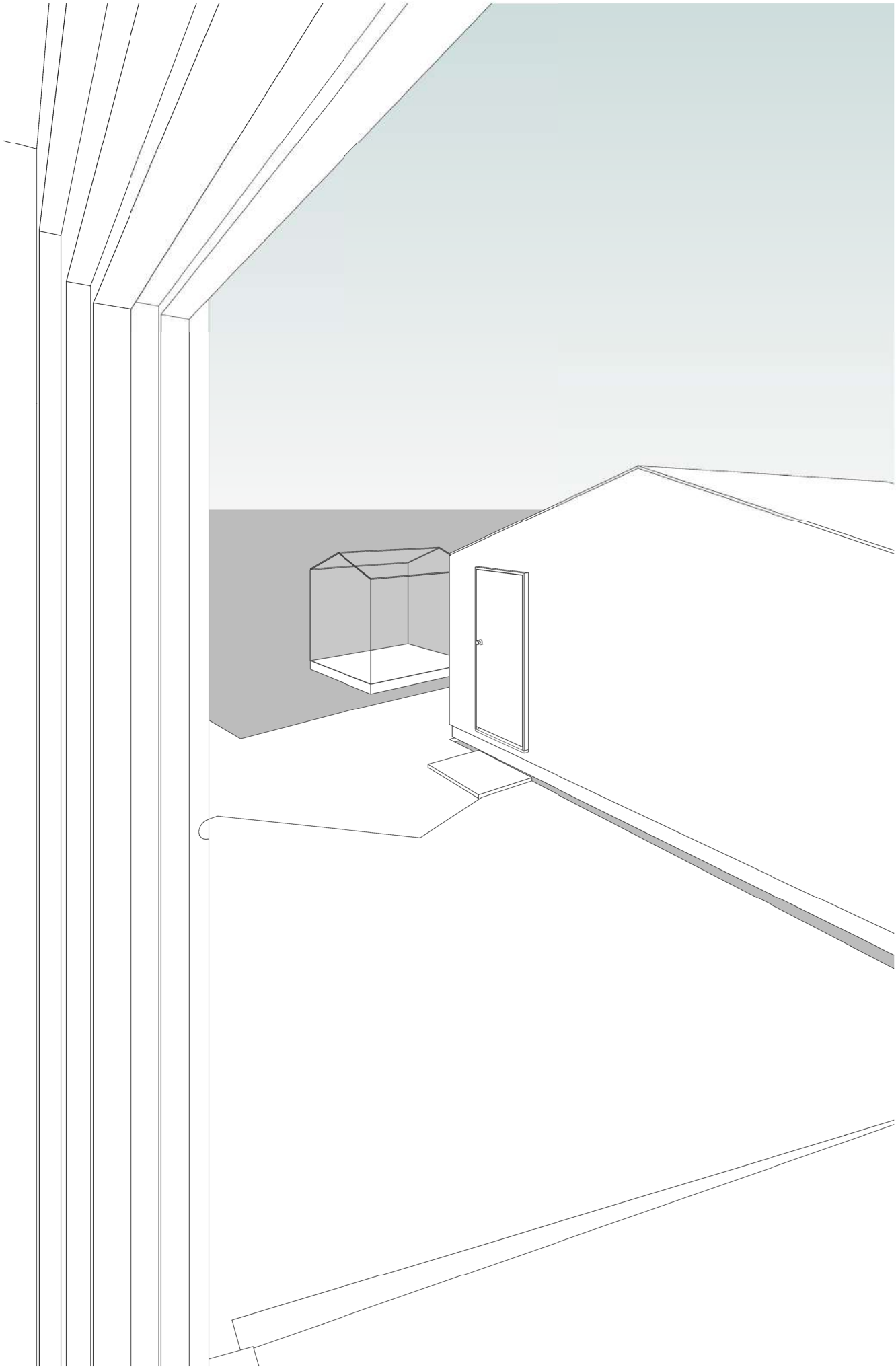
APPENDIX A_3D View Looking East from Bedroom Oriel Window



APPENDIX B_3D View View Looking West from Bedroom Oriel Window



APPENDX C_3D View Looking East from Lounge Window



APPENDIX D_3D View Looking West from Lounge Oriel Window

APPENDIX E_3D View Looking from Private Amenity Space Towards Steading_East to West

APPENDIX F_3D View Looking from Private Amenity Space Towards Steading _ West to East

Angus Council – Planning

Angus House

Orchardbank Business Park

Orchardbank

Forfar

Angus

DD8 1AN.

Date: 24 May 2021

For the attention of Planning Case Officer: Mr James Wright

Dear Sir/Madam

Ref: 21/00081/FULL | Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works at Balgownie Farm Steading, Eassie.

We refer to the additional information recently uploaded by the agent for above-mentioned planning application and would wish to formally OBJECT to the application for the following reasons.

We have specific concerns which include:

Assessment of Flood Risk.

The agent stated on the planning application form under the section on Assessment of Flood Risk that the site at Balgownie Steading is not within an area of known flood risk and the proposal will not increase flood risk elsewhere.

The SEPA flood data clearly identifies that there is a **Medium** likelihood of surface water flooding in the Balgownie Steading area from the access point on the ZC16 road, down the length of the rough track, past all of the Balgownie Cottages and along to Balgownie Mill. SEPA categorises the likely risk of surface water flooding into three groups identified as: Low, Medium or High risk, so this SEPA data cannot be dismissed as being of a minor nature or questioned by the agent/applicant. Given the natural topography around the Balgownie Farm area identified in the SEPA report, the area where the applicant's property boundary abuts the turning area will continue to flood during periods of heavy rainfall, and therefore the submission of a Flood Risk Assessment prepared by a suitable qualified professional is essential before the application can be properly determined. I attach two photographs taken this morning after only one night of moderate rainfall. The turning area has standing water clearly visible and the entrance into the steading also has ponding water.

Angus Council Transportation Department has issued its Memorandum on this application and has stated that the applicant will have to improve the access track to one of the surfaced specifications noted in Advice Note 17 _ Miscellaneous Planning Policies. The Transportation comment also states that details of the access road drainage is required. Since the access road and the turning area immediately in front of the steading development will also be upgraded by the applicant, the run-off

from all the tarred surfaces is going to exacerbate the volume and speed of any surface water run-off during periods of heavy rainfall. The surface water run-off from the track will need to be taken into consideration as part of the Flood Risk Assessment and reinforces why the Council requires this study to be carried out to ensure that all surface water is appropriately dealt with, even if it originates beyond the applicant's site.

It is further noted that the revised site layout plan No. 811P-11B shows an extensive length of collection trench that is connected directly into the existing culvert without any SUDS attenuation or reference to any existing ground porosity test results. It is noted that the size, capacity or condition of the existing culvert has not been established by the applicant. The paved internal courtyard (with an area of approx. 372m2) has now been shown with a surface water drain connecting to the proposed collection trench. The water volumes from these surface water drains will require to be included as part of a civil engineer's Flood Risk Assessment as it is likely that these connections, without a suitable SUDS strategy, will contribute to flooding further downstream of the culvert's outlet. It is also of concern that our foul drain to our septic tank is crossed by this proposed collection trench. Any intervention or alteration to our foul drain will require our written consent and we request that the applicant provides the Council with further information on the method of installation and construction details of the proposed collection drain, before planning consent is determined.

As mentioned in previously submitted objections, the steading buildings once had a water powered wheel on the south side of the threshing barn. This wheel was driven by water supplied from a holding pond via a lade pipe that in still in existence and could still be carrying some surface water from field drains and roadside ditches. The proposed deep excavation to lower the external ground levels will effectively cut through this lade pipe with unknown consequences, and the Council must request that the lade pipe be investigated further by the applicant.

The consultee Archaeologist has confirmed the local presence of the 17th Century St Mary The Virgin's hospital. The historic listing of the Balgownie hospital also records a spring well which survived in 1880. The applicant intends to radically excavate some areas of ground to the west and east of the existing steading buildings. As mentioned above, this area sits in the lowest point of the surrounding topography and the excavation work could disturb the existing water table or alter the existing ground water levels. No site ground conditions report has been submitted with the application to establish the soil make-up nor the porosity of the ground, and this information must be requested as part of the Flood Risk Assessment.

We would also point out that the line of our foul drain from our cottage to our septic tank is incorrectly identified on the Surface Water Disposal Options drawing. The outline of our garage on the same drawing is also incorrect, as is the outline of our cottage. The drawing of the outline of the house at No. 3 Balgownie is also incorrect, as it shows the building before it was demolished and rebuilt in its current position.

Section Drawings

In our previous objection letter, we noted that the submitted development drawings had been drawn in complete isolation and did not show any context or reference beyond the outer face of the buildings. Despite further information being requested by the planning case officer, it is now noted that submitted drawing no. 811P2-13 only shows the immediate adjacency of the boundary line to the south of the steading building. The additional section drawings do not adequately illustrate the proposed steading development's adjacency of our cottage, nor do the sections show the relationship between the development's windows and those of our cottage. Perhaps, not surprisingly, the applicant does not want to show the overbearing nature of the development in comparison to our single storey property, nor does the applicant want to indicate our private garden space, nor highlight the proximity of our apartment windows and the areas where we will suffer a loss of privacy from overlooking. If the planning case officer is in any doubt, he only has to look at the 3D drawings that we included with our letter of objection dated 24 March 2021 to see the reality of the proposed conversion.

The Architect's sketch sections have been checked for dimensional accuracy and it is noted that our hedge is inaccurately represented as being over 3.0m high and much wider than it actually is. The sketch section taken through our garage suggests that the gap between the steading wall and the garage measures 960mm. This is also incorrect. The actual gap is actually 845mm.

We cannot see why the existence of our boundary hedge on our land appears to offer us protection from viewing the proposed development and therefore their comments are irrelevant. The agent has stated that the height of the hedge is "for the most part, higher than the eaves level of the building". This is totally incorrect. The existing eaves height of the steading building is a constant level of 73.60 and the top of our hedge varies from 73.45 at our garage, down to 72.41. This demonstrates that the hedge is not higher than the eaves, but actually is an average of 660mm **lower** than the eaves. The fact that the hedge, which is under our control and not theirs, is a living plant and could die off in the future or be removed by us at any time, cannot provide any defence to us not seeing any of the boundary works or treatments. More importantly, our hedge also cannot provide any defence from the overlooking windows onto our amenity space with the resultant loss of privacy.

The agent's submittal states that our timber garage (shed) and the hedge provide adequate screening to the development. Again, the inaccuracy of the agent's drawings No. 811P-13 is highlighted by the fact that our garage building does not extend to the southwest corner of the steading building. It is in fact 1.45m short of the corner and permits anyone at proposed dressing room window to look directly into our private garden ground.

These over simplistic cross sections take no recognition of the practical aspects of construction. Section 1 shows a very narrow gap between our timber garage and the steading wall and yet the section shows a 300mm wide trench over 2.5m deep is to be dug in this gap presumably by some incredibly narrow excavator! There is no mention of what measures will be implemented to construct this narrow trench without our property being damaged by the trench digging or what mitigation measures will be put in place to prevent subsidence of our concrete floor slab or the ground below our garage.

In Section 3 and 4, the concrete retaining wall along the ownership boundary has no broad foundation or rear toe and seems to be totally reliant on its mass to keep the wall from overturning. The rear edge of the wall is vertical and sits directly in line with our boundary marker kerb (which is

stone, and not timber as annotated). To implement this form of vertical edge without the need for a sloping batter, would require continuous sheet piling to be driven into the ground before the excavation commences. No ground investigation information has been submitted with the application and with the nearest corner of our cottage only 2.730m away from the ownership boundary, we would like written assurances from the applicant that our property will not suffer serious structural damage as a result of vibration from any pile driving.

It is noted that the Architect has prepared the sketch section drawings of the structural underpinning of the stone walls and also the mass retaining walls that form the boundary treatment adjacent to our cottage curtilage. Angus Council's Countryside Housing Supplementary Guidance, section 3.3 Conversion of Non-Residential Buildings and Angus Council's Supplementary Planning Guidance Policy H12- Farm Building Conversions state that the development proposals must be accompanied by "a report from a Structural Engineer to confirm that the building is capable of conversion in the intended manner AND that the works required for the conversion will not compromise its structural integrity". Having now seen the rudimentary sketches of the intended structural proposals for structural underpinning and mass concrete retaining walls, a detailed structural report prepared by a suitable qualified engineer must be requested to satisfy the Council's adherence to their countryside development policies.

It is noted that the agent's drawing in Page 3 of 'Part 1 Supplementary information for planning', states that "the farm buildings are previously uninhabited and classed as an industrial building". This statement by the agent is incorrect, as there is no evidence to suggest that the site of this farm steading manufactured anything and therefore the redundant building group can only be classified as a redundant traditional farm steading. It may be helpful to note that the application No. 07/00018/FUL, identified the Balgownie steading as 'agricultural buildings'.

Dimensions interpolated from the Agent's sketch sections show that the kitchen window is approx. 1.9 metres away from the retaining wall on the south boundary line. This dimension is wholly dependent on the questionable ability to construct the retaining wall of the shown width on the ownership boundary line and therefore this dimension might be substantially smaller. According to a table of acceptable distances between windows provided by Angus Council, the minimum distance allowable between a kitchen window (defined as a habitable room) to a blank wall should be 10.0metres! Perhaps the agent should be asked to provide a detailed cross section through the kitchen window to illustrate the proximity and height of the retaining wall and the relationship of the kitchen window to the first-floor bay window which is directly overhead. I would also remind the Council that the dimensions between the proposed ground and first floor windows and the apartment windows of our cottage do not comply with the minimum distance table.

Missing Design Information

It is noted that a light well is shown on the first-floor plan. There is no roof glazing shown on the roof plan or on any relevant elevations and this must be brought to the applicant's attention and the omission corrected before the application can be properly determined.

It is also noted that no site boundary enclosure treatment has been identified for the north/south site boundary between our car parking area and the development, and this must be brought to the applicant's attention and the omission corrected before the application can be properly determined.

Annexe Building or Second Dwelling Unit.

Angus Council takes a strict view on the use of annexes construed as granny accommodation. An annex by definition must be reliant on the principle dwelling in some way and not self-reliant. The planning application cited at Piper Dam was perhaps considered as an exception given the special family situation. The applicant has stated nothing similar here, and as mentioned in our previous objection, this annex must be viewed as a second dwelling unit. The agent has stated in the recent submittal that the artist's studio is only for private use and will not be used for commercial purposes. However, it is noted that nothing similar has been mentioned for the annex. The Council must seek assurances that the annex will not be used for commercial use, as this would increase the frequency and number of visiting vehicles using the access road and potentially causing safety issues and noise nuisance.

Summary

In summary, the over-riding principle of good conversion design of the redundant farm buildings should be to adapt the new use of the steading to suit the physical and architectural constraints of the building itself, rather than visa-versa. A fundamentally poor design and ill-considered layout of the dwelling has been forced upon the stone buildings to such an extent that undertaking extensive structural underpinning of the stone outer walls is the only way to achieve the end. None of the Council's policy guidance has been followed, the information presented is incomplete and is, in some instances, incorrect , no ground investigation has been carried out and presented, no trial exposure of the existing walls has been carried out, no Flood Risk Assessment has been conducted, no information presented regarding the upgrading of the road has been prepared and no structural engineer's report has been submitted in supporting the claim that the remaining farm building can be altered in the intended manner and will not threaten the stability of the existing fragile structure.

For the reasons given above, and in our previous objections, we consider that the application should be REFUSED.

Yours faithfully,

[redacted]

Euan & Beverly Grant

Balgownie Farm

Eassie

DD8 1SF

Planning Application No. 21/00081/FULL

Site Flooding into Balgownie Steading 18 November 2022

In addition to all our previous comments and letters of objection, we wish to add further comments on the latest information and drawings that have been submitted by the applicant.

Design Attribute	**Non-Compliance References**
• Local Character & Rural Heritage	Does not comply with Angus Council Countryside Housing Supplementary Guidance 1.0
• Retained or enhanced Valued Characteristics	Does not comply with Angus Council Countryside Housing Supplementary Guidance 3.2 *The proposals do not have a simple form with few openings.*
• Acceptability of Alterations 1	Does not comply with Angus Council Countryside Housing Supplementary Guidance 3.2 *The proposals require the overall reduction of the internal floor levels, extensive structural wall underpinning, massive reduction of the external ground levels, the formation of tall retaining walls and numerous new window and door interventions through thick stone walls. These simple vernacular buildings are being unnaturally forced into adopting an architectural design which is not suited to its physical and architectural constraints.*

• Acceptability of Alterations 2	Does not comply with Angus Council Countryside Housing Supplementary Guidance 3.2 *The proposals do not demonstrate how the adjacent stone boundary edging and adjoining single storey cottage will be protected against structural damage, land slippage or encroachment onto their curtilage during the construction of the reinforced concrete retaining walls.*
• Acceptability of Alterations 3	Does not comply with Angus Council Countryside Housing Supplementary Guidance 3.2 *The section drawings of the proposed retaining walls and drainage trench adjacent to the neighbouring garage are unrealistic and impractical to construct.*
• Rural Character	Does not comply with Angus Council Countryside Housing Supplementary Guidance 3.2 *The proposals do not have regard the rural character of the surrounding area.*
• Access	Does not comply with Angus Council Countryside Housing Supplementary Guidance 3.3 *The proposals do not comply with Angus Council's Road & Transportation Memorandum, dated 5 March 2021.*
• Traditional Pattern	Does not comply with Angus Council Countryside Housing Supplementary Guidance 4.0 *The proposals do not reflect the traditional pattern of development in the area.*
• Materials, Form, Scale and Massing	Does not comply with Angus Council Countryside Housing Supplementary Guidance 4.0 *The proposals do not compliment but detract from the existing traditional buildings in the area.*
• Local landscape Context	Does not comply with Angus Council Countryside Housing Supplementary Guidance 4.0 *The proposals do not integrate with local landscape context and features and fit into the wider landscape setting*.
• Landscape and Boundary Treatment	Does not comply with Angus Council Countryside Housing Supplementary Guidance 4.0 *The proposals do not integrate with its local landscape setting.*
• Infrastructure	Does not comply with Angus Council Countryside Housing Supplementary Guidance Appendix 1: Policy TC2 *The proposals do not result in an acceptable impact on the built and natural environment, surrounding amenity, access, and infrastructure.*

• Character	Does not comply with Angus Council Countryside Housing Supplementary Guidance Appendix 1: Policy TC2 *The proposals are not consistent with the character and pattern of development in the surrounding area.*
• Housing Criteria 1	Does not comply with Angus Council Countryside Housing Supplementary Guidance Appendix 3 *The proposals do not contribute to the rural character of the surrounding area and are urban in form and appearance.*
• Housing Criteria 2	Does not comply with Angus Council Countryside Housing Supplementary Guidance Appendix 3 *The proposed materials and design do not reflect or compliment the traditional properties in the locality.*
• Housing Criteria 3	Does not comply with Angus Council Countryside Housing Supplementary Guidance Appendix 3 *The proposals do not provide adequate space between dwellings as set out in the Design, Quality and Placemaking Supplementary Guidance.*
• Housing Criteria 4	Does not comply with Angus Council Countryside Housing Supplementary Guidance Appendix 3 *The proposals do not have regard to the nature of the location and adjoining properties.*
• Housing Criteria 5	Does not comply with Angus Council Countryside Housing Supplementary Guidance Appendix 3 *The proposals do not provide adequate access improvements that are required to provide ease of vehicular access and for road safety reasons.*
• Corten Steel Roof Finish	Cited example shown in the Design Statement is a Museum building in Alsace, France which has no relevance to a steading conversion in the Angus Countryside.
• Linear Larch Roof Finish	Cited example shown in the Design Statement is an Indoor Chapel at a wedding Venue in Pretoria, South Africa which has no relevance to a steading conversion in the Angus Countryside.
• Bay Windows	Does not comply with Angus Council Advice Note 5 *Bay windows should be avoided on the main elevations.*
• Arched Window and Door Openings	Does not comply with Angus Council Advice Note 5 *The existing building has no arched openings.*
• Boundary Treatment: Privacy Timber Fencing	Does not comply with Angus Council Advice Note 5 & Note 24 *The proposals should avoid alien, timber suburban fences.*

• Boundary Treatment	*No details of the Boundary Treatment between the western corner of the building towards the west boundary has been provided.*
• Boundary Hedges: Willow or Beech?	Does not comply with Angus Council Advice Note 5 *Native hedging is preferred.*
• Car Parking/Garaging	Does not comply with Angus Council Advice Note 5 *Garages are recommended.*
• Neighbourliness. Respect	Does not comply with Angus Council Advice Note 5 *The proposals do not respect the neighbouring Roof Material & Colour and Wall Finishes.*
• Neighbourliness. Respect	Does not comply with Angus Council Advice Note 5 *The proposals do not respect Privacy and do not Avoid Overlooking.*
• Neighbourliness. Respect	Does not comply with Angus Council Advice Note 5 *The proposals dominate its neighbours.*
• Positive Contribution	Does not comply with Angus Council Householder Development Planning Advice Note. *The proposals do not make a positive contribution to the design and appearance of the existing residential property.*
• Quality and character of the surrounding area	Does not comply with Angus Council Householder Development Planning Advice Note. *The proposals do not maintain the quality and character of the surrounding area.*
• Amenity of adjacent neighbouring properties and their curtilages.	Does not comply with Angus Council Householder Development Planning Advice Note. *The proposals do not respect the amenity of adjacent neighbouring properties and their curtilages*.
• Residential Amenity	Does not comply with Angus Council Householder Development Planning Advice Note. *The proposals adversely affect the residential amenity enjoyed by surrounding domestic properties and detrimentally affects the character and/or appearance of the building, site, or surrounding area.*
• Architectural Design	Does not comply with Angus Council Householder Development Planning Advice Note. *The proposals are not architecturally sympathetic to the design of the existing residential property and surrounding area.*

• External Finishes	Does not comply with Angus Council Householder Development Planning Advice Note. *The proposals do not complement the existing residential properties and surrounding area.*
• Roof Finish	Does not comply with Angus Council Householder Development Planning Advice Note. *The proposals do not have the same roof design as the existing residential properties, particularly as the proposed conversion will be visible from public areas.*
• Windows	Does not comply with Angus Council Householder Development Planning Advice Note. *The proposals do not incorporate window and door openings which are of a similar size, shape and alignment to the surrounding properties.*
• Residential Amenity	Does not comply with Angus Council Householder Development Planning Advice Note. *The proposals have not been designed to avoid adverse impacts on the residential amenity of neighbouring properties. The proposals will have significant adverse impacts regarding privacy and the general amenity of neighbouring properties.*
• Over-Domination	Does not comply with Angus Council Householder Development Planning Advice Note. *The proposals are not designed to avoid over-dominating or over-whelming the appearance of the existing residential properties or neighbouring properties. e.g., Bay Windows.*
• Privacy: window to window distances	Does not comply with Angus Council Householder Development Planning Advice Note. *The design has not taken recognisance of the privacy distances between Habitable Room to Habitable room: Min 12 metres & Habitable Room to Blank Wall: Min 10 metres.*
• Access Track: Passing Places	Does not comply with Angus Council's Road & Transportation Memorandum, dated 5 March 2021 *The minimum spacing of 150 metres between passing places has not been adhered to.*
• Access Track: Construction Specification	Does not comply with Angus Council's Road & Transportation Memorandum, dated 5 March 2021: Advice Note 17. *The Unadopted Road Standards have not been adhered to.*
• Access Track: Drainage	Does not comply with Angus Council's Road & Transportation Memorandum, dated 5 March 2021 *No details have been provided.*

• Access Track: Agreements	Does not comply with Angus Council's Road & Transportation Memorandum, dated 5 March 2021 *No agreements have been provided*.
• Site Sections: Retaining Wall, Adjoining Property	Does not comply with Heads of Planning Scotland 2017 *Section 11.* *The proposals do not show how the proposals will interact with their surroundings.*
• Site Sections: Retaining Wall, Adjoining Property	Does not comply with Heads of Planning Scotland 2017 *Section 11.* *The proposals do not show the impact of the proposals on the surroundings.*
• Site Sections: Retaining Wall, Adjoining Property	Does not comply with Heads of Planning Scotland 2017 *Annex D.* *The proposals do not show how encroachment onto adjoining land is to be avoided. This should include how structural damage to property & curtilage is to be prevented.*
• Site Sections: Retaining Wall, Adjoining Property	Does not comply with Heads of Planning Scotland 2017 *Annex D.* *The proposals do not show the proposals in relation to adjoining buildings.*
• Retaining Wall	*No structural engineer's details, showing a realistic cross section, have been provided.*
• Timber Store Building	*No reconstruction proposals have been provided.*
• Climate Change1 Renewables	*No renewables are proposed: Solar Water Panels, Solar PVs & Rainwater Harvesting.*
• Climate Change 2 Potable Water Usage	*Usage of potable water is extremely high for a single residential property containing: 10 WCs, 8 showers, 3 baths, 12 whbs, 4 sinks, 2 dishwashers & 2 washing machines.* *RIBA Climate Challenge 2030 seeks to reduce current potable water usage by at least 40%.*
• Climate Change 3 Embodied Carbon	*Proposed steel roofing materials & heavy construction solutions consisting of underpinning and retaining walls with cast-in-place concrete contribute to an extremely high embodied carbon rating contributing to Global Warming Potential. (e.g., poured/cast concrete 285kgCO2e/m3, steel cladding sheets 3037kgCO2e/m3). The steel faced facades to the courtyard elevations has only an aesthetic function and will contribute to a high embodied carbon rating.* *More durable roofing material (e.g., second-hand slate) would greatly reduce the embodied carbon rating.*

• Climate Change 4 Energy	*A ground source heat pump system is proposed. The amount of available ground is however limited as most of the land to the north of the building is sterilised by the foul and surface water soakaway disposal systems.* *Internal layout is open plan between main living spaces and long circulation spaces making space heating difficult.*

Site Flooding at Balgownie Steading 18 November 2022

Summary

All the preceding non-compliance points and our previously submitted objections containing plans, sections, and 3D drawings created by us clearly demonstrate that this proposed residential design is ill-considered for the conversion of a traditional farm steading in the Angus landscape. The design could easily have been sympathetically designed to reflect traditional building materials and construction methods of this unique rural Angus building type. The design should have respectfully and sensitively responded to the physical limitations and architectural constraints of the farm buildings and take full advantage of the stunning Angus views from all principal rooms. Unfortunately, this poorly considered design does none of these things. As detailed above, these simple farm building structures have been forced into adopting this architectural design by the global reduction of the internal ground floor levels, extensive structural concrete underpinning to the external walls, substantial excavation of the external ground levels, the formation of high retaining walls that are within a few

metres of our property and numerous new large window and door interventions through thick stone walls.

To repeat; other important deficiencies of the submitted proposals include:

- The submitted building proposal has been drawn with no site context nor include neighbouring buildings.
- Window to window and window to blank wall dimensions fail to comply with minimum distances and first floor bay windows overlook our private garden ground, resulting in a loss of amenity.
- It has been proven by video recordings that the entrance to the steading suffers from extensive surface water flooding which passes through the site access and causes additional flooding to the area around our foul treatment tank, neighbouring garden ground to the east of the site and the farmer's field to the north of the site.
- It has been proven by date and time stamped photographs that the Infiltration and Percolation Tests for the proposed foul and surface water disposal systems carried out by a civil engineer have been fabricated, and these results have been used to determine the foul water and surface water soak-a-way areas.
- The proposed external materials do not relate to traditional agricultural buildings in the Angus countryside and seem only to contribute to increase the potential Embodied Carbon ratings.

To conclude, we trust that the Council will take all our considered and detailed objections into account and determine this application as a REFUSAL.

Euan & Beverly Grant

[redacted]

From: Euan Grant
Sent: 10 March 2021 09:29
To: WrightJ <WrightJ@angus.gov.uk>
Subject: Balgownie Steading _ Planning Re-Application No. P21-00081/FULL

Dear Mr Wright
Balgownie Steading _ Planning Re-Application No. P21-00081/FULL

I attach a list of my initial comments on the above application that I would like entered into the application file and be appropriately dealt with. The comments are supported by site photographs, extracts from the SEPA flood website and a extract from the Demolition Report from the Structural Engineer that was submitted with the previous application.

My detailed objection to the application will follow in due course.

Regards,
Euan

Euan Grant
Director
For and on behalf of Gauldie Wright & Partners Architects Ltd.

gauldie**wright**&partners
Chartered Architects · 2 Osborne Place · Magdalen Yard Road · Dundee · DD2 1BD

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SEPA
Scottish Environment Protection Agency
Buidheann Dìon Àrainneachd na h-Alba

Feedback

BETA This is a new service - your feedback will help us improve it.

Flood Hazard and Risk Information

Long term flood risk information for the area around:

3 BALGOWNIE COTTAGES, ACCESS FROM ZC16 VIA BALGOWNIE FARM AND COTTAGES TO BALGOWNIE MILL, EASSIE, DD8 1SF

Surface Water

Medium Risk

What does this mean?

This information gives the likelihood of surface water flooding within a 50 metre radius of this location.

Medium likelihood means that each year this area has a 0.5% chance of flooding.

This does not take into account the effect of any flood defences.

Surface water flooding happens due to heavy rainfall when drains and watercourses are not able to cope with the amount of water run-off from buildings, footpaths and roadways.

View a map of surface water flood risk in this area

Rivers

No Specific Risk

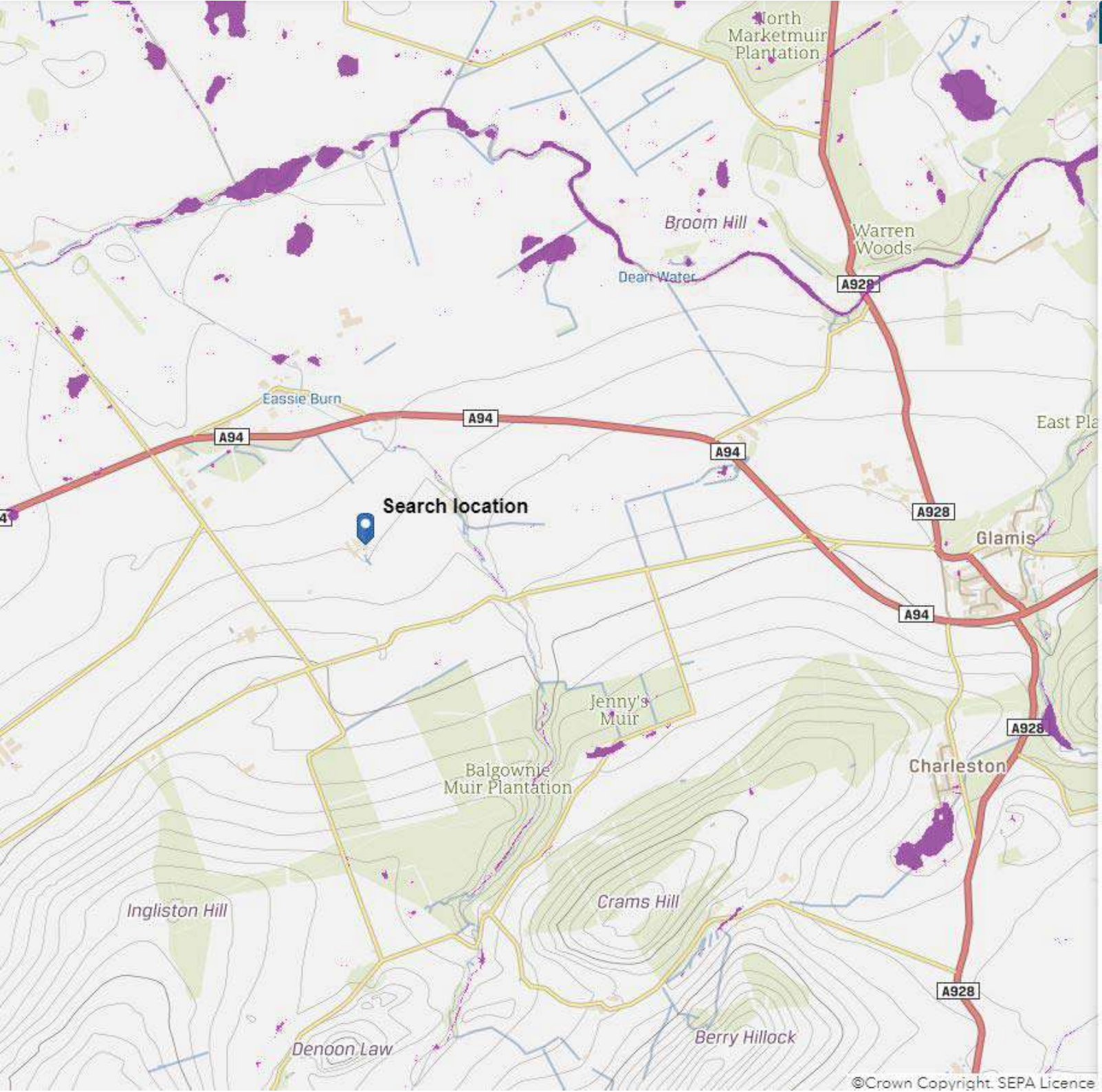
What does this mean?

View a map of river flood risk in this area

Coastal

What can I do to manage my flood risk?

Check flood risk for a different location



Flood Map Data

Layer List

Layers

- Flood Maps
  - River Flooding
    - High Likelihood
    - Medium Likelihood
    - Low Likelihood
  - Surface Water Flooding
    - High Likelihood
    - Medium Likelihood
    - Low Likelihood

Legend

Flood Maps

Surface Water Flooding

Medium Likelihood

Each year this area has a 0.5% chance of flooding.

Danger

I refer to the planning application No. 21/00081 FULL and write to draw the planning authority's attention to the following:

FLOOD RISK ASSESSMENT.

Under the heading of Assessment of Flooding in the planning application form, the applicant has indicated that the site is not within an area of known risk of flooding, nor does the proposal increase the risk of flooding elsewhere. This is incorrect.

I attach two extracts from the SEPA website that show that there is a Long Term floor risk of Medium Likelihood of Surface Water Flooding for the area around 3 Balgownie Cottage, access from ZC16 via Balgownie Farm and Cottages to Balgownie Mill, Eassie, DD8 1SF. The Flood Hazard and Risk Information gives the likelihood of surface water flooding within 50.0metres of the above location, which includes the application site. 'Medium Likelihood' means that each year, this area has a 0.5% chance of flooding.

I attach two photographs that shows surface water running northwards into the entrance to the steading buildings. These photographs were taken on 5 October 2020 during a period of heavy rainfall. The surface water run-off exits out of the wooded area and runs out across the farmland to the north of the site.

I would suggest that given the information noted above, the applicant should be required to provide a detailed Flood Risk Assessment prepared by a suitably qualified & experienced person.

CONTAMINATION.

The application form states that a Contamination Report is 'Not Applicable'. The submitted drawing of the existing site plan (Drawing No. 811P2-02) shows an oil tank close to the entrance to the steading. I attach a photograph of the aforementioned dis-used oil tank. The Demolition Report that was prepared by Christie Gillespie and submitted as supporting information with the previous planning application (No. 20/00515/FULL) states on Page 4 that, 'There are sections of asbestos cement roofs on the partly collapsed buildings and asbestos cement sheets lying on the ground'.

I would suggest that given the information noted above, the applicant should be required to provide a detailed Contamination Report prepared by a suitably qualified & experienced person.

HABITAT SURVEY.

A Bat Survey has been prepared by Stones Wildlife Management and this report has been submitted with the planning application. On page 4, the report states that 'No breeding birds but survey was carried out at the end of the breeding season'. No further Ecological information has been submitted to carry out an assessment of habitat for the potential to support birds of conservation interest Schedule 1 of Wildlife & Countryside Act 1981 (WCA) Annex 1 to Birds Directive species (e.g. Barn Owl), and those other species afforded general protection under WCA.

An owl has been seen flying in the area around the steading and it is often heard in the evening and during the night. I attach a photograph taken in late February 2021 of one of several regurgitated owl pellets found close to the steading buildings, which strongly suggests the presence of at least one owl in the area.

I would suggest that given the information noted above, the applicant should be required to provide a detailed Ecological Constraints Study prepared by a suitably qualified & experienced person.

1 SCOPE OF PROPOSED WORKS

1.1 INTRODUCTION

1.1.1 This document has been prepared as part of an application for a Demolition Warrant in relation to the removal of some of the existing derelict buildings at Balgownie Steading near the village of Eassie. The buildings are in a general dilapidated state and some are in a state of partial or near total collapse. In addition to demolition of the latter, the works will also include installation of temporary propping and protection to preserve and maintain the remaining buildings for future restoration or conversion.

1.2 DESCRIPTION OF SITE AND BUILDINGS

1.2.1 The site is located approximately 750m south of Eassie and overall the site extends to around 4000 square metres. Contained within the site are traditional steadings arranged around a square with some small non traditional agricultural structures to the north and east of that square. An area of woodland is located to the immediate east of the site and residential property is located further east. A further residential curtilage directly abuts the site to the south. Agricultural fields are located to the north and west of the site. The site is currently accessed by private farm tracks to the north and west from the local public roads. Location and site plans are included in Appendix A.

1.2.2 The steadings consist of 7 main buildings and there is also a separate timber shed and open dutch barn on the site. These two buildings are not subject to any works in this application. The proposed works to the steading buildings are shown on the drawing S001 included in Appendix B. The buildings are mainly sandstone with slated timber pitched roofs and there are two barn type structures with corrugated roofs supported by timber beams and timber and cast iron posts with stone and timber clad gables. These barn structures which are numbered 4, 5 and 5A on the plan at Appendix B have for the most part collapsed. Parts of the other buildings have deteriorated and there are sections where the roofs have partially collapsed and areas of wall that are at risk of collapse. There are sections of asbestos cement roofs on the partly collapsed buildings and asbestos cement sheets lying on the ground.

1.2.3 There are no known live incoming services such as electricity, water or gas to the buildings which have been derelict and out of use for some considerable time. It is possible that there are some dead cables or pipes associated with previous water or electricity but definitely not gas. There are also no known foul drainage pipes on the site. There are some surface water drains and associated soakaways.

1.3 DESCRIPTION OF PROPOSED WORKS

1.3.1 The buildings 4, 5 and 5A are to be demolished and removed from the site area. Some of the materials such as the cast iron columns will be set aside and stored in the more modern dutch barn to the east of the steading building for possible re-use. Part of the stone walls for these buildings are to remain and these will be provided with temporary protection against further deterioration from the weather. Asbestos cement sheeting will be removed in accordance with HSE guidance and best practice and taken to a waste facility licensed to accept asbestos material. Photographs of some of the building elevations are provided in Appendix C.

I refer to the planning application No. 21/00081 FULL and write to draw the planning authority's attention to the following Angus Council's Policy Document:

Angus Council Local Plan: Supplementary Planning Guidance Policy H12 Farm Buildings Conversions (adopted November 2000 and Revised April 2008)

The H12 Policy states under 'Information Accompanying Planning Applications', that development proposal **must** therefore be accompanied by the following information:

1. A report from a Structural Engineer to confirm that the building **is capable of conversion in the intended manner and the works required for the conversion will not compromise its structural integrity**.

A report from Christy Gillespie entitled 'Assessment of Structural Condition of Existing Buildings' was submitted with the application. The Introduction states that *'Christy Gillespie Engineers were instructed to carry out a structural assessment of the property by the current owners. The purpose of the assessment was to determine the nature and condition of the existing buildings remaining at the site and provide advice and recommendations with regard to the extent of the demolition and repairs necessary in the context of the proposed development. The proposed development included the retention and refurbishment where feasible of the buildings to provide a conversion and redevelopment of the property to form a new dwelling'.*

The report Summary at 4.1.2 states *'Repair and remedial works will be necessary to the majority of the remainder of the walls which are suitable for retention as structural elements for the new development'.*

The Introduction and Summary from Christy Gillespie appear to be very general in nature and refers mainly to the condition of the remaining buildings and does not specifically confirm that the building is capable of conversion **in the intended manner (shown in the proposed drawings)**, neither does it state that the extensive interventions envisaged in the proposals will not compromise its structural integrity, nor does it provide basic cross section details of the existing and proposed load bearing walls or proposed structural retaining walls.

To comply with the requirements of the H12 Policy the technical feasibility of a conversion project must be fully investigated by a structural engineer. The overall design is extensively based upon the ability to reduce the existing levels both internally and externally and form new retaining wall structures. I feel that the following points must be considered and reported on by the structural engineer in detail:

- Traditional agricultural buildings are known to have no formed concrete foundations and generally consist of large field stones set at very shallow depths. Often foundation stones are set to follow the land contours and are not set at a constant level. There has been a general assumption that one continuous ground floor level can be formed where currently a sloping earth floor exists. For this to be possible the foundations would require to be all at the same level and the wall structure would have to continue for a considerable distance below the current floor levels. It is noted that the reduction in the floor level varies due to the sloping nature, but measuring off the scaled drawings the reduction in internal floor level appears to be 700-800mm below the current sloping floor level. The actual total excavation depth will also need to take into account the depth of any new floor construction.

The engineer must confirm that the existing internal sloping ground levels of Space 1, Space 2, Space 3 and Space 4 shown in the existing plan can be reduced to the constant floor level shown in the proposed sections, without compromising the existing building structure.
The structural engineer must be required to provide supporting evidence that the levels of the existing foundations of each building are suitable deep enough to permit this scale of level reduction and that the integrity of the remaining mass stone walls would not be compromised, possibly leading to total or partial collapse?

- The existing south and west walls of the threshing building were built originally as retaining structures, but no investigation into the wall profile has been provided to support the application. If these walls are constructed in mass stone masonry set in thickening widths as the depth increases, how can this provide the proposed clear level space along the southern wall? Any ground excavation would expose the stonework to the external elements for the first time since the farm building was built and it is possible that this exposure to weathering could be detrimental to the wall's strength and stability.
  To comply with the requirements of the H12 Policy, the structural engineer must be required to provide supporting evidence that the existing external ground levels to the majority of the south side of Space 1 and the full length of the west side of Space 2 (as identified in the existing plan and proposed sections) can be reduced by up to 2.1m deep without compromising the integrity of the existing stone structure.

- The proposals indicate new retaining walls are to be constructed running closely parallel to the site ownership boundary markers to the south of the site. No cross-section details through these new retaining walls or how they are to be constructed have been provided with the application. It is difficult to understand how a thick retaining wall structure with a wide concrete footing can be constructed in such a narrow space without compromising the adjoining property's ownership boundary markers and the neighbouring property during the construction of these new retaining walls.
  To comply with the requirements of the H12 Policy, the structural engineer must comment on how this new retaining wall is to be constructed and what measures would be put in place to prevent subsidence or damage to the neighbouring land or property?
  From the provided building sections it is noted that the top of the proposed retaining walls terminate just above the higher ground level. The Scottish Building Standards will require a pedestrian protective barrier at 1200mm above the higher ground level to prevent anybody falling over the edge. What form and appearance will this safety barrier take?
  The proposals indicate another retaining wall structure to the west of the existing threshing building. Again, the removal of approx. 2.0m depth of ground will expose the back face of this retaining wall that has never been exposed to any weathering having been protected by the retained ground. To comply with the requirements of the H12 Policy, the structural engineer must be required to provide details of how this wall is to be constructed so close to the site boundary?
  There are several tall Cupressus trees in close proximity to this retaining wall and the area of reduced ground level. To comply with the requirements of the H12 Policy, a suitable qualified person must be required to provide details of how these retained trees are to be protected and that these trees can survive the removal of this large volume of ground.

- The proposals show that much of the retained stone buildings are to have a Corten steel finish. To comply with the requirements of the H12 Policy, the structural engineer must be required to provide information that remaining structures have the ability to accommodate the constant thermal movement that this type of steel covering will have and that the remaining walls will have enough structural integrity to support this type of roof finish?

2 … a schedule detailing the proposed phasing of the works.

The Design Statement submitted with the application by the agent states that …*'As the development of the site will be phased it is essential that any initial phase should provide self-contained accommodation for the applicants whilst they develop the remainder of the site. The initial self-contained accommodation (Annex) will also provide accommodation for guests and family in the* future'.

To comply with the requirements of the H12 Policy, the applicant must be required to provide a detailed phasing schedule of work. This detailed schedule must be provided to allow comment by the Local Authority.

3 Details of access arrangements, including provision of passing places and improvements to the standards of the access track or junction with the public road.

It is noted that the applicant has not provided any detailed Scheme of Improvement for the access track with their application, as required by the H12 Planning Policy. It is however noted that the Traffic Manager has reported back to the Planning Officer with a recommendation that any consent granted shall be subject to the conditions listed in their Memorandum. The Traffic Manager has stated that a Scheme of Improvements will require to be submitted for consideration and approved by the Council, prior to commencement of development.

Whilst this is helpful, Angus Council's H12 Policy states that full details of access arrangements, including provision of passing places and improvements to the standards of the access track or junction with the public road must be submitted **with** the application. This information would clearly be very important for the owner of the access track/adjacent land and all of the other residents with rights of access over the track and turning area to be able to consider and comment on any submitted details, as necessary.

From: [redacted]
To: [redacted]
Cc: [redacted]; PLANNING
Subject: Balgownie Farm Steading Planning Application No. 21/00081/FULL
Date: 23 June 2021 09:26:03

Dear James.
I note the submission of the Bird and Bat Mitigation Measures and a Breeding Bird Mitigation Plan.
The above reports specifically mention sparrows and swallows, but there is no reference to protected birds of conservation interest, Schedule 1 of Wildlife & Countryside Act 1981 (WCA) Annex 1 to Birds Directive species (e.g., Barn Owls).

I and many of the neighbours, have mentioned in our objections that they have seen and heard owls in the area around the steading.
I attach a photograph that was taken to the south of my garden at dusk just over a week ago which demonstrates that there is at least one owl hunting in the area. We have previously submitted photographs of regurgitated owl pellets found nearby which supports this fact.
The planning application form completed by the agent, crossed the box to claim that a Habitat Survey was included with the application. Clearly this information is still incomplete if a protected bird site study has not been carried out.

Regards,
Euan

Euan Grant
Director
For and on behalf of Gauldie Wright & Partners Architects Ltd.

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[redacted]

From: PLANNING
Subject: FW: Planning Application no. 21/00081

Sent: 07 July 2021 16:11
To: PLANNING <PLANNING@angus.gov.uk>

Hello James
I have asked on several occasions during the consultation period for the applicant to provide addition drawings that would illustrate the proposed development in a wider site context beyond the building's outer walls, and importantly demonstrate the relationship between the existing habitable room windows of Balgownie Farmhouse and any proposed habitable room and non-habitable room windows. The applicant's recent submittal showing the southern retaining wall treatment does not adequately address this issue. In the total absence of supporting information from the applicant, I have created a site layout drawing and cross section from the submitted drawings that shows the proposed kitchen window (Habitable Room) is at a distance of 6.4m from the existing habitable room window of our cottage and the larder window (Non-Habitable Room) is at a distance of 6.3m from an existing habitable room window of our cottage. The cross section also highlights the relationship between the proposed kitchen window, the projecting bay window located directly above it and the closeness of the proposed boundary retaining wall. The face of the proposed retaining wall is at a distance of approx. 1.9m away from the kitchen window opening. These distances are not compliant with Angus Council's Guidance which states that a Habitable Room Window to other Habitable Room Windows require to be at a distance of 12.0m and that Non-Habitable Room Windows to other Habitable Room Windows require to be at a distance of 10.0m. Furthermore, the proposed kitchen window (Habitable Room) requires to be at a distance of 10.0 from the blank retaining wall.

Please also note that during the consultation period for the previous planning application No. 07/00018/FUL, we objected to the windows on the south elevation, and this resulted in the removal of the overlooking windows. Please also note that in this development, the existing smaller windows, now being re-used at the dressing area and the master en-suite, were to be completely infilled.

For the above reasons, we consider that the application should be REFUSED.

Regards,
Euan

Euan Grant
Director
For and on behalf of Gauldie Wright & Partners Architects Ltd.

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From: Euan Grant
Sent: 20 July 2021 12:15
To: PLANNING
Cc: James Wright; Ed Taylor; Alan Hunter
Subject: Balgownie Steading Planning Application No 21-00081/FULL

Dear Mr Wright.

We wish to make comment of the recently uploaded Structural Feasibility letter from Christie Gillespie Consulting Engineers Ltd. The letter states that as part of the project it is necessary to lower the floor in one of the buildings. From the section drawing No. 811P-10, the existing ground/floor levels and proposed ground floor level at 68.972, have been highlighted.
I refer to the annotation of the building spaces as per the agent's drawing No. 811P2-03. It is apparent from the sections that all of the existing external walls to the tool shed, Space 1, Space 2, Space 3 and Space 5 are to have the internal and external levels lowered, which means that the proposed underpinning is required to the full extent of these existing external walls; equating to approximately 140.0metres in length. It is therefore highly questionable that the engineer states that the underpinning 'is of a scale that is feasible for the works'.
Conservation work to redundant steading buildings will inevitably require repairs and alterations to be made to the external masonry. However, underpinning cannot be described as a low impact activity, and raises a considerable risk from partial to catastrophic collapse and should be used only as a last resort, not as a starting point to enable a design to be forced upon a stone structured agricultural building.
The engineer's letter makes no comment on the fact that some of the proposed underpinning is to be carried out to existing retaining walls. There has been no supporting ground condition information presented with this application and no supporting photographs of or drawings through the existing footings below the various existing ground levels. There has been no site investigation of the lade pipe that used to provide water to the water wheel and how this might impact on the design, should it be even partially functioning.
The engineer's letter makes only passing comment on the boundary wall treatment (southern retaining walls) which is claimed to be necessary for the project. The letter mentions that this is necessary 'to enable protection of, and access to the building close to the boundary'. The corner of our property lies only 2.4 meters away from the boundary line where the applicant's mass concrete 2.0 meter deep retaining wall will be constructed. It is totally unacceptable that no consideration has been given to how our property and boundary markers will be protected and warranted against damage. This aspect must be fully answered now at the Planning stage and not left undetermined until a Building Warrant or Construction stage.

I would request that the above be taken into consideration in the assessment of the application.
Please upload this onto the Public Access portal as a Public Comment.
Thank you

Regards,
Euan

Euan Grant
Director
For and on behalf of Gauldie Wright & Partners Architects Ltd.

gauldie**wright**&partners
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From: Euan Grant
Sent: 20 July 2021 12:17
To: PLANNING
Cc: James Wright; Ed Taylor; Alan Hunter
Subject: Balgownie Steading Planning Application No 21-00081/FULL

Dear Mr Wright.

We wish to comment on the recently uploaded revised Site Plan drawing No. 811P2-11a, Amendment b).
The drawing shows a plan layout of an array of soak-away trenches to the north of the steading buildings. The notes on the drawing suggest that the foul outfall from proposed on-site treatment unit and the attenuation/collection trench at the entrance to the steading are to be taken to these soakaways, instead of being connected to the culvert that crosses the site. It is noted that there are no supporting cross sections showing the depth or construction information about these trenches and no design information to support the indicated soakaway widths or pitch, nor which trenches are for the foul effluent disposal and which are for the disposal of rainwater. It is noted that the paved courtyard no longer shows how or where this is drained to. There have been no supporting calculations of the surface water for the 1:30 year or 1:200 year rainfall event plus the 35% climate change allowance; as requested by the Roads Department, no effluent capacity calculation expected from the private treatment works, no percolation values from a porosity test, no existing ground water table information and no detail of where an overflow (if any) will be taken to. All of the above information was requested by Highways in their e-mail dated 14 June 2021.
It is further noted that the Roads Memorandum dated 5 March 2021, recommended condition ref. (iii) included the provision of surface water drainage to the upgraded road. The e-mail from Roads, dated 14 June 2021, states that the surface water run-off from higher ground and both of the access tracks to/from the development site, drains into the existing culvert that runs under the eastern part of the site. Despite the fact that the amended site plan drawing states that no new connections are to be made to the culvert, the requirement to present a condition report of the existing culvert and its capacity to take any additional surface water (or any overflows from the on-site soakaways) still needs to be submitted to Highways to allow them to make their final comment.

I would request that the above be taken into consideration in the assessment of the application.
Please upload this onto the Public Access portal as a Public Comment.
Thank you.

Regards,
Euan

Euan Grant
Director
For and on behalf of Gauldie Wright & Partners Architects Ltd.

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Chartered Architects · 2 Osborne Place · Magdalen Yard Road · Dundee · DD2 1BD

Comments for Planning Application 21/00081/FULL

Application Summary
Application Number: 21/00081/FULL
Address: Balgownie Farm Steading Eassie
Proposal: Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works
Case Officer: James Wright

Customer Details
Name: Mr Euan Grant
Address: 2 Osborne Place, Magdalen Yard Road, Dundee DD2 1BD

Comment Details
Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:I wish to comment on the applicant's submitted document entitled Applicant_Annotated_Drawing-3216682.

It should be pointed out to the applicant that they can only control or develop any building or boundary treatment within the area defined by the solid red line identifying land in their ownership. The 'missing' Leyandii hedge that has been overmarked on the plan and section drawing (prepared by me), does not lie within their curtilage and therefore they have no control over it. The applicant cannot base their development on our hedge being ever-present as it could be removed by us at any time, it might perish from having the roots damaged during excavation work to construct their retaining walls or from extreme cold weather. Without this hedge, the south facing windows would be seen, exactly as I have drawn.

Furthermore, the applicant should understand that they should be providing the Council with detailed, accurate plans, sections and 3D views that demonstrate that their proposals meet Angus Council's planning standards. It should not need a well-informed neighbour to provide drawings to confirm that their development does not comply with distances between windows of habitable room and that our private garden amenity space would also be overlooked, leading to a genuine loss of privacy.

On the 17th November 2022 and 18th November 2022, there was recorded rainfall of 42mm and 45mm in the area between Alyth and Kirriemuir. The local Ewnie Burn was in spate, and the drainage culvert and open field ditches local to the turning area were full and subsequently caused a significant amount of surface water to overtop and flood into the entrance to the proposed development and adjacent garden property. I recorded this flooding event on video, and I sent a copy to Angus Council Flooding Team at Angus House, Forfar. I have spoken with Andrew Brown, an engineer from the flood team, and he confirmed that he had seen the video and that flooding had indeed occurred.

The applicant had recently submitted a **Stage 1 Flood Risk Assessment** from Atholl Associates and a **Drainage Recommendation** from S.A. McGregor.

Stage 1 Flood Risk Assessment.

The Stage 1 FRA reports that there could be some overland flows as a result of flows in excess of the culvert capacity and the photograph no. 6 illustrates the indicative flow routes to lower ground. The report conclusion also states that the proposals will not cause any increase in flooding to third party property. I take issue with the above statements as the blue arrows overmarked onto the submitted contoured plan for the existing building clearly shows the anticipated flow (in blue arrows) crossing into the garden ground of No. 3 Balgownie Cottages. My septic tank (Registration Reference: CAR-R-1016568) is located to the south of a building noted as a timber woodshed, on the same plan. I am greatly concerned about the potential flood water route interfering with the safe operation of my foul treatment system.

Drainage Recommendation

S.A. McGregor has provided signed, certificated test data for infiltration testing and percolation testing for two trial pits which were carried out on 09.10.2021. The report states that the infiltration tests were carried out in accordance with BRE Digest 365 and that percolation tests were carried out in accordance with Section 3 of the Scottish Building Standards Technical Handbook and SEPA WAT-RM-04. The stated results have informed the calculations and dimensions of the proposed surface water soakaway and foul water soakaway as identified on their submitted plan. The test location plan (Fig 2). identifies the location of the two trial pits.

In the certified data for the percolation tests, the 'mean' percolation times are stated as 7455 seconds (2.0 hours) for FW1 A and 10125 seconds (2.8 hours) for FW1 B. The BRE Digest 365 (for Infiltration) requires the infiltration test to be carried out for a minimum of three times, so even assuming each test took the 'mean' time, the **TOTAL TIME** to carry out the three tests would be **6.0 hours** for FW1 A and **8.5 hours** for FW1 B.

I have in my possession date and time stamped photographs that shows the following:

1. S.A. McGregor's vehicle and a tracked mini excavator on site at 10.29am on the 9 October 2021.
2. The min-excavator heading back to the trailer vehicle at 11.11am on the 9 October 2021.
3. The infilled trial pit at 13.42pm on the 9 October 2021.

I also have a further photograph that confirms that only a single trial hole was dug, and the image clearly identifies that the trial hole is NOT in the location of either of the two trial pit locations marked in the report. See below.

The time stamped photographs indicate that the civil engineer and the mini excavator were only on the site for approx. 40 minutes. Even being generous and rounding the on-site time up to 60 minutes, it begs the question of how the tests could have been properly carried out to comply with the necessary standards, given that there is such a huge discrepancy in the times. 40/60 minutes clearly

isn’t sufficient to dig ‘two’ trial pits to the depths reported, carry out the infiltration and percolation tests three times, and then backfill the holes.

Given that the percolation and infiltration test results are being relied on to demonstrate to the Planning Department that the ground has the capacity to act as a soakaway for both the foul water and the surface water for the project, it would seem essential for the Council to seek clarification in this matter with the applicant/agent.

I have copied the above information to SEPA and to Angus Council Flood Section.

Euan Grant.

[redacted]

Planning Application No 21/00081

Public Comment from Mr Euan Grant & Mrs Beverly Grant

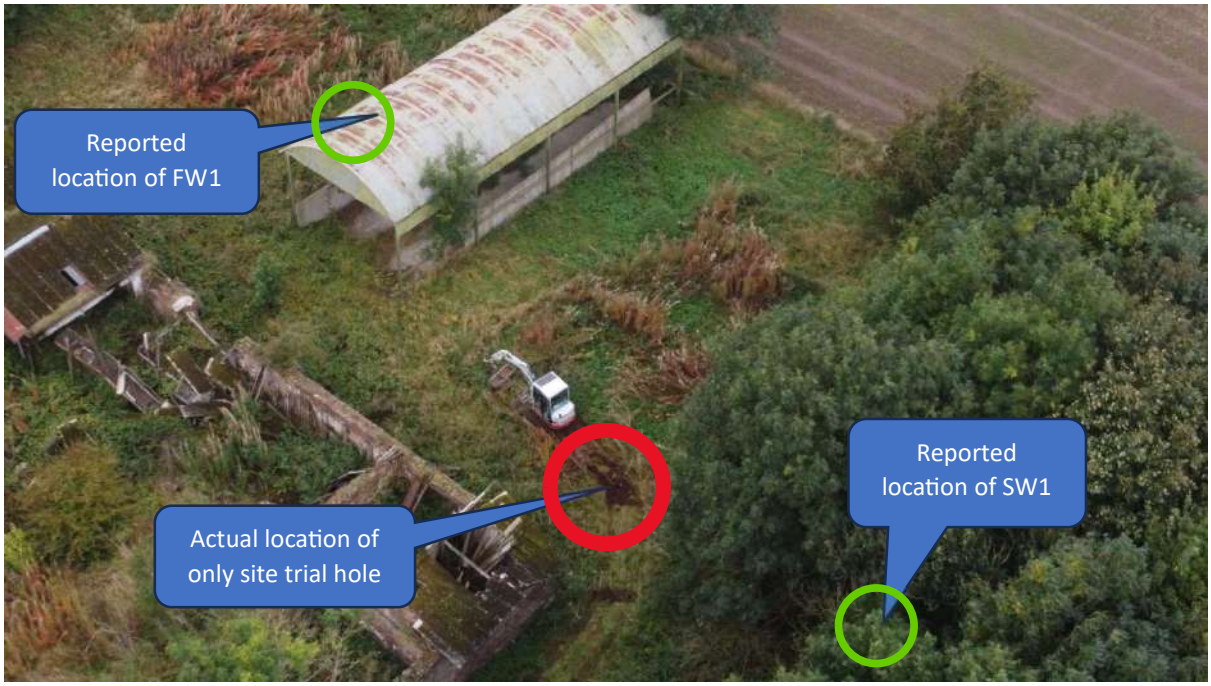
Further to my previous public comment uploaded onto the Council's website on the 17th July, I now submit the day and time stamped photographic evidence that shows that the site investigation carried out by S. A. McGregor on the 9th October 2021 lasted less than 60 minutes. As highlighted in my earlier submission and subsequently confirmed and supported in a separate report by Fairhurst Consulting Engineers, the infiltration and percolation testing to the required standards could not have been carried out in this time. Furthermore, the report states that two trial holes (FW1 & SW1) were dug on site, and this is also wrong. Clearly, the certified percolation and infiltration test results provided by the applicant's civil engineer have been fabricated and therefore cannot be being relied on to demonstrate to the Planning Department that the ground has the capacity to act as a soakaway for both the foul water and the surface water for the project.

We understand that the planning officer has requested comment from the agent/applicant on the above. Several weeks have passed since this was done, and we understand that the planning officer has received information via the agent stating that no further information is to be provided for this application.

S.A. McGregor's vehicle and a tracked mini excavator on site at 10.29am on Saturday, 9 October 2021.

The min-excavator heading back to the trailer vehicle at 11.11am on the 9 October 2021.

The infilled trial pit at 13.42pm on the 9 October 2021



Evidence that the location of trial holes FW1 and SW1 were not carried out as stated in S. A. McGregor's Fig 2. Test Location Plan.

It is noted in Angus Council's Flood Risk report, that the Flood Risk Assessment by Atholl Associates refers to Drawing No. 811P2-11B showing that the outfall from an access attenuation trench is to be taken to a site soak-a-way. Previous iteration of this drawing showed this attenuation trench discharging into the culvert. The Council's flood report notes that drawing no. 811P2-11C submitted in the Design Statement issue #2 June 2023 has removed the attenuation/collection trench beneath the drive and road paving. Now that there isn't a trench to collect and attenuate any floodwater and given the high volume of surface water know to flow overland during periods of heavy rain, the applicant must demonstrate how is this quantity of flood water to be contained or dealt with via SUDS to prevent damage to neighbouring property?

We trust that the Council will take all our considered and detailed objections into account and determine this application as a REFUSAL.

25 September 2023

Angus Council – Planning Department

Angus House

Orchardbank Business Park

Forfar

Angus

DD8 1AN

Date: 23rd March 2021

To Whom It May Concern

Ref: 21/00081/FULL | Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works at Balgownie Farm Steading, Eassie.

With reference to the above named planning application, we are writing to formally OBJECT to the application. The reasons for doing so are detailed below.

We reside at Hatton of Eassie Farm and own and farm the land that surrounds Balgownie Steading. The access track that the owners of Hatton of Eassie Lodge and four other cottages have the right of access over, is owned by us and is used primarily for agricultural purposes. We are concerned that the increased burden of almost doubling the volume of the current traffic movements and the additional heavy construction vehicles used during the construction of such a large property will be beyond the limit of the existing hardcored track. The applicant spoke with us some time ago and told us that the construction might take up to ten years to complete, and we are concerned about the damage and wear the track could sustain over this extensive period.

The track from the south of the site is not suitable for construction traffic as its junction to the busy Glamis to Balkeerie Road with its 60mph speed limit, is on the sharp bend with very limited sightlines. This rough track is very narrow with a deep ditch at the side and low trees nearby. Any upgrading of the main track to the west along with the creation of passing places must be completed to an approved highway standard before any work on the site commences, for the safety of all existing residents and farming activities. The upgraded road must be of sufficient width to accommodate modern farm machinery, which is wider than a single carriageway public road.

The size of the proposed development will undoubtedly bring more visitors, service, delivery and refuse vehicles into the area. Many drivers visiting the area do not drive slowly enough and do not always respect others' users of the track.

We frequently move livestock between fields using the track and for safety reasons require the gates to the cottages to be closed during this work.

We think that the applicant appears to be un-necessarily imposing the proposed building design onto the traditional architecture of an Angus agricultural building. e.g.

- All of the new roofs should be finished in slate.
- The new roofs should reflect the original steading form and roof pitches.
- The proposed use of Corten Steel for roof coverings is more appropriate to an urban industrial building, than rural Angus.

The electrical power supply to the existing cottages is generally underground and we would not want to see any new electrical supply cables being installed overhead as this could interfere with some of the agricultural equipment that is used on the farmland and the poles and associated cables are unsightly.

Surface water from the fields to the south of the Glamis to Balkeerie Road and from the road itself, along with the field drainage system from my land runs from the higher ground down to the turning area junction, where it enters a culvert. This culvert often struggles to cope with the current surface water volume and localised flooding at the turning area and at the discharge point in my field is a concern, as it looks like the proposed development intends to discharge both the effluent from the foul drainage system and the surface water run-off into this already overloaded culvert. This culvert discharges into an open ditch at the north edge of my field before it joins the main burn at Eassie. Pipework under the A94 struggles to take existing water at high flow rates.

We trust that the Council will take our objections into account and that the application should be REFUSED.

Yours faithfully,

Ewan & Gillian Fotheringham

Hatton of Eassie Farm

Eassie

DD8 1SF

Angus Council - Planning Department

Angus House

Orchardbank Buisiness Park

Forfar

ANGUS

DD8 1AN

Date: 31st July 2023

To Whom It May Concern

Ref: 21/00081/FULL Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works at Balgownie Farm Steading, Eassie

In addition to our previous letter of objection **dated 23 March 2021**, we wish to add further comments on the latest information and drawings that have been submitted by the applicant.

- **Access Track.**
  The proposals as drawn do not comply with the Highway's required improvements to provide a safe and suitable access & an adequate level of residential amenity by upgrading of the existing farm track to the specification given in Advice Note 17 'Miscellaneous Planning Policies'. No surface water drainage improvements are indicated, and only two passing places have been shown which leaves the section between the main public road and Hatton Lodge of some 200.0metres without a passing place. The patch and repair work suggested only to the bottom section of the track is totally unacceptable. Any vehicle delivering heavy weight construction materials will be 3-4 times the weight of any of my farm machinery and the existing hardcored track will deteriorate very quickly due to this increased loading. The section of the track between the main road and Hatton Lodge has been recently infilled with tar planings by the owner of Hatton Lodge. This overlay treatment can only be considered as a short-term improvement, and therefore the Advice Note 17 specification will require to be carried out over the whole length of the track, passing places and turning area.
  We are concerned that the improvements to the track will undoubtedly increase the speed of the traffic on it. The track is in constant use by horse riders, cyclists, dog walkers and other pedestrians and their safety is paramount. Some method of controlling the speed of all vehicles needs to be taking into consideration as part of the upgrading works.
  As the owner of the access track, I can confirm that no permissions for improvement have been sought by the applicant, and none has been granted.
- **Turning Area.**

No proposals have been submitted for this area between the access track and the development site. The whole of the turning space can be in constant use during my activities on the farm and it will not be acceptable to only have a narrow access strip leading to the development. Egress from Balgownie Farmhouse, and a right of servitude over the turning area for No. 3 Balgownie Cottage also needs to be addressed.

- **Surface Water Flooding.**
  The Flood Risk Assessment (Level 1) produced by Atholl Associates does not fully address the surface water issues that exist during heavy rainfall. The extensive flooding in the area that last occurred in November 2022 ran through the access route into the steading and flowed out through the treed area and continued through my field to the north of the site, causing considerable damage to my crop. It is therefore wrong for the report to say that there is no inherent risk to third party property.

- **Proposed Building.**
  We think that the proposed use of Corten Steel and Linear Timber roofing does not contribute to the rural character of the surrounding area and do not reflect or compliment the traditional properties in the area and would be more suited to a dockland or industrial development. The scale and massing of the development will adversely affect the residential amenity enjoyed by all of the surrounding properties and the design should have more architectural sympathy and respect for the adjacent neighbours. The new steading design would appear not to respect the privacy of its immediate neighbours and will cause serious overlooking problems.

We trust that the Council will take our considered objections into account and that the application should be REFUSED.

Yours faithfully,

Ewan and Gillian Fotheringham

Hatton of Eassie Farm

Eassie

DD8 1SF

Angus Council – Planning
Angus House
Orchardbank Business Park
Orchardbank
Forfar
Angus
DD8 1AN.

Date: 22nd March 2021

To Whom It May Concern:

Ref: 21/00081/FULL | Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works at Balgownie Farm Steading, Eassie.

With reference to the above-named planning application, we are writing to formally OBJECT. The reasons for doing so are detailed below.

We reside at The Hatton of Eassie Lodge, which is the 1st of 5 cottages located off the main public road and is accessed only by the farm track.
The access track is a coarse and uneven road which is in constant use for agricultural purposes-by the farmer of Hatton of Eassie farm and all the owners of the five cottages.

As previously noted, our cottage is the first property located directly off the farm track, meaning that all traffic passes very closely to the front of our property in order to reach the main road. Our cottage sits parallel to the track and our sitting room, kitchen and bedroom windows all face directly onto the track, so we are concerned that an increase in traffic will affect our privacy.
The proposed plans for the building of a 4/5 bedroom house with additional 3-bedroom "annex" raises concerns that the property will be used for more than residential purposes, e.g. possibly a holiday let, or long term residence for an extended family, thus creating a potential for a much greater volume of traffic passing by our cottage than being proposed in this planning application.
We would ask that the appropriate authority seek assurances from the applicant that such plans are not intended, as this would greatly disrupt the tranquillity and peace that living in a rural setting provides.

We are aware that in 2012 planning consent was granted for the conversion of the nearby Balgownie Mill to form a single house and workshop. The consent was conditional on upgrading the access track considerably and incorporating passing places along the route. We consider that the same requirement would be appropriate for this current application.

Given the volume of increased traffic, the current condition of the track, and the size of the proposed development we feel it would be necessary for the track to be upgraded *prior* to works commencing.

Should the track be upgraded to a standard that is deemed acceptable, we are then faced with further concerns surrounding the speed of the vehicles traveling up and down the track. In the past, we have experienced drivers speeding past our property causing small stones to be thrown up and which hit our windows-most of which face directly onto the farm track.
We would also like to see a speed restriction put into place to restrict the speed of all vehicles. The increase in traffic on the track also raises concerns for our personal and animal safety, as our driveway access and our perimeter wall lie directly along the edge of the farm track. At present, when exiting from our property onto the track, we have restricted visibility of traffic using the track and other track users would also have the same restrictions seeing our vehicles.

Lastly, we do not think that the proposed character, materials and scale of the proposed development are in-keeping with the Angus countryside and therefore does not comply with Council policy for development in the countryside.

Gavin McCombe & Helen Smith
Hatton of Eassie Lodge
DD8 1SF

Angus Council – Planning
Angus House
Orchardbank Business Park
Orchardbank
Forfar
Angus
DD8 1AN.

Date: 24th April 2021

To Whom It May Concern:

Ref: 21/00081/FULL | Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works at Balgownie Farm Steading, Eassie.

With reference to the above-named planning application, we are writing to formally OBJECT. The reasons for doing so are detailed below.

Our cottage is the first property located directly off the farm track, meaning that all traffic passes very closely to the front of our property in order to reach the main road. Our cottage sits parallel to the track and our sitting room, kitchen and bedroom windows all face directly onto the track, so we are concerned that an increase in traffic will affect our privacy.

We note that the artist's studio is for private use only, but we seek assurances from the Council that the annex part of the steading building will not be used for commercial purposes, as this would seriously increase the frequency and number of cars etc using the improved track. Our driveway access and perimeter wall lie directly along the edge of the farm track, because of this we also have concerns over the potential visiting vehicle drivers not adhering to any speed restrictions put in place. This would seriously affect the safety of pedestrian users of the track and may endanger the safety of our domestic pets. At present, when exiting from our property onto the track, we have restricted visibility of traffic using the track and other track users would also have the same restrictions seeing our vehicles.

We would ask that the appropriate authority seek assurances from the applicant that such plans are not intended, as this would also greatly disrupt the tranquillity and peace that living in a rural setting provides.

Lastly, we do not think that the proposed character, materials and scale of the proposed development are in-keeping with the Angus countryside and therefore does not comply with Council policy for development in the countryside.

Gavin McCombe & Helen Smith
Hatton of Eassie Lodge
DD8 1SF

Comments for Planning Application 21/00081/FULL

Application Summary

Application Number: 21/00081/FULL
Address: Balgownie Farm Steading Eassie
Proposal: Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works re application
Case Officer: James Wright

Customer Details

Name: Mr Sean Stone
Address: 1 Balgownie Cottage Eassie Forfar DD8 1SF

Comment Details

Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:We have a number of issues we would wish to raise objections upon:
The bat survey has missed the complexity of the roosts on site and significant elements of the population that are self evidently based there. We would suggest that a more comprehensive survey be carried out with the intent of establishing the full extent of the population and all species present.
I have seen a pair of barn owls exiting the ruin at dusk on numerous occasions and have every reason to assume that this resident pair roost here daily.
Substantial surface water drainage during the recent increasingly frequent heavy rainfall incidents pushes through the proposed parking and house entrance area of the plot. This area is frequently under several inches of fast flowing water. The covered drainage to the turning area cannot cope with the high volumes of water and field silt.
The access road traffic arrangements and limited surface improvements do not take account of a road surface that will require to endure the substantial increases in heavyweight traffic proposed during construction. Any short term upgrade will then require ongoing repairs that we are not prepared to finance to help subsidise the applicant's proposals. A longer term solution is required.
Further, the proposed access routes are all in daily use by active individuals, with numerous runners, walkers, dogs and cyclists using this route to access the nearby path network. Their safety needs to be maintained at all times.
We are concerned that such a substantial dwelling, with so many bathrooms & WCs will place a demand on the domestic water supply that will reduce our already modest water pressure. The scale of this property development also seems out of keeping with the proposed use, location and environs. The number of and range of facilities suggests a property intended for a large population, placing higher demands on resources, including the aforementioned water supply.

Comments for Planning Application 21/00081/FULL

Application Summary

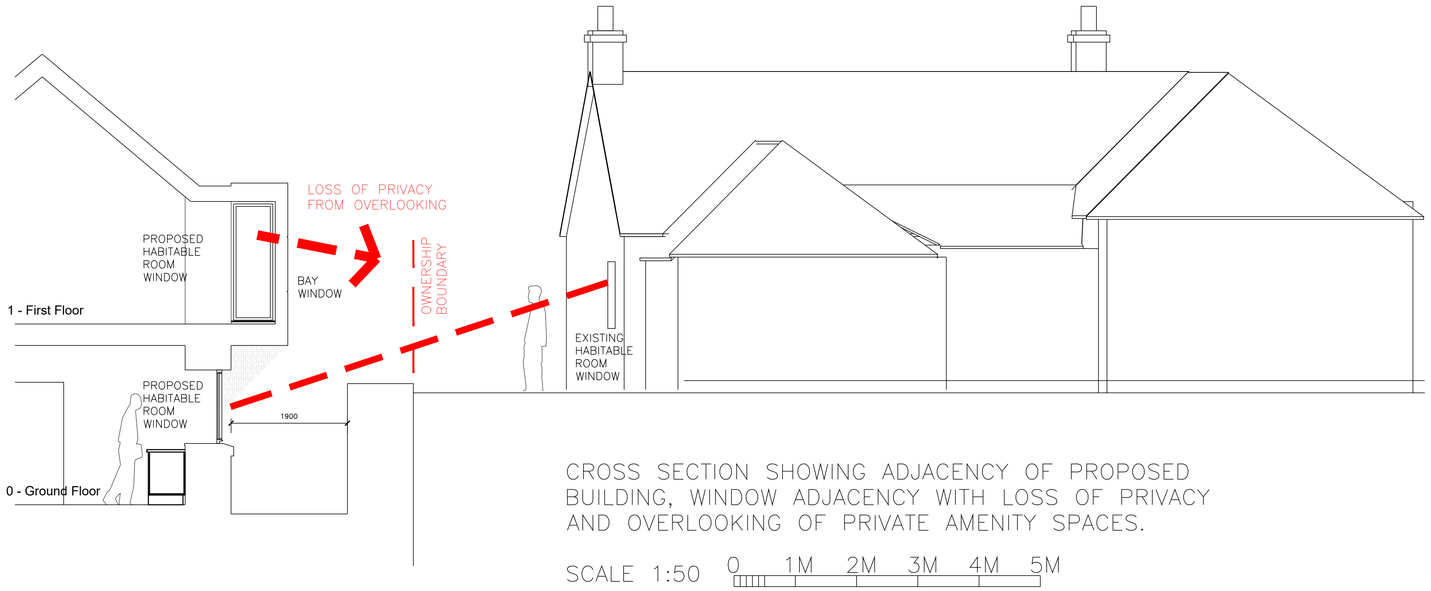
Application Number: 21/00081/FULL
Address: Balgownie Farm Steading Eassie
Proposal: Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works re application
Case Officer: James Wright

Customer Details

Name: Mr Sean Stone
Address: 1 Balgownie Farm Eassie Forfar DD8 1SF

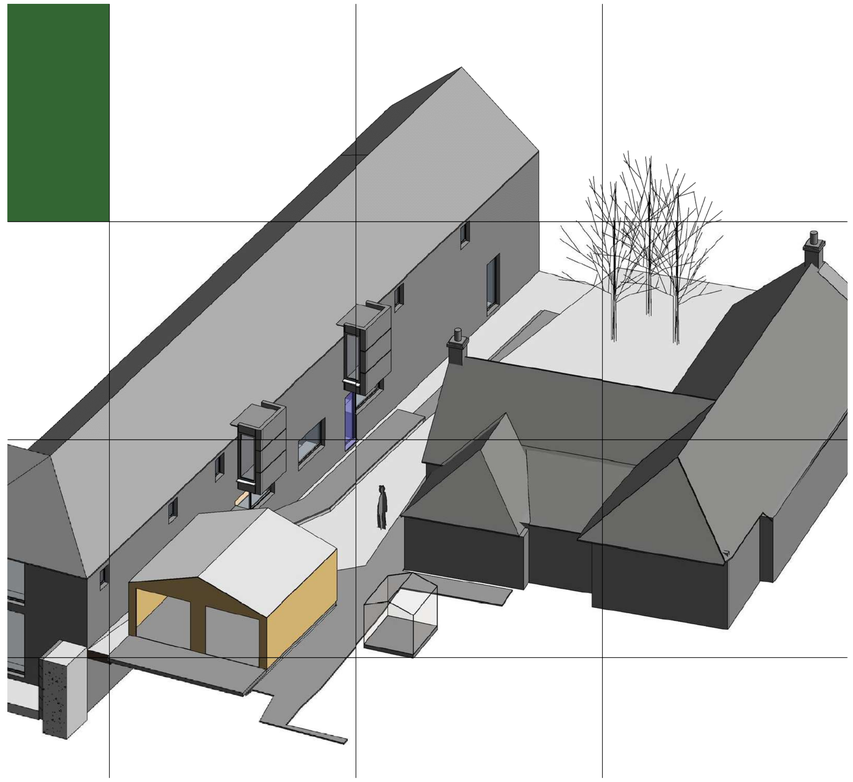
Comment Details

Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:The flooding risk has not been addressed by the latest report lodged May '21; this has taken at face value the SEPA guess of 0.5% risk of general surface water flooding and has not considered the absolute reality of local experience, which is that the site floods on every significant weather event, currently around twice per annum.
I do not see how the concerns over wildlife, particularly bats and owls in residence can be similarly dismissed. There are populations of both resident and the impact of development needs fully mitigated or avoided entirely.
There is no clear assurance in place with regard to the access road, which is a vital route to the residents and continues to incur all of the concerns previously highlighted and again, not yet satisfactorily addressed. I ask that the applicants be required to provide a suitable and binding long term solution to the access road that does not create the unacceptable threat of future costs for the existing residents. Any such must be in place before construction begins and damage then rectified throughout and on completion of the development.
Again, I would draw the Council's attention to the scale of the project and the previously highlighted concerns over the potential for this to be used as a commercial property, a function that the projected build clearly lends itself to. Any tourist business run from this site will have a significant impact on all of the existing residents nearby and binding assurances should be sought over the proposed use of the site.
I would also object to the unsympathetic choice of exposed steel in what will be the most visible parts of the structure, a material with no sympathy towards the site.
Finally, the lack of an engineers report on the viability of the south wall, its lack of any proper foundations and the way that any underpinning or shoring work will clearly impact the neighbours property, all highlights an apparent disregard for the safety, tenure and amenity of those neighbours

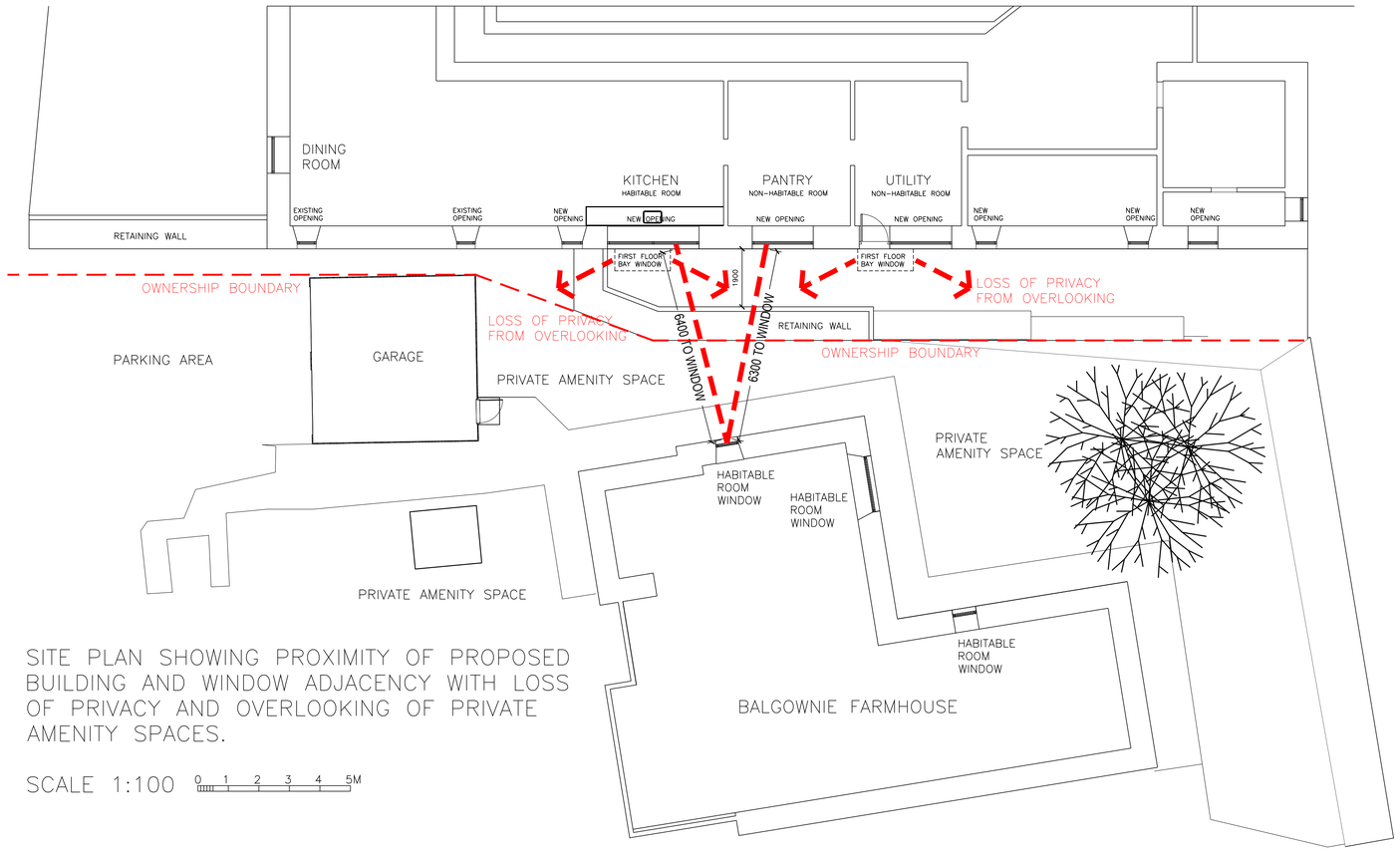


CROSS SECTION SHOWING ADJACENCY OF PROPOSED BUILDING, WINDOW ADJACENCY WITH LOSS OF PRIVACY AND OVERLOOKING OF PRIVATE AMENITY SPACES.

SCALE 1:50 0 1M 2M 3M 4M 5M



3D VIEW OF OVERLOOKING WINDOWS



SITE PLAN SHOWING PROXIMITY OF PROPOSED BUILDING AND WINDOW ADJACENCY WITH LOSS OF PRIVACY AND OVERLOOKING OF PRIVATE AMENITY SPACES.

SCALE 1:100 0 1 2 3 4 5M

PLANNING APPLICATION NO. 21-00081

SITE PLAN ILLUSTRATING ADJACENCY OF THE PROPOSED WINDOWS TO EXISTING NEIGHBOURING APARTMENT WINDOWS. CROSS SECTION ILLUSTRATING DISTANCES TO NEIGHBOURING APARTMENT WINDOWS, OVERLOOKING AND LOSS OF PRIVACY OF EXISTING AMENITY SPACES.

DATE 07.07.2021
SCALE CORRECT AT A1

Mr Euan Grant

Balgownie Steading

Response to Planning Application 21/00081/FULL

August 2023

FAIRHURST

FAIRHURST

CONTROL SHEET

CLIENT:	**Mr Euan Grant**
PROJECT TITLE:	**Balgownie Steading**
REPORT TITLE:	**Response to Planning Application 21/00081/FULL**
PROJECT REFERENCE:	**48769**
DOCUMENT NUMBER:	**48769-DOC-01**

Original Issue	Issue 1	Name	Signature	Date
	Prepared by	G L Bruce	[redacted]	August 2023
	Checked by	G Park	[redacted]	August 2023
	Approved by	M Wills	[redacted]	August 2023

Update Record	Issue	Date	Status	Description	Signature	
	2				Prepared By	
					Checked	
					Approved	
	3				Prepared By	
					Checked	
					Approved	
	4				Prepared By	
					Checked	
					Approved	

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FAIRHURST

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1.0 Introduction

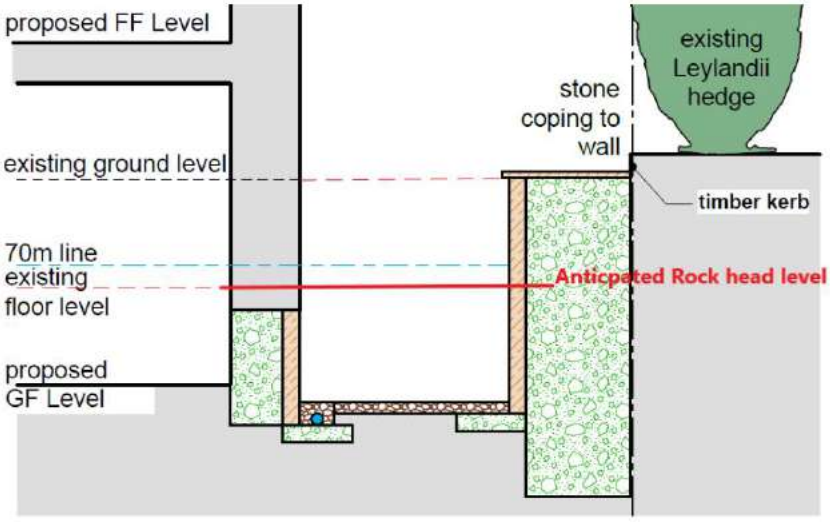
Fairhurst has prepared the following review of the publicly available information under the Planning Application reference 21/00081/FULL. This review has been requested by Mr. Euan Grant residing at Balgownie Farm House, Eassie, Angus.

2.0 Proposed Retaining Walls along the Southern Boundary

With reference to drawing number 811P2-11c, PROPOSED SITE AND LANDSCAPING PLAN, along with drawing number 811P2-14, BOUNDARY TREATMENT AND SECTIONS AT SOUTH ELEVATION, a new retaining wall is proposed along the southern boundary of the adjoining property in ownership of Mr. Grant.

An initial review has been undertaken by Fairhurst of these proposals with the following points of concern raised, which require further clarification by the applicant:

- There is no record of a ground investigation along the length of the proposed retaining wall. Investigations should be sufficiently detailed and be undertaken to the depth of the proposed foundations in order to prove the sufficiency and viability of the outline Method of Works which would appear to be predicated on the assumption of readily excavatable soils which are self-supporting to an angle of some 90 degrees (ie vertical face). The ground investigation is required to assess the entire viability of the applicant's proposal both internal and external to the existing steading. This investigation would be require to prove rock head profile, which is anticipated to be circa 1.5m above proposed FFL in one corner (reference Section 3 of Drawing 811P2-14) and screen shot below and monitor groundwater level which is likely to be coexistent with rockhead based on the location of the former water wheel and well. If ground water is at rockhead, the building will require to be extensively tanked.



Section 3

The required excavation into rock would require significant amount of breaking out which would likely negatively impact on Mr. Grant's land.

- Any temporary works, or safe construction zone for the proposed retaining wall have not been indicated, and may impact on Mr. Grant's land, and in particular the mature Leylandii Hedge planted along the existing boundary. The root zone of a tree is 12

times the diameter of the tree trunk at a height of 1.5m. Based on the drawings and details provided it is anticipated that the retaining wall will impact the root zone of the trees within Mr. Grant's ownership.

- We conclude that the structural stability of the existing ground within Mr. Grant's ownership has not been considered and that substantial ground movement could occur. This could lead to significant structural damage to any buildings within the zone of influence of any notional 'slip circle' failure and/or longer term settlement.

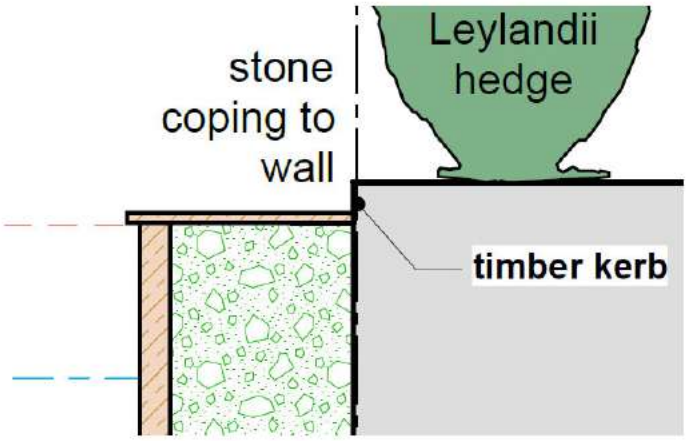
- No back of wall drainage has been indicated, which could lead to future problems within Mr. Grant's boundary. The provision of a pressure relief behind-wall drainage system is recommended when the proposed retaining wall is not porous and fails to provide for weep holes or the like.

- We surmise that the retaining wall termination height, stem width and base size would appear to be incongruous and not proportioned with any engineering input to the proposals. The proportions would appear to have been selected to 'fit the available space' rather than been subjected to appropriate scheme design.

- Due to the potential for unfettered access to the wide cope from adjoining land and from within the Applicant's land, we suggest there would be a requirement for an effective guardrail?

- The long-term stability of the existing timber garage within Mr. Grant's boundary may be structurally compromised if suitable slope retention temporary works are not implemented. No details have been provided in this regard. Such details are a material consideration in assessing the viability of the proposed scheme. (Refer to 'Realistic Section 3' later).

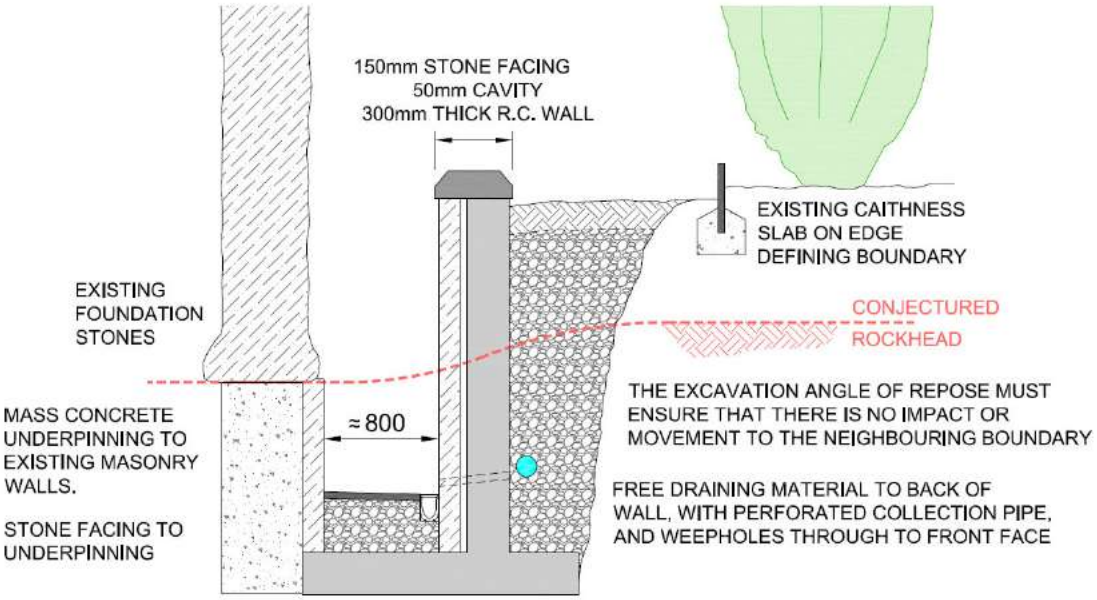
- Drawing 811P2-14 would appear to indicate that the top of the retaining wall is at or below ground level. The top of the cope should be above existing ground level so the water can shed off the cope and away from the wall. The current indicative proposal does not conform to best practice.



- Drawing 811P2-14 would appear to indicate a section of timber kerb on top of the coping stones. We assume this detail is to provide some further retention of Mr. Grant's boundary land. Further details in this regard are required including the design life of the wooden structure. However, we understand the boundary is currently marked with Caithness 'slab on edge', not timber edging. The applicant's proposals therefore fall short of matching like for like as existing. An offset will be required from this boundary delineation in order to avoid undermining its current construction. (Refer to 'Realistic Section 3' below).

- Lowering existing ground levels by circa 1.9 metres and constructing the retaining wall could have a detrimental impact on the foul drainage associated with Mr. Grant's property. The existing fireclay pipework cover level is already at a minimum.

- A full discussion with adjoining land owner is required to fully ascertain the impact upon utilities, structures and garden amenity is clearly necessary in order to safely accommodate the proposed extensive ground remodelling works.



DETAILED GROUND INVESTIGATION IS REQUIRED IN ORDER
TO CONFIRM DEPTH TO SUITABLE BEARING STRATA

REALISTIC SECTION 3

3.0 Surface Water and Foul Soakaway System

The following text has been provided to Fairhurst by Mr. Grant. This text has been taken from Mr. Grant's e-mail to Angus Council dated 30 June 2023:

"I write regarding the recently uploaded Ground Assessment Report and Drainage Recommendations by S. A McGregor.
This company has provided signed, certificated test data for infiltration for two trial pits FW1 and SW1 which were carried out on 09.10.2021. The report states that the tests were carried out in accordance with BRE Digest 365 and that the results have informed the calculations and dimensions of the proposed surface water soakaway as identified on the submitted plan. The test location plan (Fig 2). identifies the location of the two trial pits.
In the certified data for the trial pits, the 'mean' percolation times are stated as 7455 seconds (2.0 hours) for FW1A and 10125 seconds (2.8 hours) for FW1B. The BRE Digest 365 requires the infiltration test to be carried out for a minimum of three times, so even assuming each test took the 'mean' time, the ***TOTAL TIME*** *to carry out the three tests would be* ***6.0 hours*** *for FW1A and* ***8.5 hours*** *for FW1B.*
I have in my possession date and time stamped photographs that shows the following:

1. *S.A. McGregor's vehicle and a tracked mini excavator on site at 10.29am on the 9 October 2021.*
2. *The min-excavator heading back to the trailer vehicle at 11.11am on the 9 October 2021.*
3. *The infilled trial pit at 13.42pm on the 9 October 2021.*

N.B. It is worth noting that there was only evidence of a single trial hole having been dug, and it is NOT in the location of either of the two trial pit locations marked in the report.
The time stamped photographs indicate that the civil engineer and the mini excavator were only on the site for approx. 40 minutes. Even being generous and rounding the on-site time up to 60 minutes, it begs the question of how the percolation tests could have been properly carried out to comply with BRE Digest 365, given that there is such a huge discrepancy in the times? 40/60 minutes clearly isn't sufficient to dig 'two' trial pits to the depths reported, carry out the percolation test three times, and then backfill the holes.
Given that the percolation test results are being relied on to demonstrate to the Planning Department that the ground has the capacity to act as a soakaway for both the foul water and the surface water for the project, it would seem justifiable for the Council to seek clarification in this matter with the applicant/agent."

Upon further review of the publicly available information on the planning portal, Fairhurst are in full support of the statements made by Mr. Grant and the concerns expressed therein.

In addition to the above concerns, the full factual report does not provide the factual data regarding the levels recorded nor any photographs of the test pits and tests actually being undertaken.

Based on the trial pit logs provided by S.A. McGregor, the strata in which the infiltration tests were undertaken is 'completely weathered SANDSTONE'. If rockhead was proven to be at, or close to, the base of the trial pit, then it is not good practice to discharge surface water into rockhead. This explained by the fact that rockhead and groundwater levels are often coincidental and published guidance identifies that the base of the proposed infiltration system is at least 1.0m above groundwater level.

Based on the size of the soakaway pit (0.5m x 1.2m) and depth of test zone (0.5m to 1.5m) undertaken by S.A. McGregor and the infiltration rate recorded a single test would have taken 37,381 seconds to complete which equates to 624 minutes: approximately some **10 hours.** To undertake the 3 No. tests required by BRE 365 (industry normal guidance), the test time should have been over **30 hours**.

Each infiltration test would have required 0.5m x1.2m x1.0m of water = 600 litres. The 3 No. infiltration tests and percolation tests would have required over 1800 litres. There would be appear to be no record of this volume of water being brought onto site. We would also point out that, had a single standpipe tap been available, it would not provide sufficient volume of water at the speed required, to complete the tests. We therefore question sufficient water was obtained to carry out the reported testing.

Based on the above available information, we conclude that the soakaways and percolation tests were not undertaken as reported by S.A. McGregor or as required by BRE365.

With regard to the proposals for an attenuation/collection trench below the driveway, the drawings available would appear to suggest this will have an outfall to the "Site Soakaway". There are no details of the trench, and no indication on the drawings which are available as to how the connection between each device will be made. Furthermore, the level of any outfall pipe from the collection trench may not be compatible with what we understand to be a relatively shallow "Site Soakaway". The attenuation/collection trench is also located directly below the overland flood route, and as such will tend to draw overland flood waters into the trench, which may in turn inundate the "Site Soakaway". Has this been considered in the detailed design? Formation porosity has also not been investigated at the location of the proposed trench below the driveway.

In addition to the foregoing, we would query whether SEPA have been consulted regarding these proposals, and if so, what their comments were?

4.0 Flood Risk Assessment

We note that the flood risk assessment (FRA) identified that remedial measures to the existing ditch and culvert are required. We assume the Authority will Condition this requirement thus ensuring that such upgrading is completed to their satisfaction prior to the development proceeding?

The surface water runoff from higher ground and both of the access tracks to/from the development site should be modelled including a 1 in 200 year return period + 35% climate change allowance, in order to determine that the existing culvert has capacity for the existing storm water flows from the higher ground etc. **and any additional flows from the proposed development.**

With reference to the report by Atholl Associates, a figure was included which identifies the existing overland flood route for surface water. The existing Septic Tank, which is associated with our client's property, is located within the overland flood area. The report suggests that the existing septic tank and associated pipework to neighboring property be protected during works and retained. However, we would suggest that the septic tank and access to the septic tank is protected against flooding, and works to achieve this should be considered further.

5.0 Highways

It would appear incumbent upon the applicant to consider upgrading the entire length of access track from its junction with 'C' class road at Hatton of Eassie up to the subject site based upon likely increased traffic flows and previous Angus Council Roads Department guidance, or technically justify that the current access track will remain in an acceptably safe and robust condition irrespective of the potential increase in traffic. With the increased vehicular traffic, which is likely to be attributable to the eight-bedroom property and subsequent occupancy, and the fact that the impact on the existing private access road is likely to be detrimental, we assume the Authority will Condition a degree of upgrading in the interests of public safety and road users. Angus Council Roads Department should be consulted as per their guidance memo dated 5 h March 2021 and Advice Note 17.

Furthermore, the ownership and legal obligations for the existing access track should be clearly established. The current number of properties (understood to be some five in number) and associated cars/vehicles using the access route should be clearly presented along with the number of additional vehicles associated with the proposed development. Indeed, we suggest that the "Red Line" planning boundary for this Application should be extended to the full length of the access track and immediate turning area in order to encompass the full extent of works associated with the development.

With the highly likely increase in vehicular traffic, consideration should be given to improvements to the access road and the introduction of an appropriate number of 'passing places'. These should be inter-visible to each other and of sufficient size and integrity as to form part of the permanent access roadway.

6.0 Water Supply

With reference to the Record Plans available from Scottish Water, the diameter of the existing water main supplying the current properties around Balgownie is a 2 inch Asbestos Cement pipe laid in 1950 (50mm diameter Asbestos Cement Main).

Given the total number of bed spaces and associated bathrooms that are proposed in this house, water demand could be significant and definitely warrants assessment at this juncture. 10 WC's, 7 showers, 14 wash basins and 3 sinks are recorded within the current proposals. Further water loading in terms of dishwasher, washing machine and WC in 'timber shed office' are likely to be included whilst not precisely identified at this stage.

Local residents cite anecdotal evidence that water pressure, at present, is variable and of borderline acceptability. Further additional loading could only serve to worsen these deficiencies. Interestingly, the applicant does not appear to be proposing any harvesting of rainwater or recycling and reusing water on site which remain aspirations for such domestic applications in accordance with RIBA 2030 Climate Challenge.

The applicant should provide confirmation that the proposed redevelopment of the steading ruin to for an eight-bedroom property, will not adversely affect the flow and pressure of the existing water main serving the neighbouring properties. We note that water demand is such a large property as that proposed is likely to be greater than the 'average' domestic dwelling.

7.0 Electrical Supply

We have not found any information regarding the existing electrical supply surrounding the proposed development, nor the impact, which the eight-bedroom house may have on the existing supply to neighboring properties. The applicant should provide confirmation and evidence that a suitable assessment has been undertaken on the existing available electrical capacity to meet the upgraded demands. We suggest that it might be possible that a 3-phase supply would be required for a property of this scale. This prospect should be investigated at this juncture and should include assessing alternative sustainable means of supplementing the grid supply, etc.

8.0 Contaminated Land

Due to the age of the buildings and the presence of an above ground fuel tank, we consider the following reporting would be required as a minimum to satisfy potential concerns with the proposed scale of development:-

- Phase 1- Geo-environmental and Geotechnical Desk Study Report
- Phase 2 – Intrusive Ground Investigation and Ground Investigation Report (GIR)

Due to the presence of a fuel tank and asbestos cement sheeting; potential storage of other chemicals & hydrocarbons and presence of made ground, we would expect that any ground investigation should incorporate ground gas and VOC vapour monitoring in accordance with CIRIA C665 and BS 8576:2013.

The proposed development would be classified as a '*Residential with Gardens*' end-use. CIRIA Guide C665 identifies as classification as being a ***'High Sensitivity Development'***. The site is considered to represent a *'Very Low Ground Gas Generation Potential'*. However, in accordance with CIRIA C665 the following recommendation is given:-

- 6 No. gas monitoring visits over a 3 month monitoring period.

If contamination were to be identified as a result of such investigations, then we would recommend the following additional reporting be requested:-

- Phase 3 – Remediation Statement

Along with a subsequent.

- Phase 4 – Verification Report

9.0 Conclusion

It would appear that a number of key features pertinent to this Planning Application require careful consideration prior to considering the Application further and, whilst some matters should be dealt with as 'Conditions' within any conditional Approval, a number of others are material to the eventual successful creation of the development and should be addressed by the Applicant now. By addressing such matters in a timely manner the viability of the overall Application can then be considered in a holistic manner to give the necessary certainty of outcome to satisfy all interested parties.

At present some fundamental engineering compliance aspects of redevelopment remain to be considered.

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Comments for Planning Application 21/00081/FULL

Application Summary
Application Number: 21/00081/FULL
Address: Balgownie Farm Steading Eassie
Proposal: Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works
Case Officer: James Wright

Customer Details
Name: Gavin McCombe & Helen Smith
Address: Hatton of Eassie Lodge Eassie by Glamis Forfar

Comment Details
Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:Angus Council - Planning
Angus House
Orchardbank Business Park
Orchardbank
Forfar
Angus
DD8 1AN.

Date: 15th July 2023

To Whom It May Concern:

Ref: 21/00081/FULL | Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works at Balgownie Farm Steading, Eassie.

With reference to the above-named planning application, we are writing to formally OBJECT. The reasons for doing so are detailed below.

We reside at The Hatton of Eassie Lodge, which is the 1st of 5 cottages located off the main public road and is accessed only by the farm track.
The access track is a coarse and uneven road which is in constant use for agricultural purposes- by the farmer of Hatton of Eassie farm and all the owners of the five cottages.

As previously noted, our cottage is the first property located directly off the farm track, meaning that all traffic passes very closely to the front of our property in order to reach the main road. Our cottage sits parallel to the track and our sitting room, kitchen and bedroom windows all face directly onto the track, so we are concerned that an increase in traffic will affect our privacy.
The proposed plans for the building of a 4/5 bedroom house with additional 3-bedroom "annex" raises concerns that the property will be used for more than residential purposes, e.g. possibly a holiday let, or long term residence for an extended family, thus creating a potential for a much greater volume of traffic passing by our cottage than being proposed in this planning application. We would ask that the appropriate authority seek assurances from the applicant that such plans are not intended, as this would greatly disrupt the tranquillity and peace that living in a rural setting provides.

We are aware that in 2012 planning consent was granted for the conversion of the nearby Balgownie Mill to form a single house and workshop. The consent was conditional on upgrading the access track considerably and incorporating passing places along the route. The Roads Memorandum stated that passing places would be required at a minimum interval of 150m, however only two passing places have been shown on the Site Location plan. As the distance between our cottage and the start of the track is greater than 150m, this would indicate that there should be one further passing place included.
The improvement to the track surface should extend the full length of the access track and include the whole of the turning area. What is being proposed does not comply with the required specification from Angus Council Roads. There is also no surface water drainage shown.
As a result, we feel the proposed road upgrade is not acceptable, and is not in accordance with the improvements required by Angus Council Road Department.

Given the volume of increased traffic, the current condition of the track, and the size of the proposed development we feel it would be necessary for the track to be upgraded prior to works commencing.

Should the track be upgraded to a standard that is deemed acceptable, we are then faced with further concerns surrounding the speed of the vehicles traveling up and down the track. In the past, we have experienced drivers speeding past our property causing small stones to be thrown up and which hit our windows-most of which face directly onto the farm track.
We would like to see a speed restriction put into place to restrict the speed of all vehicles. The increase in traffic on the track also raises concerns for our personal and animal safety, as our driveway access and our perimeter wall lie directly along the edge of the farm track. At present, when exiting from our property onto the track, we have restricted visibility of traffic using the track and other track users would also have the same restrictions seeing our vehicles.

Lastly, we do not think that the proposed character, materials and scale of the proposed development are in-keeping with the Angus countryside and therefore does not comply with

Council policy for development in the countryside.

Gavin McCombe & Helen Smith
Hatton of Eassie Lodge
DD8 1SF

Atholl Associates

Algo Business Centre
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Perth
PH2 0NJ

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e: brian@athollassociates.co.uk
w: www.athollassociates.co.uk

Our Ref BC216a

22 June 2023

Mirna Melki
(email only)

Dear Mirna,

PROPOSED HOUSE AT BALGOWNIE STEADING, EASSIE, ANGUS: STAGE 1 FLOOD RISK ASSESSMENT

I refer to our recent correspondence regarding potential flood risk for the above proposed development. It is my understanding that a planning application to Angus Council has been refused on the basis of potential flood risk, and that an FRA report is therefore required. As discussed, my initial thoughts on this were that a Stage 1 FRA report may be sufficient, and hence I visited the site on that basis.

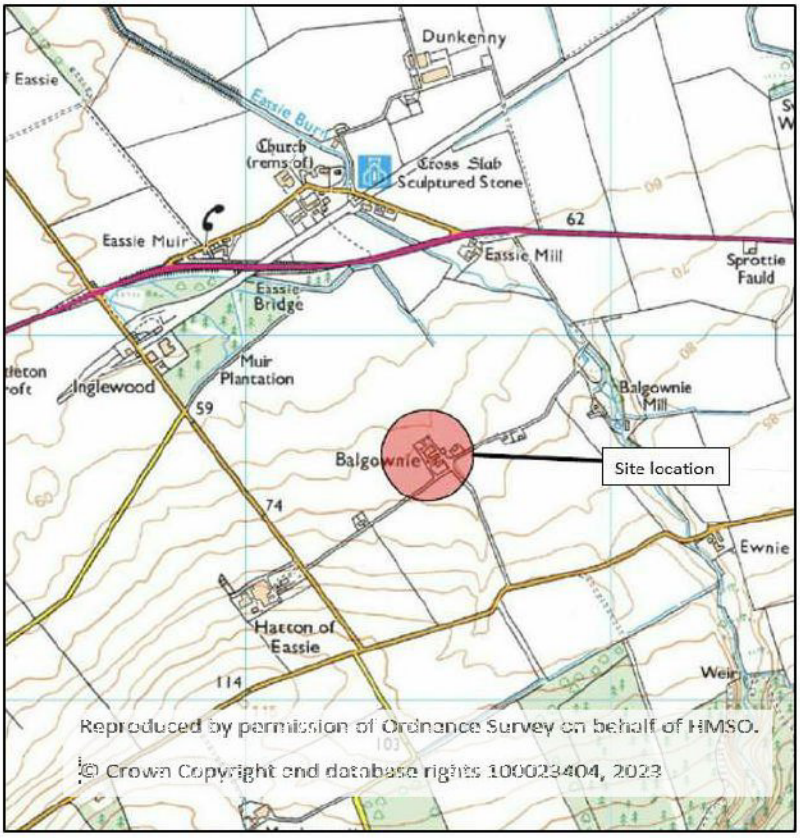

Figure 1 - Location Plan

Proposed development

It is proposed to retain much of the existing building range of the steadings, to rebuild as appropriate, and to convert the buildings into a house. An excerpt from the architect's layout drainage is shown overleaf (see Figure 2) and shows the key elements of the design.

Key features of the proposed redeveloped site from the point of view of flood risk considerations are:

- The proposed use is a more vulnerable use that the existing/previous site
- Based on current guidelines, the development should not occupy existing floodplain or reduce potential flood storage by landraising
- There should be no increase in risk to third-party property
- There should be a minimum freeboard of at least 600mm from the anticipated flood level (1 in 200 year flood plus an allowance for climate change)
- There should be no increase in flood flows associated with drainage of the complete development
- Emergency access and egress should be possible at all times during a flood event

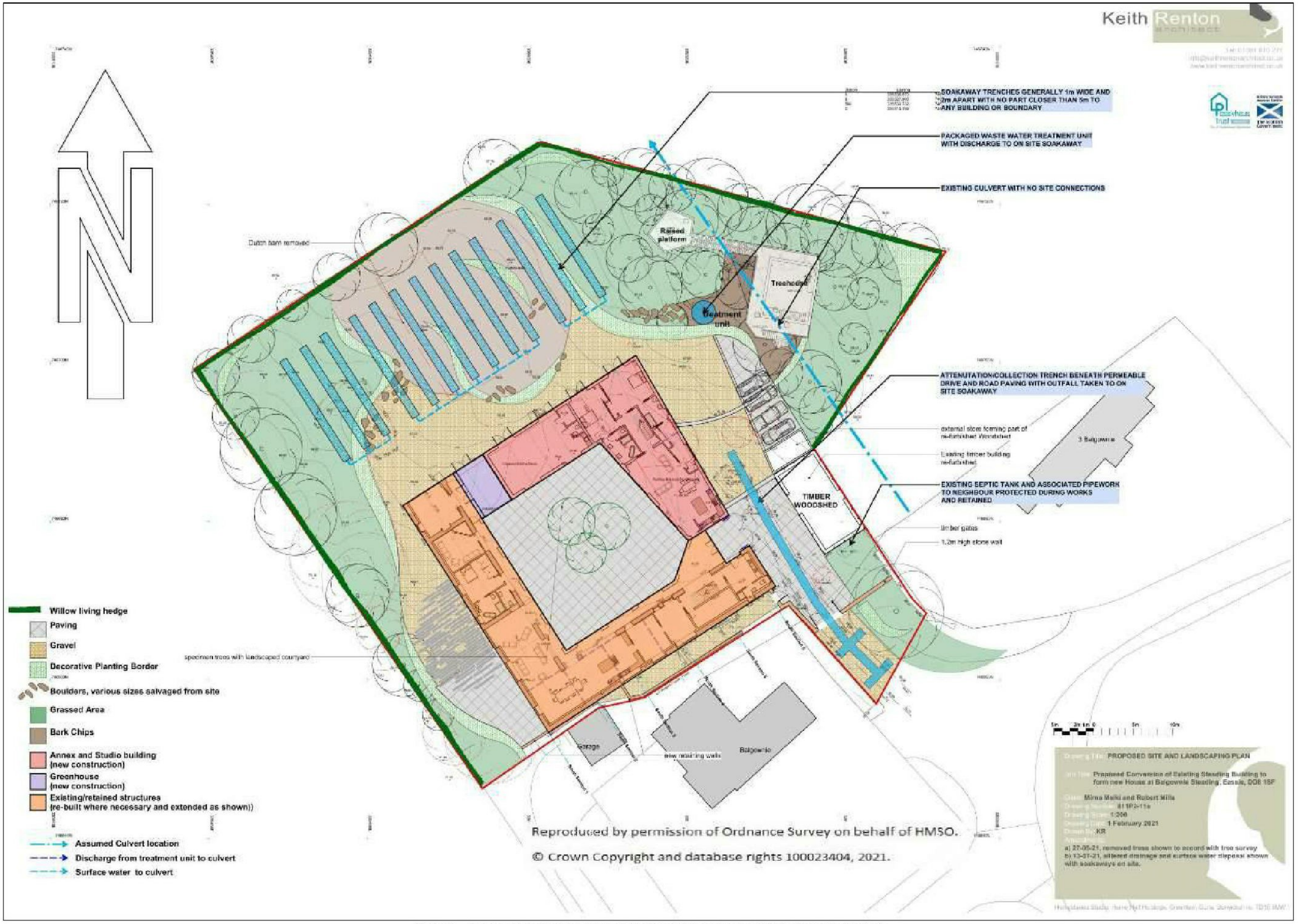

Figure 2 - Proposed layout of redeveloped site (excerpt from drawing 811P2-11a, copy attached)

Site Walkover/Site Description

I visited the site on 14th June 2023. The weather at the time was dry and bright, and there had been an extensive period of relatively dry weather, meaning that flow in the watercourse was very low. I was able to make observations of the general layout and topography of the site and surroundings, of the upstream watercourse (a small overgrown ditch) and of the culvert under the upstream field access. Also, a short distance downstream of the field access culvert, the upstream inlet to a culvert under the access track between the subject site and the neighbouring house to the east.

I also noted the relative location and height of the existing ruined buildings which will form the basis of the proposed house relative to the potential overland flow route in the event of the flow in the upstream watercourse exceeding the capacity of the system of culverts.

The site is located in a rural area surrounded by farmland. Prevailing slopes are from southeast to northwest approximately. The ruined steading buildings are part of a cluster of buildings which include an existing house to the south, another house to the east, and a further house a short distance to the east along the farm track which runs past the southern end to the steadings complex and its immediate neighbouring properties. The steadings are accessed via an access track which passes the southern end of the site, off which there is an access track (or access drive as it would be referred to for the finished house) running north to the subject property.

It was clear, from observation, that there was a possibility of a culvert blockage occurring (there are no grilles on intakes of either culvert inlet), and a collapse internally cannot be ruled out either. In addition there is anecdotal evidence of previous incidences of overland flow/flooding in the vicinity. For all of these reasons it is important to consider what will happen in such circumstances.

It was clear from inspection that the area at the junction of the tracks from east, west and south along with the entrance to the site is an area where excess flows would accumulate, and likely pond to a shallow depth before flowing overland to the northwest/north. These flows would likely spread out over an area to the north that includes the driveway up to the steadings, as well as the western end of the garden of the house to the east of the access drive. Ultimately all these flow routes would converge on the area of lower ground to the northeast and from there flow north to lower ground. This is considered further in the following sections.

The site, which covers an area of 0.46 hectares, is indicated in red on the plan below (see Figure 3). This comprises of a collection of disused farm buildings previously uninhabited and classed as an industrial building. A culvert lies to the east of the property, and this is fed by a stream/ditch which drains farmland to the south, and is discharged downstream to a small open watercourse some 300m to the north of the site.

Figure 3 shows the layout of the site and surrounding area. The main access to the site is via the access track from the west.

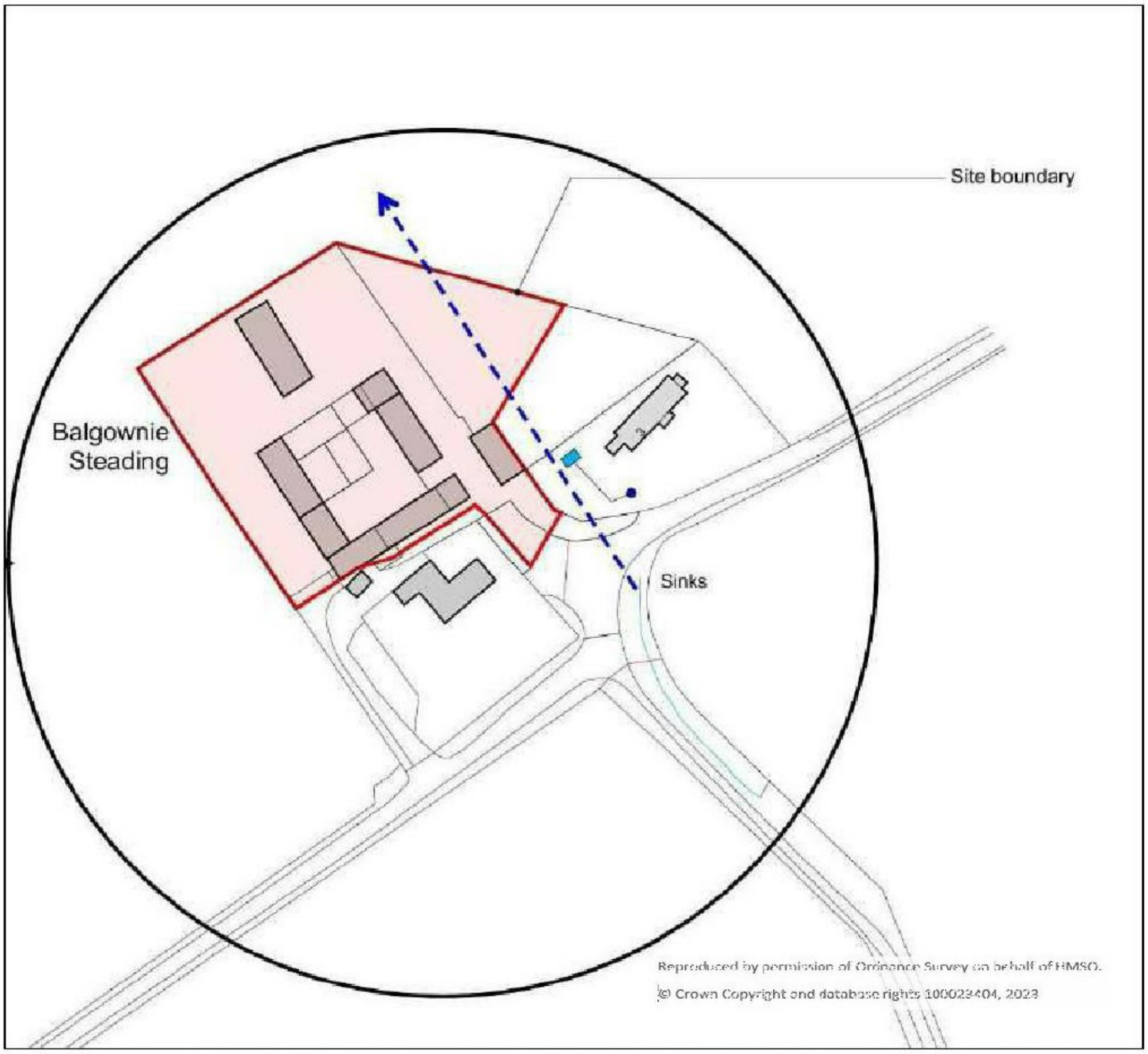

Figure 3 - Layout Plan showing proposed house, property boundary and indicated route of the adjacent culverted section of the small watercourse.

Photographs and Comments from Site Walkover

Figure 4 - Photo location plan

Photograph 1 - Looking upstream along the small watercourse/ditch which drains an area of gently sloping agricultural land to the south, and has a catchment area of approximately 0.65km^2

Photograph 2 - Looking south (upstream) to the watercourse over a sloping field access leading of the main access track. The watercourse is culverted under this access, and then flows a few metres through an open channel before entering a further culvert just downstream. The latter culvert is some 300m long and conveys the watercourse under the main access track and under the neighbouring property to the east, before emerging into an open channel in fields some distance to the north.

Photograph 3 - Looking downstream over the field access towards the inlet to the main culvert, which takes flow under the property to the east. Approximate line of open channels (blue) and culverts (red) shown for illustration

Photograph 4 - Looking north from field access. The short length of culvert under the field access is below to the right of the picture, while the entrance to the main culvert is to the right of the two large stones beyond. The south range of the steading buildings is visible to top centre, and it is clear from this picture where there is lower ground on the eastern boundary (gable of ruinous building) and to the east (to the right of the gable). Water arising from either of the culvert inlets due to blockage or lack of capacity would tend to flow across the junction to the lower ground as indicated.

Photograph 5 - View looking north from just downstream of the main culvert inlet. As can be seen at the centre top of picture, there is a marked drop in level to the right of the ruinous building, presumably a reflection of the original level of ground along the route of the now culverted watercourse.

Photograph 6 - Looking north along access from main track to property (on the left beyond hedge), with indicative overland flow routes to lower ground past either side of ruinous building (and likely through the building also).

Photograph 7 - Looking north over ruinous outbuilding on right, and remains of steading walls on left.

Photograph 8 - Looking west into courtyard between steading buildings

Photograph 9 - Looking southwest past ruinous outbuilding on left to southern range of steading and adjacent house to the south (white gable in the distance)

Watercourse Characteristics

As discussed previously the watercourse drains an area of farmland to the south, and has a small catchment of agricultural land which slopes gently from south to north, and with some woodland on the edges of the catchment..

Based on data from the FEH web service, the catchment area is defined as 0.65km^2, and has the following catchment outline (see Figure 5 below):

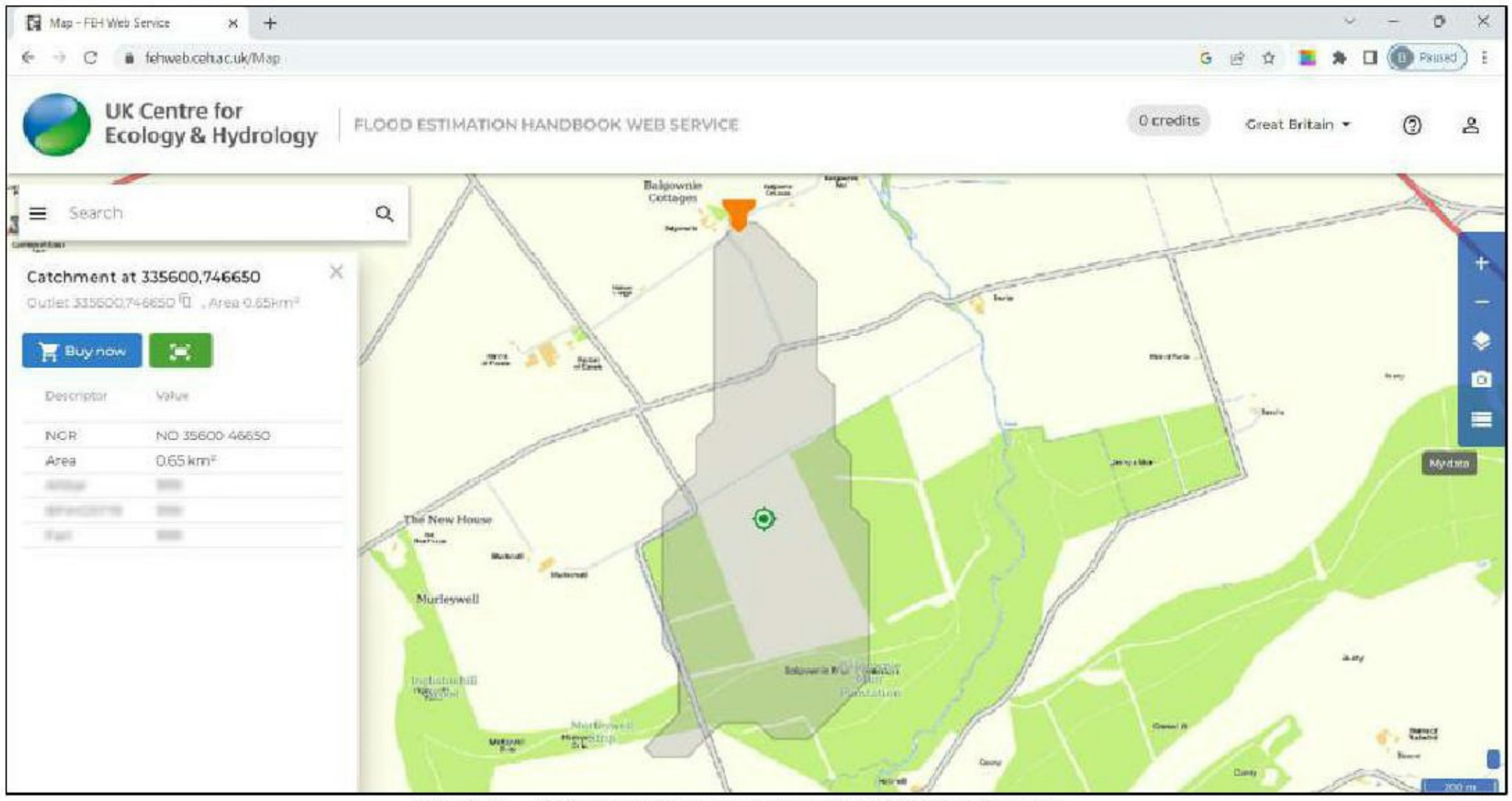

Figure 5 - Catchment area as defined by FEH Web Service

Clearly this is a relatively small catchment, and hence flows in the watercourse would be relatively small also (with a 1 in 200 year flow in the region of 2 to 3 m^3/s). This is particularly the case as the prevailing slopes are mild, the shape of the catchment is elongated, and the contributing flows are from forested areas and areas with good soil and/or vegetative cover. However, flows in excess of culvert capacity are possible in very wet weather, and this is demonstrated by anecdotal evidence that there have been a number of previous occasions where overland flow has been observed.

Where the culvert capacity is exceeded or a blockage occurs, water would overflow onto the track to the south of the site (see sketch on Photograph 4) and would be likely to enter the site and also the garden of the neighbouring property to the east. Hence, a flow pattern similar to the sketch overleaf in Figure 6 would be likely. Importantly, the flow would be along these indicated paths and not into the building complex, and also it is important to say the presence of the lower-lying ground to the northeast means the depth of flow along the entrance drive would be limited.

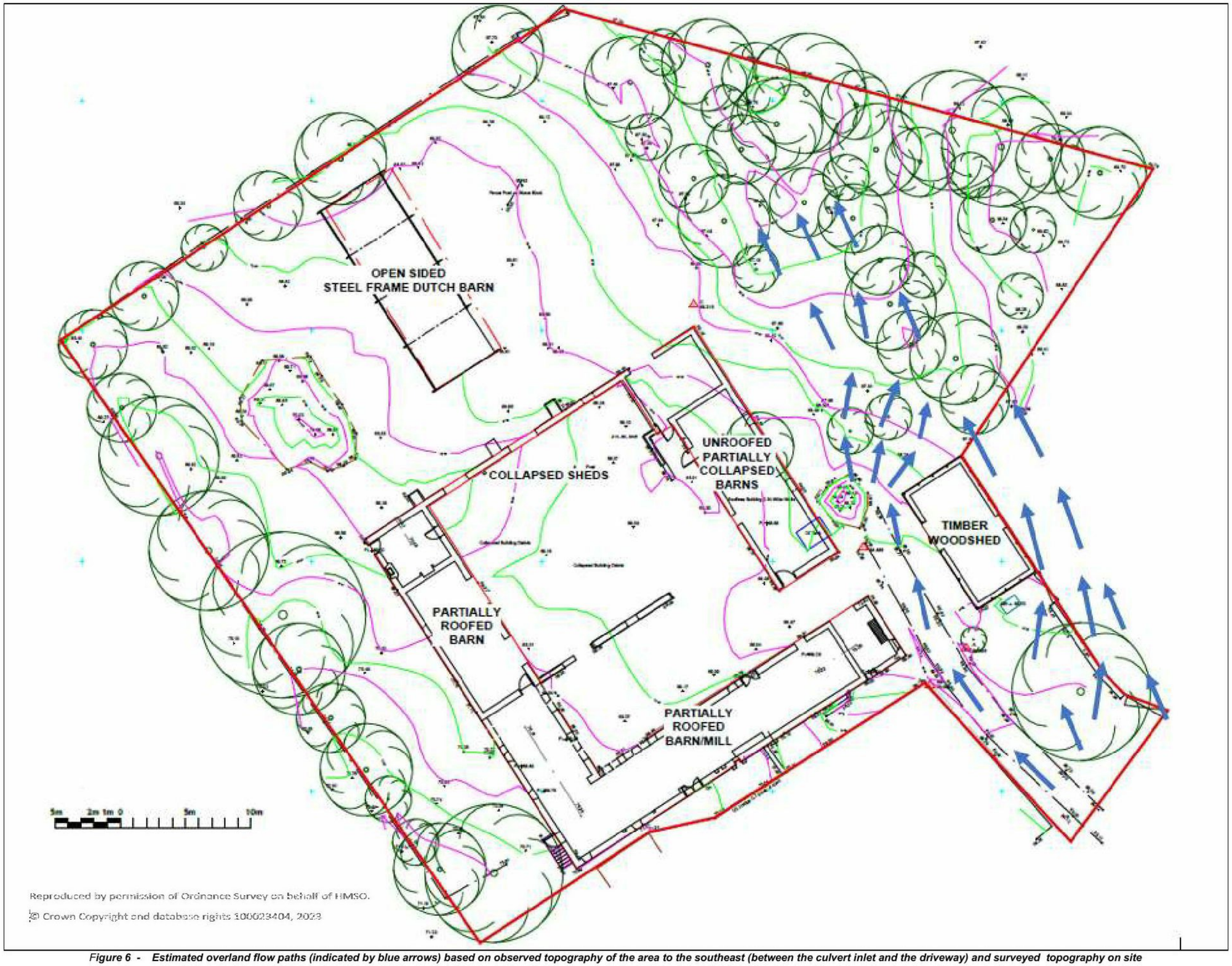

Figure 6 - Estimated overland flow paths (indicated by blue arrows) based on observed topography of the area to the southeast (between the culvert inlet and the driveway) and surveyed topography on site

Comments by Angus Council

Angus Council Roads (Drainage and Flooding) have provided comments on current proposals as follows (see copy of email attached, dated 25th March 2023). Taking each of the points below, my response is in blue:

1) "I note that the Flood Assessment Report referenced above has yet to be provided by the applicant." Hence, the current report has been produced.

2) "Bullet points 1 and 2 – I note that surface water ponding/flooding issues have been observed at this location and reported/evidenced through public representations which have been made. As such, I confirm that it would be appropriate for the flood assessment to consider the risk of flooding to the site access from the adjacent sources. This has been done. It would be appropriate for these flows to be incorporated into the drainage proposals." This is not now required as the drainage proposals were formerly to drain to the culvert, whereas there is now a proposal to use a surface water soakaway system and to adhere to the principles of SUDS. This is dealt with by others and is reported elsewhere, although the architect's plans make reference to this. "I wish to clarify that the above reference to "IHS24" should instead read as "Institute of Hydrology Report 124 (IH124)" I also note that use of the FEH Statistical Method may also be a suitable alternative to this approach if preferred." These methods have not been used as this is a Stage 1 report and flow estimation/modelling is not within the scope of such a report.

3) "Bullet point 3 – Angus Council notes the anecdotal information, contained within the public representations, which note the location of a large clay pipe which was uncovered while installing an outside tap to the south of the garage belonging to the neighbouring property to the south of the site. We also note that the upstream mill pond is shown on the 25 inch OS Map (1892 to 1914) at NO 35652 46271. As such I consider that there is a reasonable possibility of a redundant mill lade within the site. It is always possible that redundant infrastructure may still carry flows and as such I would recommend that the implications of this is considered, along with consideration of suitable mitigation measures should such infrastructure be discovered during any proposed development." No information on any extant lade system is available at this time, but if any evidence were uncovered, appropriate steps should be taken, in consultation with Angus Council.'

Discussion

Based on the preceding sections, I am of the opinion that the possibility of flooding/overland flow have been adequately considered within the scope of a Stage 1 FRA report, and have shown that there is no inherent flood risk to the proposed development or to third part property, providing the appropriate steps are taken. These steps are set out in the conclusions below.

One of the most important considerations is whether there is sufficient freeboard to the proposed finished floor level (FFL) and whether the property could otherwise suffer from internal flooding or flood-related damage. Hence it is important to consider the likely maximum level of flood flows overland in the adjacent ground to the southeast and east of the main building. In this area, ground levels range from around 68.6m AOD (adjacent to the southern end of the timber woodshed) to around 68.9m on the western side of the access drive. Hence, given that the width of potential flow path surveyed is approximately 10m, and that this is likely to be approximately half the total width of un-surveyed area in neighbouring garden, it is likely that given flows of say 3 to 4 m^3/s (approximate range of likely flows including climate change, and assuming 100% culvert blockage) that depth of flows would be any greater than around 0.1m. This would mean the maximum flood level near the building would be say 68.7m, and with a minimum freeboard of 0.6m this equates to a min FFL of 69.3m for the southern range, and say 69.0m min FFL for the remainder of the buildings in the range.

Conclusions

Based on the preceding sections of this report, I conclude that:

- The site will not be at risk of flooding, provided the site is built in accordance with the original scheme as set out in the current layout drawings

- In particular, the minimum finished floor level will be set at approximately 69.0m AOD for the main range of buildings. Based on the estimated flood levels on adjacent ground, this this will allow a freeboard of more than the minimum 600mm which is normally required. However, for the southern range, a slightly higher min FFL of 69.3m AOD is recommended.

- As ground levels along the access route from the main access track to the site entrance are typically at least 200mm higher than on the eastern site boundary (and levels beyond the boundary are likely to be lower), it is not anticipated that there will be a significant flooding along the access route at any time. Hence, pedestrian and vehicular access and egress will always available.

- No new barriers to flow should be erected along the line of the anticipated overland flow as a result of flows in excess of culvert capacity. This includes not only new features such as boundary walls and buildings, but should also mean that the ruinous timber shed on the western boundary should not be replaced but simply demolished. Hence any new or replacement boundary features should be of an open type such as open-boarded fencing, post and wire fencing, or hedges.

- Similarly, no increase in ground level should be made along the overland flow route. Hence, any surfacing or drainage features should be at or below existing levels (to prevent any obstruction to flow). Any reduction in ground levels (however unlikely) should not be sufficient to alter the flow path of any flood-related overland flow.

- Although there is no anticipated risk of flooding, the proximity of potential overland flows to the building means that the use of flood resilient construction methods and materials is recommended.

Provided these proposals are adhered to, the new building will not be at risk of flooding, and will not cause any increase in flooding to third party property. We therefore support the proposed development

Yours sincerely,

[redacted]

Dr Brian Coghlan BSc (Hons) PhD CEng MCIWEM
Director
Atholl Associates

Enc

- Email from M Melki to B Coghlan dated 23rd March 2023
- Drawing 811P2-11a Proposed layout and landscaping plan
- Drawing 811P2-02 Existing site plan

Brian Coghlan

From: MMM DAXI <mirna.melki@gmail.com>
Sent: 25 March 2023 12:11
To: Brian Coghlan
Subject: Re:

Dear Brian,
Sorry I should have added this ti my previous email. Please see below to the comment we received from Angus Council off the basis if a neighbour complaining about ponding at the entrance to our site, referring to it as flooding.

Angus Council Roads (Drainage and Flooding)Comments –

'I note that the Flood Assessment Report referenced above has yet to be provided by the applicant.

Bullet points 1 and 2 – I note that surface water ponding/flooding issues have been observed at this location and reported/evidenced through public representations which have been made. As such, I confirm that it would be appropriate for the flood assessment to consider the risk of flooding to the site access from the adjacent sources. It would be appropriate for these flows to be incorporated into the drainage proposals. I wish to clarify that the above reference to "IHS24" should instead read as "Institute of Hydrology Report 124 (IH124)" I also note that use of the FEH Statistical Method may also be a suitable alternative to this approach if preferred.

Bullet point 3 – Angus Council notes the anecdotal information, contained within the public representations, which note the location of a large clay pipe which was uncovered while installing an outside tap to the south of the garage belonging to the neighbouring property to the south of the site. We also note that the upstream mill pond is shown on the 25 inch OS Map (1892 to 1914) at NO 35652 46271. As such I consider that there is a reasonable possibility of a redundant mill lade within the site. It is always possible that redundant infrastructure may still carry flows and as such I would recommend that the implications of this is considered, along with consideration of suitable mitigation measures should such infrastructure be discovered during any proposed development.'

Look forward to hearing from you

Thanks in advance.

Mirna Melki

Keith Renton
architect
Tel: 01361 810 271
info@keithrentonarchitect.co.uk
www.keithrentonarchitect.co.uk

Station	Easting	Northing	Level
A	335536.870	746672.450	68.986
B	335527.905	746681.212	68.885
BM	335533.732	746669.249	69.098
C	335513.169	746702.286	68.319

5m 2m 1m 0 5m 10m

Drawing Title: **EXISTING SITE PLAN**

Job Title: **Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF**

Client: **Mirna Melki and Robert Mills**
Drawing Number: **811P2-02**
Drawing Scale: **1:200**
Drawing Date: **1 February 2021**
Drawn By: **KR**
Amendments:
none

Humestanes Studio, Hume Hall Holdings, Greenlaw, Duns, Berwickshire, TD10 6UW

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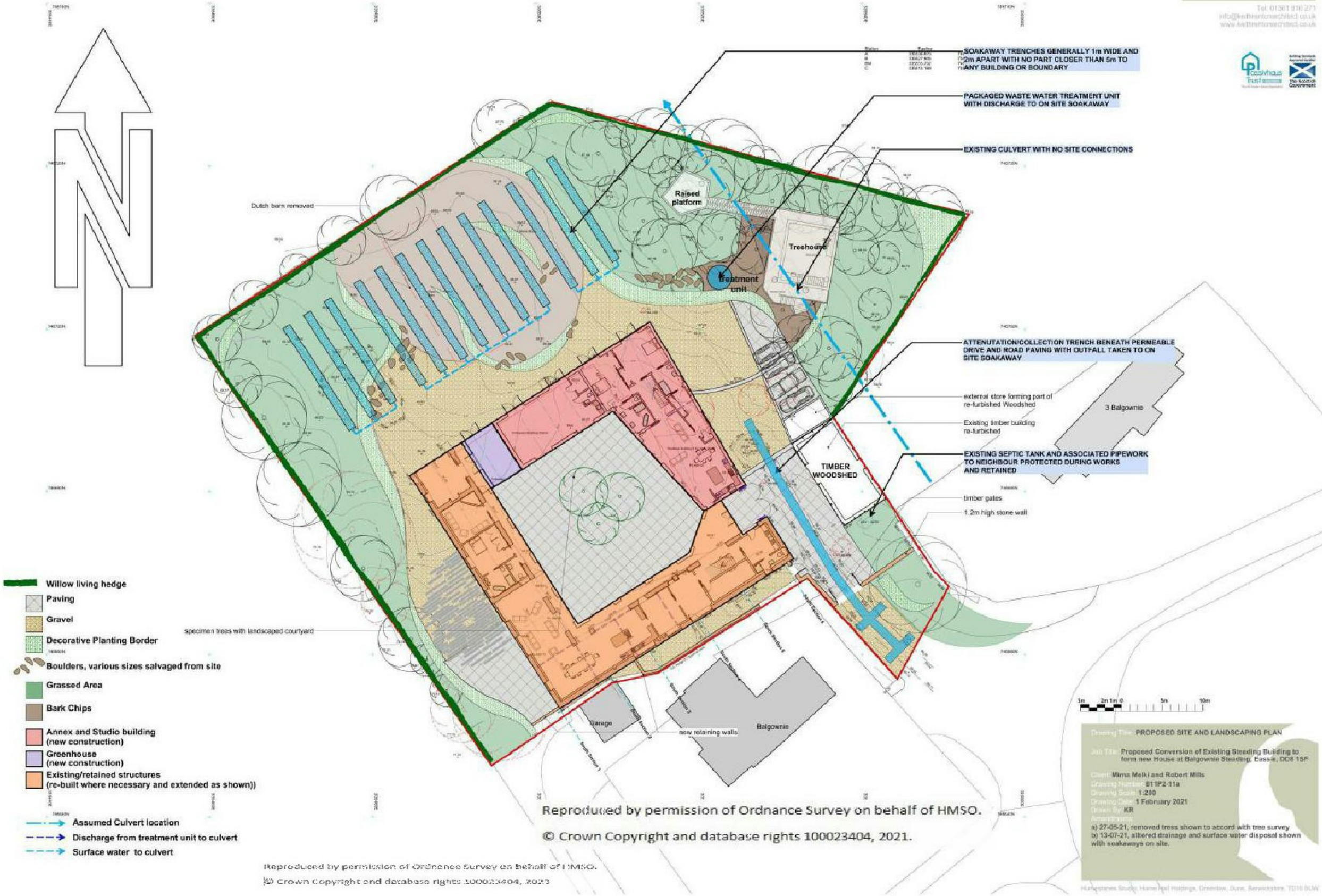

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e: brian@athollassociates.co.uk
w: www.athollassociates.co.uk

Our Ref BC216a

22 June 2023

Mirna Melki
(email only)

Dear Mirna,

PROPOSED HOUSE AT BALGOWNIE STEADING, EASSIE, ANGUS: STAGE 1 FLOOD RISK ASSESSMENT

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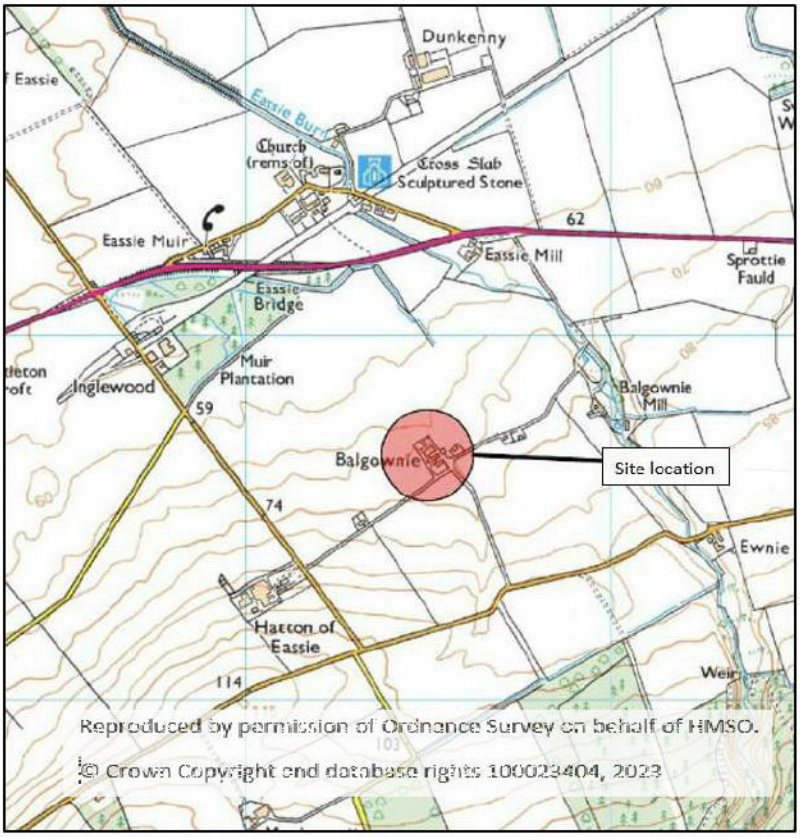

Figure 1 - Location Plan

Proposed development

It is proposed to retain much of the existing building range of the steadings, to rebuild as appropriate, and to convert the buildings into a house. An excerpt from the architect's layout drainage is shown overleaf (see Figure 2) and shows the key elements of the design.

Key features of the proposed redeveloped site from the point of view of flood risk considerations are:

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- Based on current guidelines, the development should not occupy existing floodplain or reduce potential flood storage by landraising
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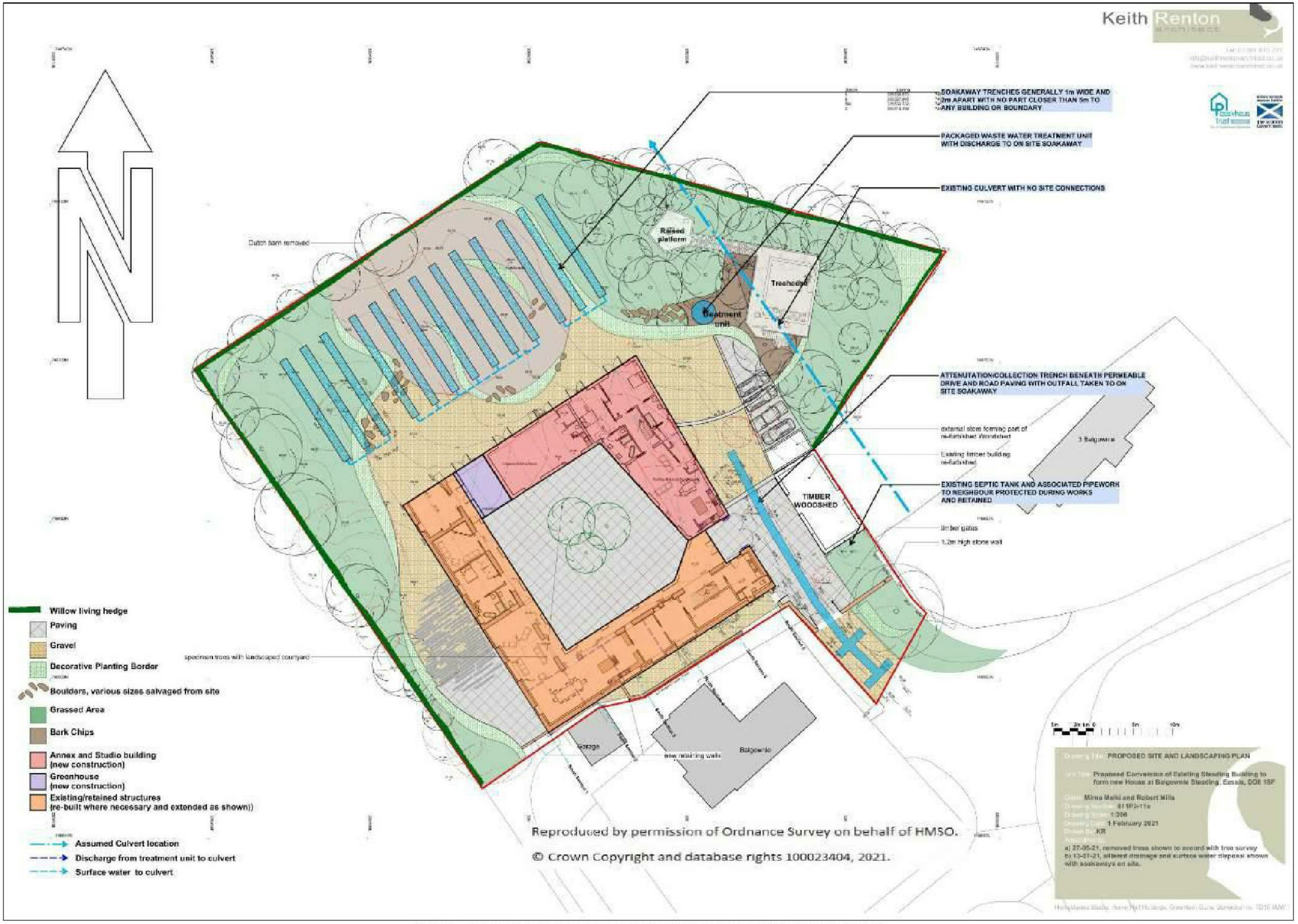

Figure 2 - Proposed layout of redeveloped site (excerpt from drawing 811P2-11a, copy attached)

Site Walkover/Site Description

I visited the site on 14th June 2023. The weather at the time was dry and bright, and there had been an extensive period of relatively dry weather, meaning that flow in the watercourse was very low. I was able to make observations of the general layout and topography of the site and surroundings, of the upstream watercourse (a small overgrown ditch) and of the culvert under the upstream field access. Also, a short distance downstream of the field access culvert, the upstream inlet to a culvert under the access track between the subject site and the neighbouring house to the east.

I also noted the relative location and height of the existing ruined buildings which will form the basis of the proposed house relative to the potential overland flow route in the event of the flow in the upstream watercourse exceeding the capacity of the system of culverts.

The site is located in a rural area surrounded by farmland. Prevailing slopes are from southeast to northwest approximately. The ruined steading buildings are part of a cluster of buildings which include an existing house to the south, another house to the east, and a further house a short distance to the east along the farm track which runs past the southern end to the steadings complex and its immediate neighbouring properties. The steadings are accessed via an access track which passes the southern end of the site, off which there is an access track (or access drive as it would be referred to for the finished house) running north to the subject property.

It was clear, from observation, that there was a possibility of a culvert blockage occurring (there are no grilles on intakes of either culvert inlet), and a collapse internally cannot be ruled out either. In addition there is anecdotal evidence of previous incidences of overland flow/flooding in the vicinity. For all of these reasons it is important to consider what will happen in such circumstances.

It was clear from inspection that the area at the junction of the tracks from east, west and south along with the entrance to the site is an area where excess flows would accumulate, and likely pond to a shallow depth before flowing overland to the northwest/north. These flows would likely spread out over an area to the north that includes the driveway up to the steadings, as well as the western end of the garden of the house to the east of the access drive. Ultimately all these flow routes would converge on the area of lower ground to the northeast and from there flow north to lower ground. This is considered further in the following sections.

The site, which covers an area of 0.46 hectares, is indicated in red on the plan below (see Figure 3). This comprises of a collection of disused farm buildings previously uninhabited and classed as an industrial building. A culvert lies to the east of the property, and this is fed by a stream/ditch which drains farmland to the south, and is discharged downstream to a small open watercourse some 300m to the north of the site.

Figure 3 shows the layout of the site and surrounding area. The main access to the site is via the access track from the west.

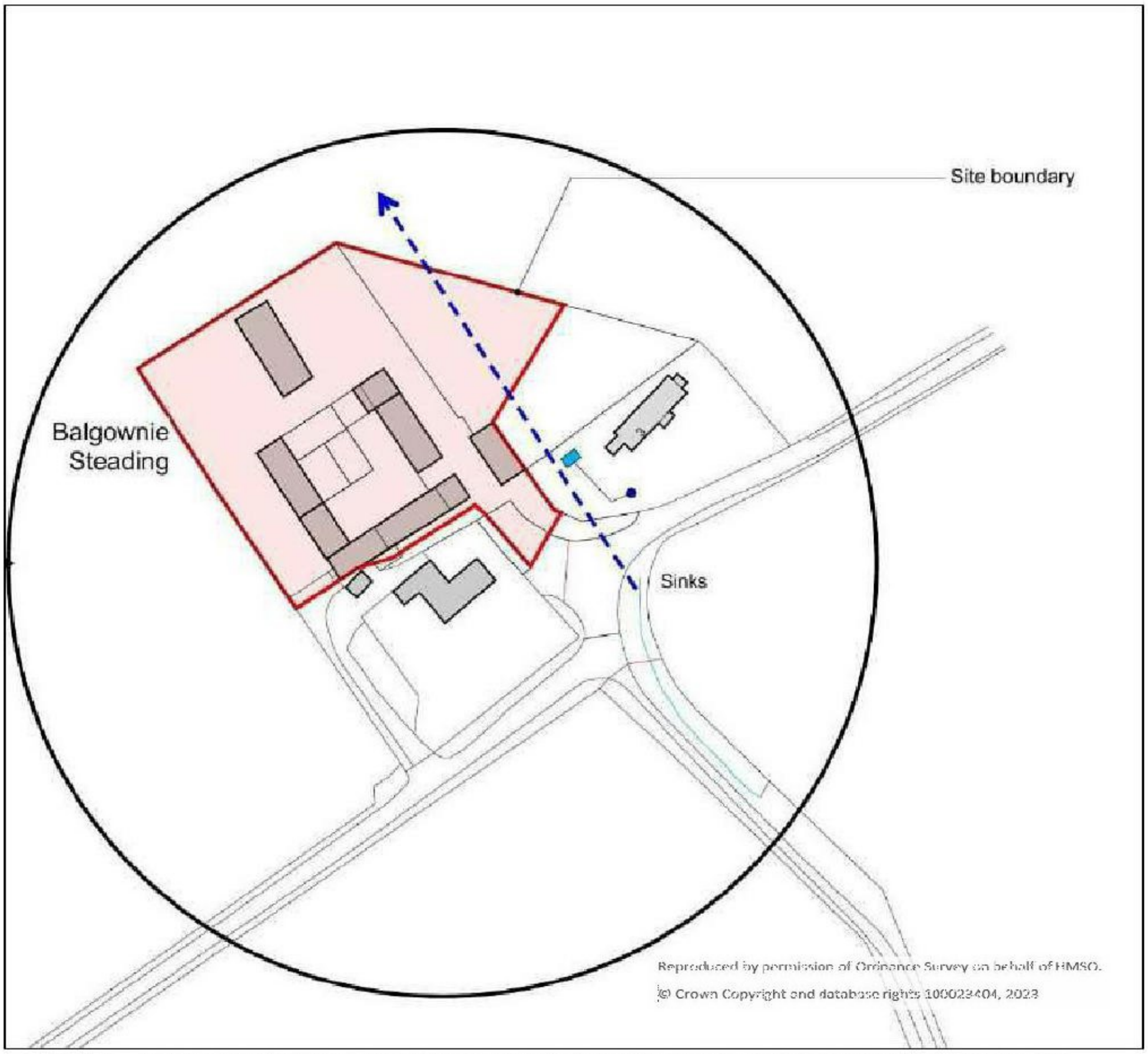

Figure 3 - Layout Plan showing proposed house, property boundary and indicated route of the adjacent culverted section of the small watercourse.

Photographs and Comments from Site Walkover

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Photograph 1 - Looking upstream along the small watercourse/ditch which drains an area of gently sloping agricultural land to the south, and has a catchment area of approximately 0.65km^2

Photograph 2 - Looking south (upstream) to the watercourse over a sloping field access leading of the main access track. The watercourse is culverted under this access, and then flows a few metres through an open channel before entering a further culvert just downstream. The latter culvert is some 300m long and conveys the watercourse under the main access track and under the neighbouring property to the east, before emerging into an open channel in fields some distance to the north.

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Photograph 5 - View looking north from just downstream of the main culvert inlet. As can be seen at the centre top of picture, there is a marked drop in level to the right of the ruinous building, presumably a reflection of the original level of ground along the route of the now culverted watercourse.

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As discussed previously the watercourse drains an area of farmland to the south, and has a small catchment of agricultural land which slopes gently from south to north, and with some woodland on the edges of the catchment..

Based on data from the FEH web service, the catchment area is defined as 0.65km^2, and has the following catchment outline (see Figure 5 below):

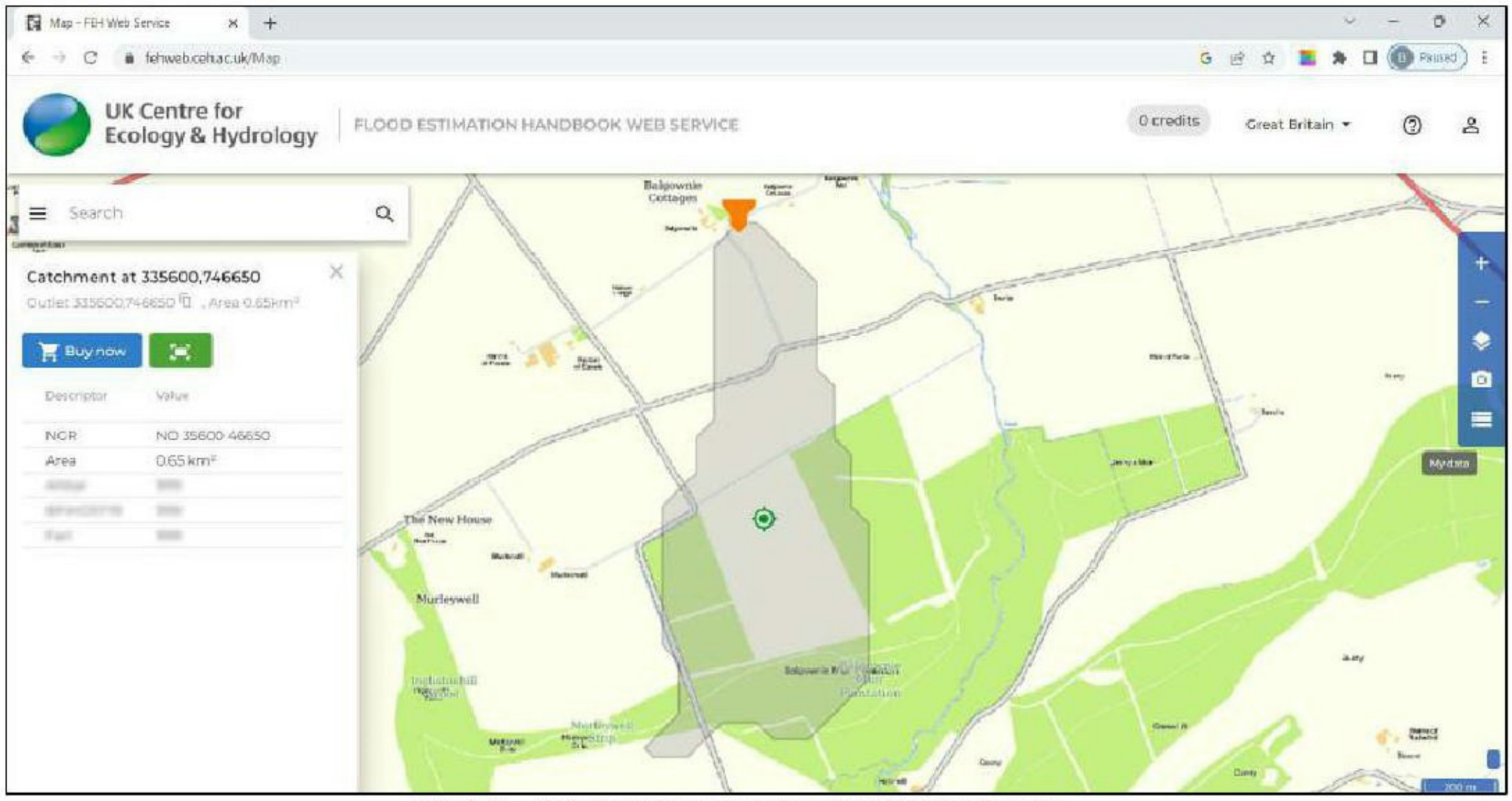
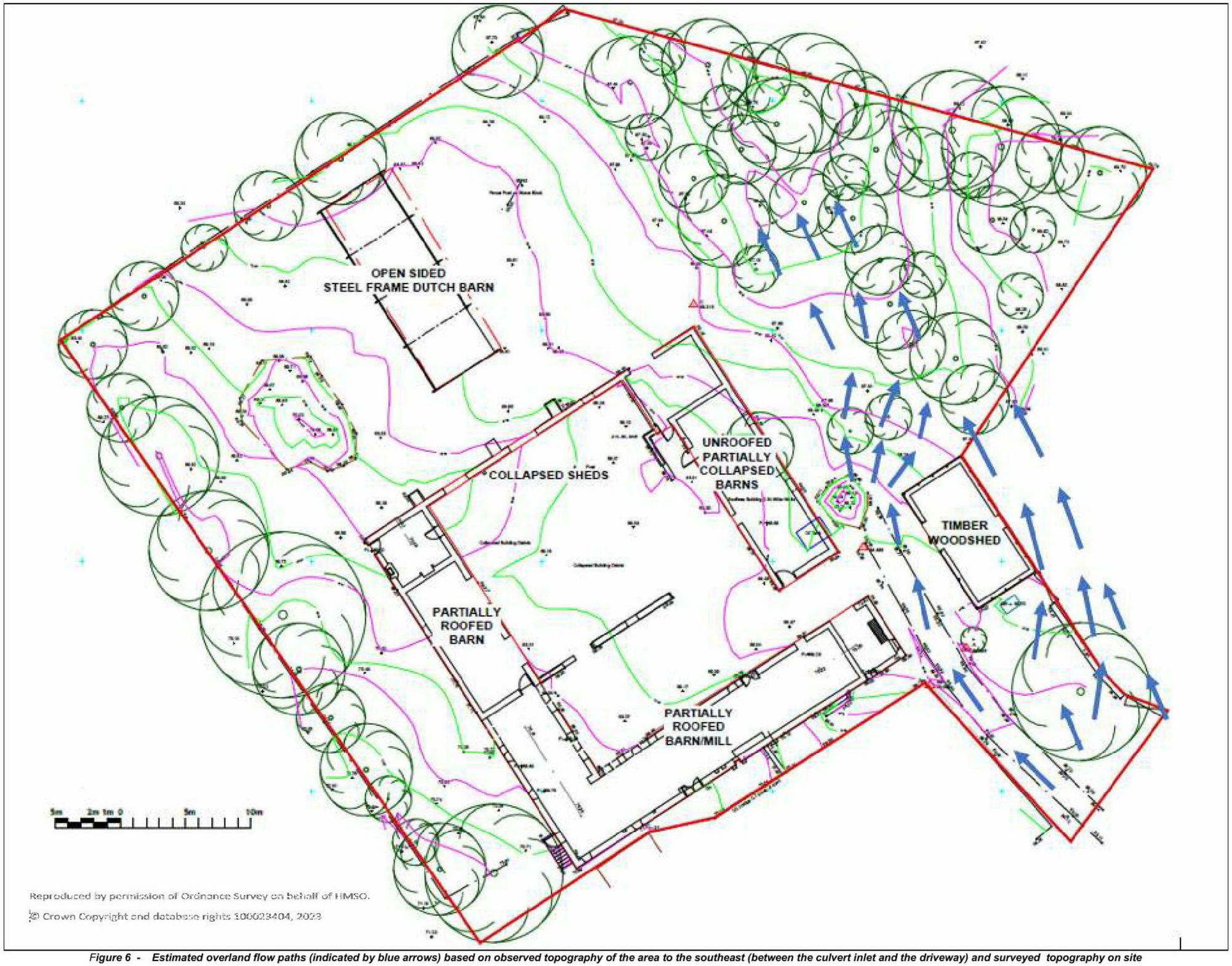


Figure 5 - Catchment area as defined by FEH Web Service

Clearly this is a relatively small catchment, and hence flows in the watercourse would be relatively small also (with a 1 in 200 year flow in the region of 2 to 3 m^3/s). This is particularly the case as the prevailing slopes are mild, the shape of the catchment is elongated, and the contributing flows are from forested areas and areas with good soil and/or vegetative cover. However, flows in excess of culvert capacity are possible in very wet weather, and this is demonstrated by anecdotal evidence that there have been a number of previous occasions where overland flow has been observed.

Where the culvert capacity is exceeded or a blockage occurs, water would overflow onto the track to the south of the site (see sketch on Photograph 4) and would be likely to enter the site and also the garden of the neighbouring property to the east. Hence, a flow pattern similar to the sketch overleaf in Figure 6 would be likely. Importantly, the flow would be along these indicated paths and not into the building complex, and also it is important to say the presence of the lower-lying ground to the northeast means the depth of flow along the entrance drive would be limited.



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Comments by Angus Council

Angus Council Roads (Drainage and Flooding) have provided comments on current proposals as follows (see copy of email attached, dated 25th March 2023). Taking each of the points below, my response is in blue:

1) "I note that the Flood Assessment Report referenced above has yet to be provided by the applicant." Hence, the current report has been produced.

2) "Bullet points 1 and 2 – I note that surface water ponding/flooding issues have been observed at this location and reported/evidenced through public representations which have been made. As such, I confirm that it would be appropriate for the flood assessment to consider the risk of flooding to the site access from the adjacent sources. This has been done. It would be appropriate for these flows to be incorporated into the drainage proposals." This is not now required as the drainage proposals were formerly to drain to the culvert, whereas there is now a proposal to use a surface water soakaway system and to adhere to the principles of SUDS. This is dealt with by others and is reported elsewhere, although the architect's plans make reference to this. "I wish to clarify that the above reference to "IHS24" should instead read as "Institute of Hydrology Report 124 (IH124)" I also note that use of the FEH Statistical Method may also be a suitable alternative to this approach if preferred." These methods have not been used as this is a Stage 1 report and flow estimation/modelling is not within the scope of such a report.

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Discussion

Based on the preceding sections, I am of the opinion that the possibility of flooding/overland flow have been adequately considered within the scope of a Stage 1 FRA report, and have shown that there is no inherent flood risk to the proposed development or to third part property, providing the appropriate steps are taken. These steps are set out in the conclusions below.

One of the most important considerations is whether there is sufficient freeboard to the proposed finished floor level (FFL) and whether the property could otherwise suffer from internal flooding or flood-related damage. Hence it is important to consider the likely maximum level of flood flows overland in the adjacent ground to the southeast and east of the main building. In this area, ground levels range from around 68.6m AOD (adjacent to the southern end of the timber woodshed) to around 68.9m on the western side of the access drive. Hence, given that the width of potential flow path surveyed is approximately 10m, and that this is likely to be approximately half the total width of un-surveyed area in neighbouring garden, it is likely that given flows of say 3 to 4 m^3/s (approximate range of likely flows including climate change, and assuming 100% culvert blockage) that depth of flows would be any greater than around 0.1m. This would mean the maximum flood level near the building would be say 68.7m, and with a minimum freeboard of 0.6m this equates to a min FFL of 69.3m for the southern range, and say 69.0m min FFL for the remainder of the buildings in the range.

Conclusions

Based on the preceding sections of this report, I conclude that:

- The site will not be at risk of flooding, provided the site is built in accordance with the original scheme as set out in the current layout drawings

- In particular, the minimum finished floor level will be set at approximately 69.0m AOD for the main range of buildings. Based on the estimated flood levels on adjacent ground, this this will allow a freeboard of more than the minimum 600mm which is normally required. However, for the southern range, a slightly higher min FFL of 69.3m AOD is recommended.

- As ground levels along the access route from the main access track to the site entrance are typically at least 200mm higher than on the eastern site boundary (and levels beyond the boundary are likely to be lower), it is not anticipated that there will be a significant flooding along the access route at any time. Hence, pedestrian and vehicular access and egress will always available.

- No new barriers to flow should be erected along the line of the anticipated overland flow as a result of flows in excess of culvert capacity. This includes not only new features such as boundary walls and buildings, but should also mean that the ruinous timber shed on the western boundary should not be replaced but simply demolished. Hence any new or replacement boundary features should be of an open type such as open-boarded fencing, post and wire fencing, or hedges.

- Similarly, no increase in ground level should be made along the overland flow route. Hence, any surfacing or drainage features should be at or below existing levels (to prevent any obstruction to flow). Any reduction in ground levels (however unlikely) should not be sufficient to alter the flow path of any flood-related overland flow.

- Although there is no anticipated risk of flooding, the proximity of potential overland flows to the building means that the use of flood resilient construction methods and materials is recommended.

Provided these proposals are adhered to, the new building will not be at risk of flooding, and will not cause any increase in flooding to third party property. We therefore support the proposed development

Yours sincerely,

[redacted]

Dr Brian Coghlan BSc (Hons) PhD CEng MCIWEM
Director
Atholl Associates

Enc

- Email from M Melki to B Coghlan dated 23rd March 2023
- Drawing 811P2-11a Proposed layout and landscaping plan
- Drawing 811P2-02 Existing site plan

Brian Coghlan

From: MMM DAXI <mirna.melki@gmail.com>
Sent: 25 March 2023 12:11
To: Brian Coghlan
Subject: Re:

Dear Brian,
Sorry I should have added this ti my previous email. Please see below to the comment we received from Angus Council off the basis if a neighbour complaining about ponding at the entrance to our site, referring to it as flooding.

Angus Council Roads (Drainage and Flooding)Comments –

'I note that the Flood Assessment Report referenced above has yet to be provided by the applicant.

Bullet points 1 and 2 – I note that surface water ponding/flooding issues have been observed at this location and reported/evidenced through public representations which have been made. As such, I confirm that it would be appropriate for the flood assessment to consider the risk of flooding to the site access from the adjacent sources. It would be appropriate for these flows to be incorporated into the drainage proposals. I wish to clarify that the above reference to "IHS24" should instead read as "Institute of Hydrology Report 124 (IH124)" I also note that use of the FEH Statistical Method may also be a suitable alternative to this approach if preferred.

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Look forward to hearing from you

Thanks in advance.

Mirna Melki

Keith Renton
architect
Tel: 01361 810 271
info@keithrentonarchitect.co.uk
www.keithrentonarchitect.co.uk

Station	Easting	Northing	Level
A	335536.870	746672.450	68.986
B	335527.905	746681.212	68.885
BM	335533.732	746669.249	69.098
C	335513.169	746702.286	68.319

5m 2m 1m 0 5m 10m

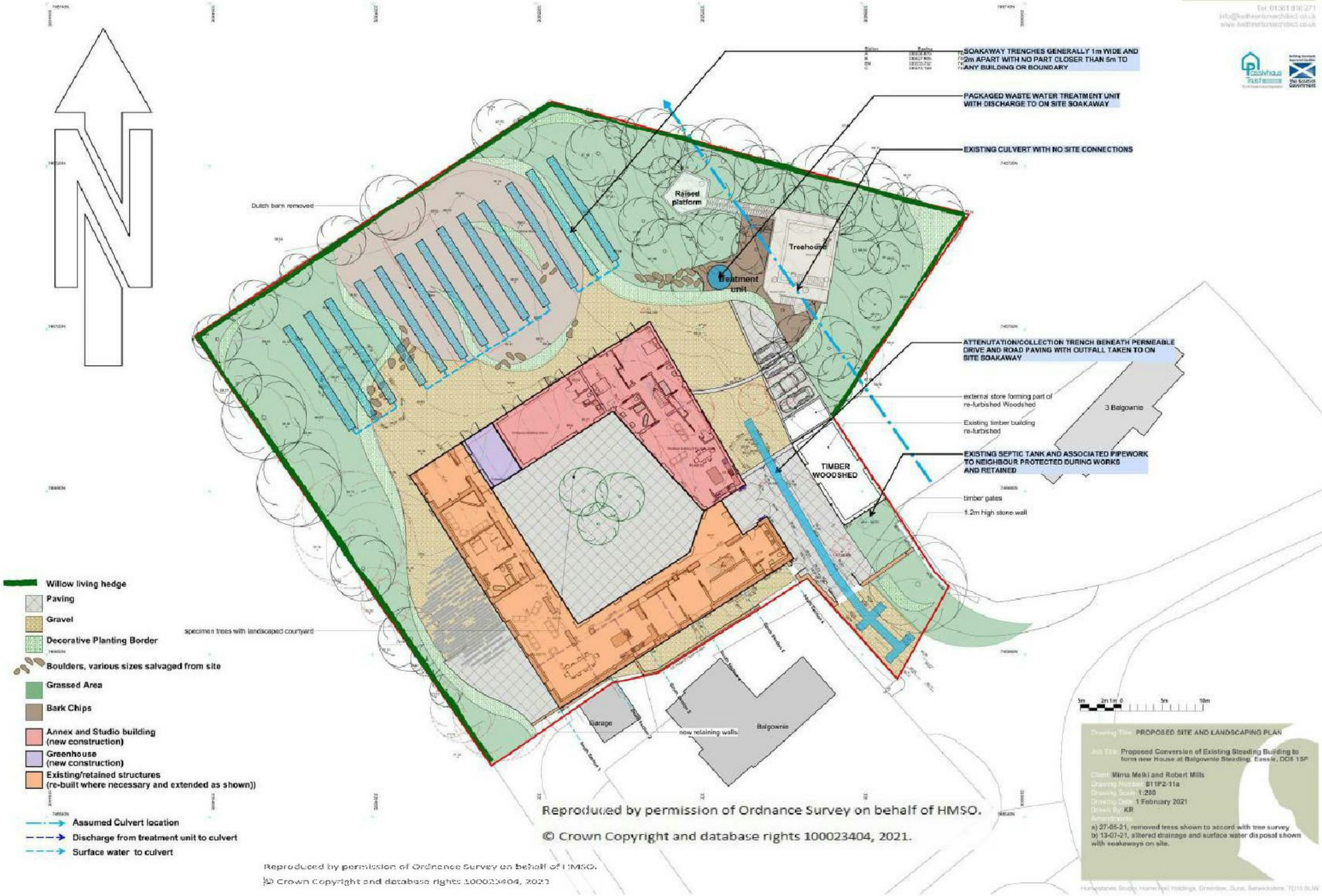
Drawing Title: **EXISTING SITE PLAN**

Job Title: **Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF**

Client: **Mirna Melki and Robert Mills**
Drawing Number: **811P2-02**
Drawing Scale: **1:200**
Drawing Date: **1 February 2021**
Drawn By: **KR**
Amendments:
none

Humestanes Studio, Hume Hall Holdings, Greenlaw, Duns, Berwickshire, TD10 6UW

Keith Renton
architect
Tel: 01361 890 271
info@keithrentonarchitect.co.uk
www.keithrentonarchitect.co.uk



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PH2 0NJ

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e: brian@athollassociates.co.uk
w: www.athollassociates.co.uk

Our Ref BC216a

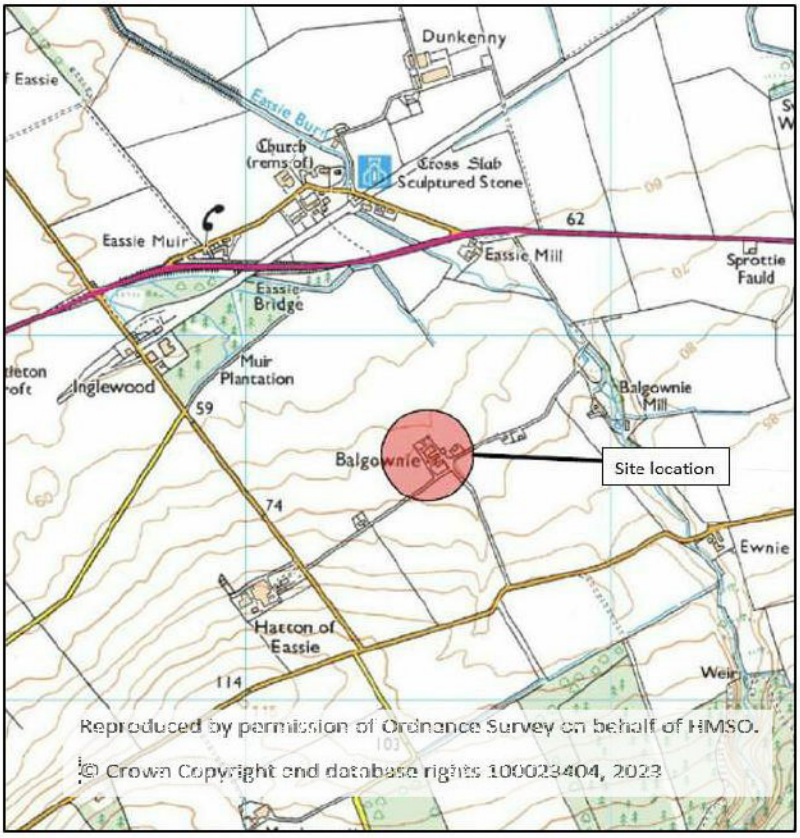
22 June 2023

Mirna Melki
(email only)

Dear Mirna,

PROPOSED HOUSE AT BALGOWNIE STEADING, EASSIE, ANGUS: STAGE 1 FLOOD RISK ASSESSMENT

I refer to our recent correspondence regarding potential flood risk for the above proposed development. It is my understanding that a planning application to Angus Council has been refused on the basis of potential flood risk, and that an FRA report is therefore required. As discussed, my initial thoughts on this were that a Stage 1 FRA report may be sufficient, and hence I visited the site on that basis.



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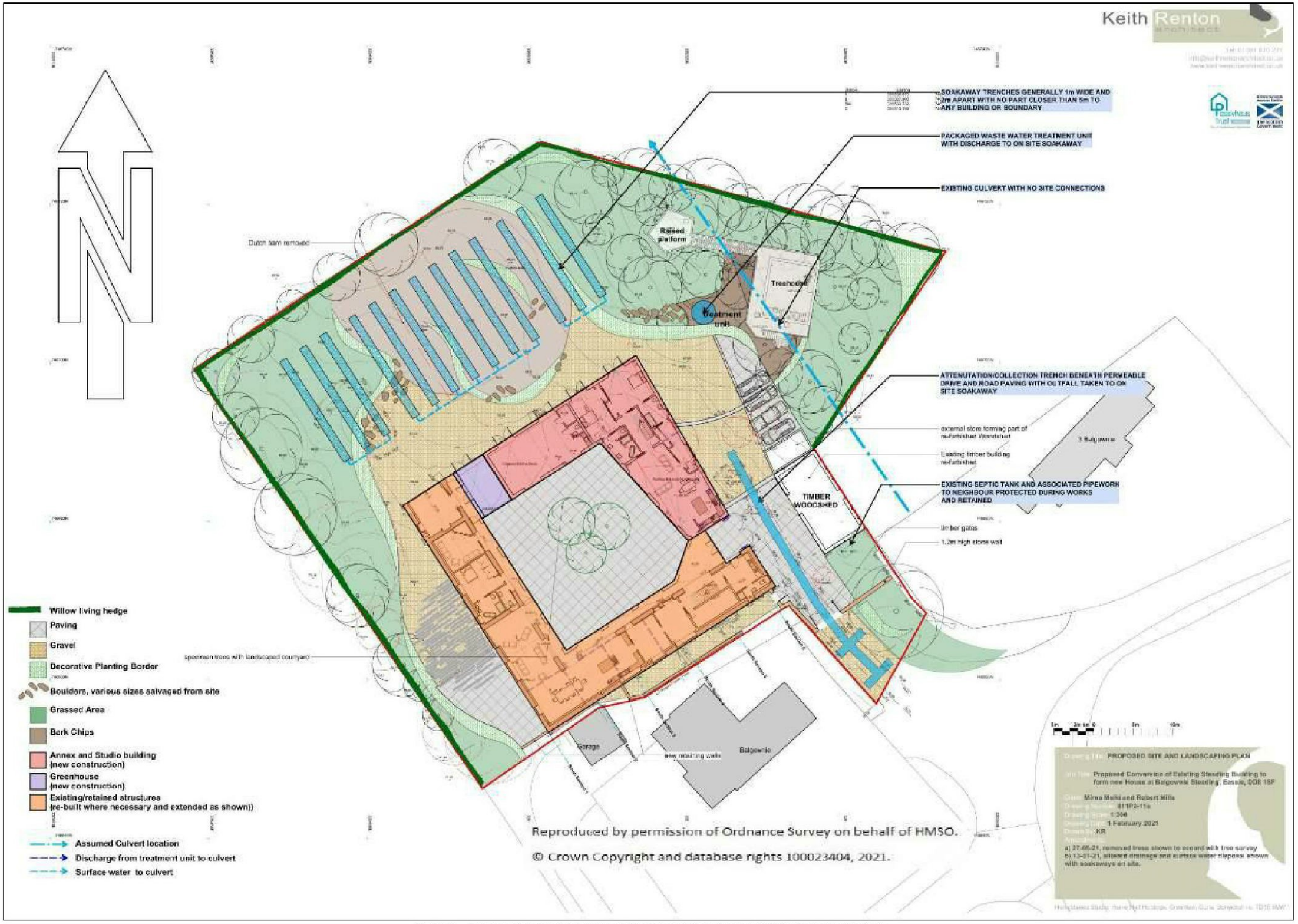

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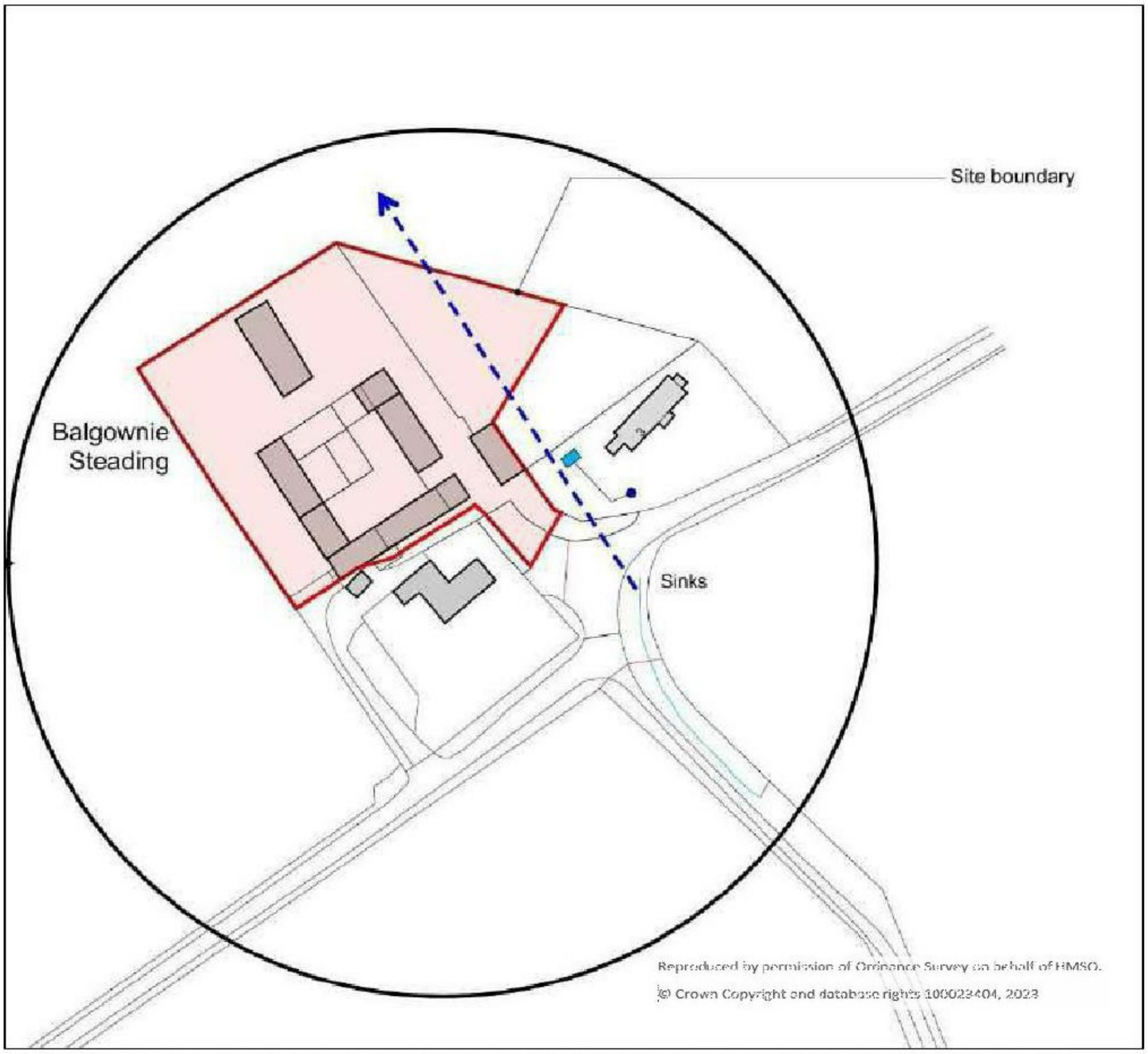

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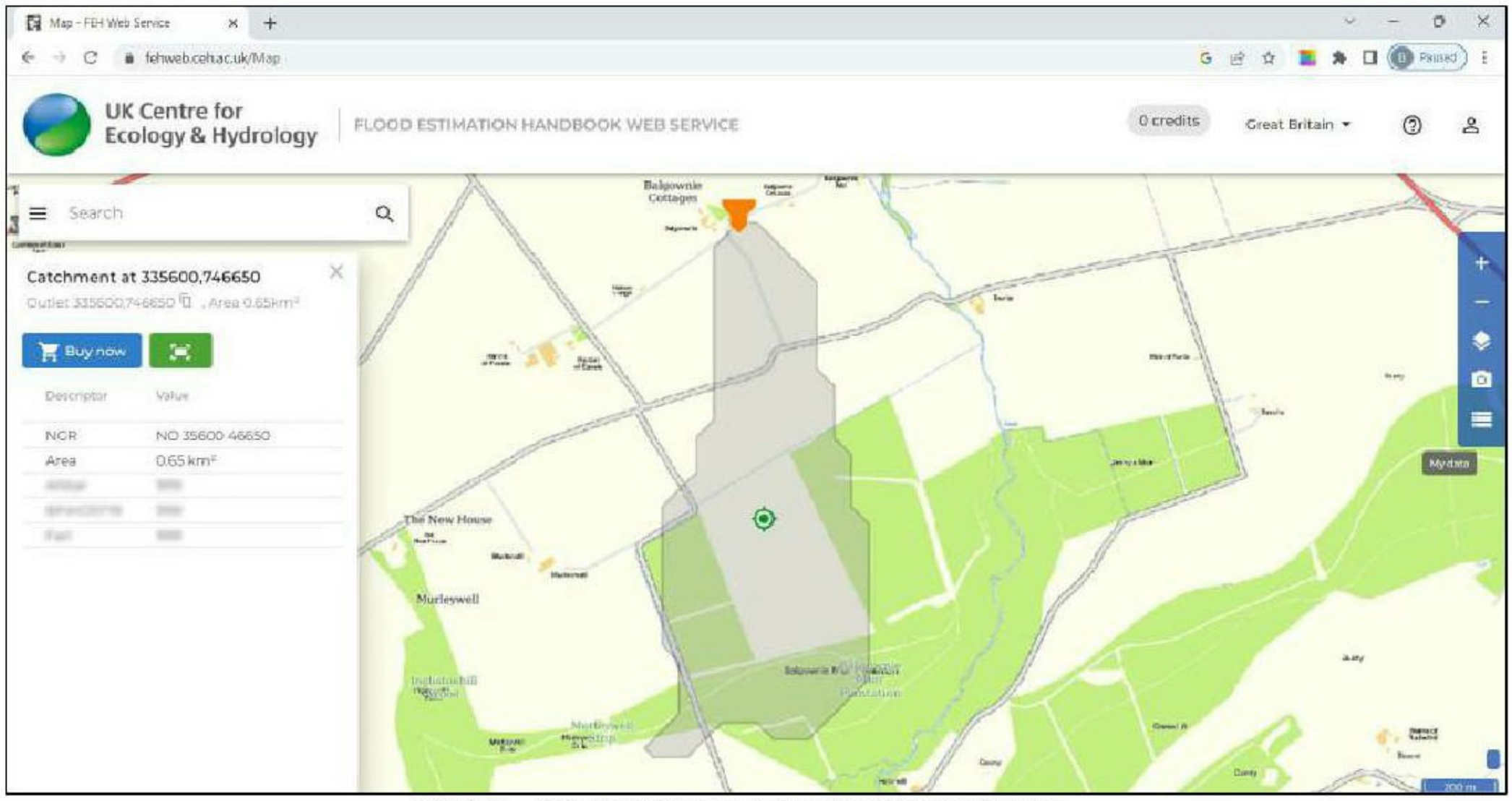

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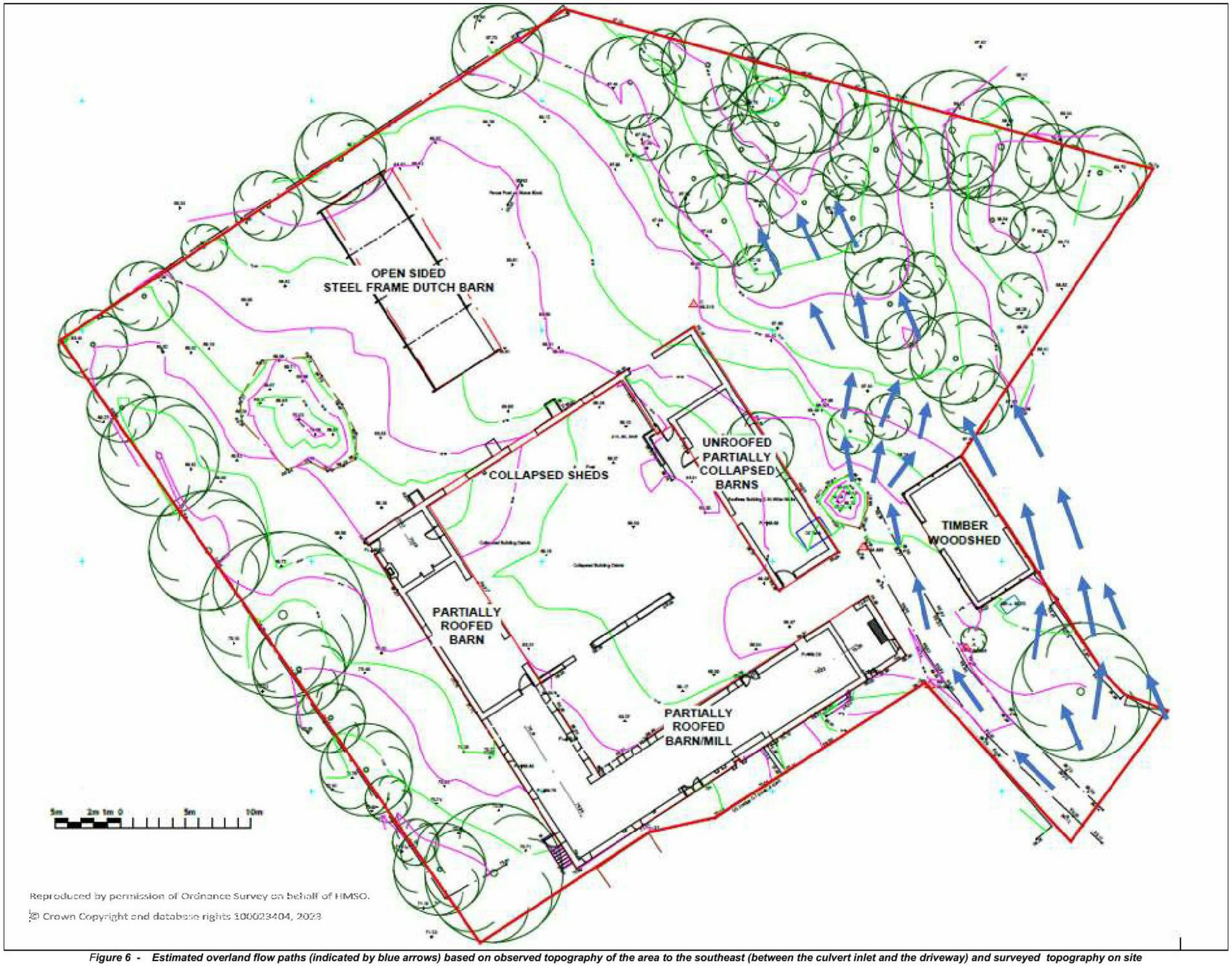

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Discussion

Based on the preceding sections, I am of the opinion that the possibility of flooding/overland flow have been adequately considered within the scope of a Stage 1 FRA report, and have shown that there is no inherent flood risk to the proposed development or to third part property, providing the appropriate steps are taken. These steps are set out in the conclusions below.

One of the most important considerations is whether there is sufficient freeboard to the proposed finished floor level (FFL) and whether the property could otherwise suffer from internal flooding or flood-related damage. Hence it is important to consider the likely maximum level of flood flows overland in the adjacent ground to the southeast and east of the main building. In this area, ground levels range from around 68.6m AOD (adjacent to the southern end of the timber woodshed) to around 68.9m on the western side of the access drive. Hence, given that the width of potential flow path surveyed is approximately 10m, and that this is likely to be approximately half the total width of un-surveyed area in neighbouring garden, it is likely that given flows of say 3 to 4 m^3/s (approximate range of likely flows including climate change, and assuming 100% culvert blockage) that depth of flows would be any greater than around 0.1m. This would mean the maximum flood level near the building would be say 68.7m, and with a minimum freeboard of 0.6m this equates to a min FFL of 69.3m for the southern range, and say 69.0m min FFL for the remainder of the buildings in the range.

Conclusions

Based on the preceding sections of this report, I conclude that:

- The site will not be at risk of flooding, provided the site is built in accordance with the original scheme as set out in the current layout drawings

- In particular, the minimum finished floor level will be set at approximately 69.0m AOD for the main range of buildings. Based on the estimated flood levels on adjacent ground, this this will allow a freeboard of more than the minimum 600mm which is normally required. However, for the southern range, a slightly higher min FFL of 69.3m AOD is recommended.

- As ground levels along the access route from the main access track to the site entrance are typically at least 200mm higher than on the eastern site boundary (and levels beyond the boundary are likely to be lower), it is not anticipated that there will be a significant flooding along the access route at any time. Hence, pedestrian and vehicular access and egress will always available.

- No new barriers to flow should be erected along the line of the anticipated overland flow as a result of flows in excess of culvert capacity. This includes not only new features such as boundary walls and buildings, but should also mean that the ruinous timber shed on the western boundary should not be replaced but simply demolished. Hence any new or replacement boundary features should be of an open type such as open-boarded fencing, post and wire fencing, or hedges.

- Similarly, no increase in ground level should be made along the overland flow route. Hence, any surfacing or drainage features should be at or below existing levels (to prevent any obstruction to flow). Any reduction in ground levels (however unlikely) should not be sufficient to alter the flow path of any flood-related overland flow.

- Although there is no anticipated risk of flooding, the proximity of potential overland flows to the building means that the use of flood resilient construction methods and materials is recommended.

Provided these proposals are adhered to, the new building will not be at risk of flooding, and will not cause any increase in flooding to third party property. We therefore support the proposed development

Yours sincerely,

[redacted]

Dr Brian Coghlan BSc (Hons) PhD CEng MCIWEM
Director
Atholl Associates

Enc

- Email from M Melki to B Coghlan dated 23rd March 2023
- Drawing 811P2-11a Proposed layout and landscaping plan
- Drawing 811P2-02 Existing site plan

Brian Coghlan

From: MMM DAXI [redacted]
Sent: 25 March 2023 12:11
To: Brian Coghlan
Subject: Re:

Dear Brian,
Sorry I should have added this ti my previous email. Please see below to the comment we received from Angus Council off the basis if a neighbour complaining about ponding at the entrance to our site, referring to it as flooding.

Angus Council Roads (Drainage and Flooding)Comments –

'I note that the Flood Assessment Report referenced above has yet to be provided by the applicant.

Bullet points 1 and 2 – I note that surface water ponding/flooding issues have been observed at this location and reported/evidenced through public representations which have been made. As such, I confirm that it would be appropriate for the flood assessment to consider the risk of flooding to the site access from the adjacent sources. It would be appropriate for these flows to be incorporated into the drainage proposals. I wish to clarify that the above reference to "IHS24" should instead read as "Institute of Hydrology Report 124 (IH124)" I also note that use of the FEH Statistical Method may also be a suitable alternative to this approach if preferred.

Bullet point 3 – Angus Council notes the anecdotal information, contained within the public representations, which note the location of a large clay pipe which was uncovered while installing an outside tap to the south of the garage belonging to the neighbouring property to the south of the site. We also note that the upstream mill pond is shown on the 25 inch OS Map (1892 to 1914) at NO 35652 46271. As such I consider that there is a reasonable possibility of a redundant mill lade within the site. It is always possible that redundant infrastructure may still carry flows and as such I would recommend that the implications of this is considered, along with consideration of suitable mitigation measures should such infrastructure be discovered during any proposed development.'

Look forward to hearing from you

Thanks in advance.

Mirna Melki

Keith Renton
architect
Tel: 01361 810 271
info@keithrentonarchitect.co.uk
www.keithrentonarchitect.co.uk

Station	Easting	Northing	Level
A	335536.870	746672.450	68.986
B	335527.905	746681.212	68.885
BM	335533.732	746669.249	69.098
C	335513.169	746702.286	68.319

5m 2m 1m 0 5m 10m

Drawing Title: **EXISTING SITE PLAN**

Job Title: **Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF**

Client: **Mirna Melki and Robert Mills**
Drawing Number: **811P2-02**
Drawing Scale: **1:200**
Drawing Date: **1 February 2021**
Drawn By: **KR**
Amendments:
none

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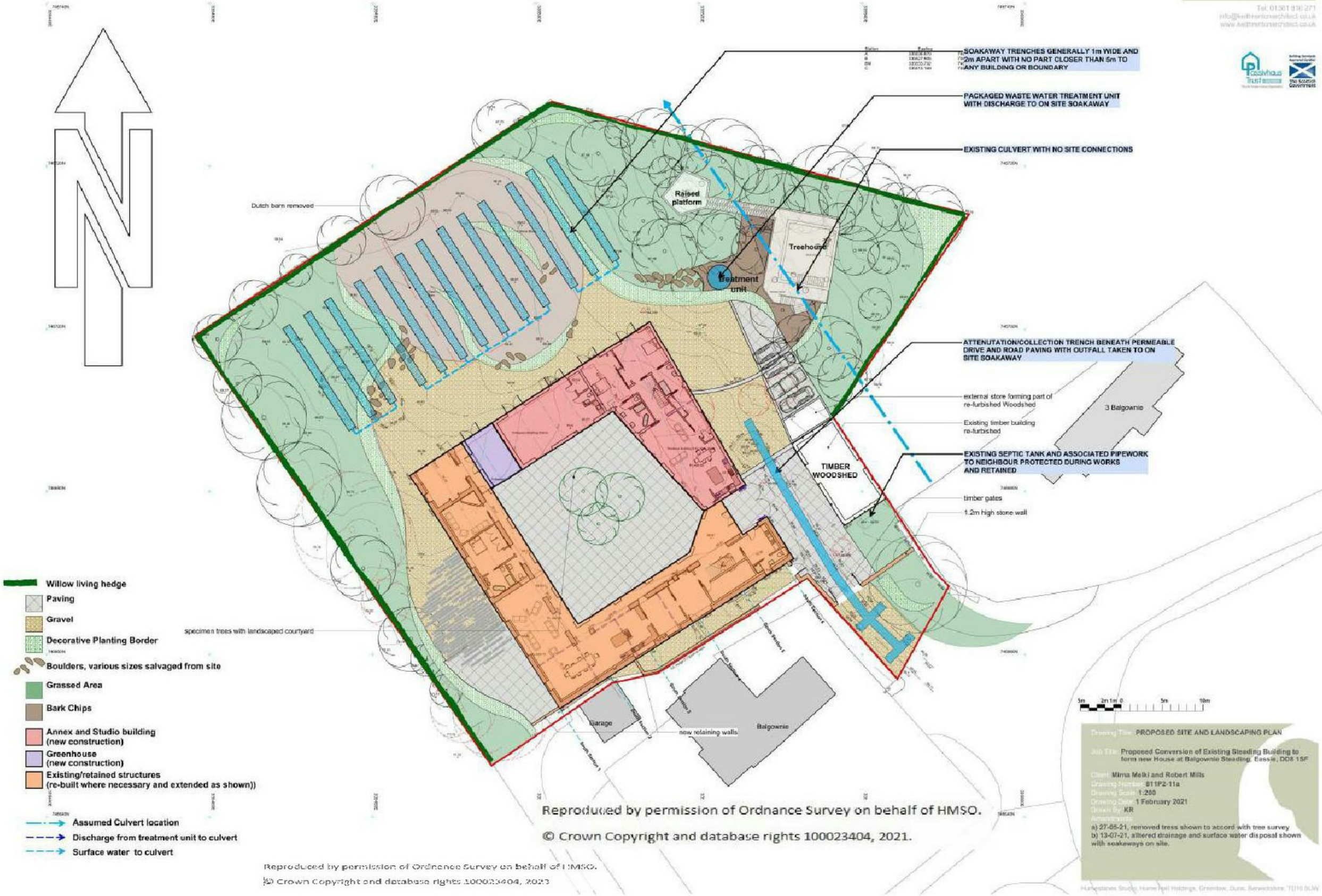

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Circular 4/1998: The use of conditions in planning permissions

This Circular supersedes SDD No. 18/1986 (except Appendices A and B)
The Chief Executive Local Authorities

Copy to: The Director of Planning
Our ref: PGC/3/13
27 February 1998

Contents

Introduction

1. This Circular and the accompanying Annex sets out Government policy on the use of conditions in planning permissions. It updates and revises the guidance in SDD Circular18/1986, which (except for Appendices A and B - see paragraph 11 below) is now cancelled, to take account of:

- new legislation, in particular the consolidation of the Planning Acts;
- Court decisions, which are referred to at relevant sections of the Annex;
- additional topics, such as Environmental Assessment and Nature Conservation; and
- good planning practice in the use of conditions.

General policy

2. Conditions imposed on a grant of planning permission can enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. While the power to impose planning conditions is very wide, it needs to be exercised in a manner which is fair, reasonable and practicable. Planning conditions should only be imposed where they are:

- necessary
- relevant to planning
- relevant to the development to be permitted
- enforceable
- precise
- reasonable in all other respects

The Secretary of State attaches great importance to these criteria being met so that there is an effective basis for the control and regulation of development which does not place unreasonable or unjustified burdens on applicants and their successors in title.

3. Planning conditions must not, however, be applied slavishly or unthinkingly; a clear and precise reason for a condition must be given. While the use of standard conditions can be important to the efficient operation of the development control process, such conditions should not be applied simply as a matter of routine. Conditions should be used to achieve a specific end, not to cover every eventuality.

4. It is essential that the operation of the planning system should command public confidence. The sensitive use of conditions can improve the effectiveness of development control and enhance that confidence. Conditions imposed in an unreasonable way, so that it proves impracticable or inexpedient to enforce them, will damage such confidence and should be avoided.

5. The Annex to the Circular sets out the policy in greater detail.

Development plans

6. Where appropriate, development plans should specify the policies which the authority propose to implement regularly by means of planning conditions. Where applicants for planning permission are aware of such policies, they are more likely to incorporate appropriate details in their submissions, thus reducing the risk of delay in determining the applications and possibly avoiding the need to impose a specific condition.

Appeals

7. Paragraph 19 of Annex A to SODD Circular 13/1997 states that, in the case of planning inquiries, the statement submitted by the planning authority should include a list of conditions that it would wish to see imposed on any approval which may be given. A similar practice, which some authorities already follow, is also appropriate to cases proceeding by way of written submissions. The Secretary of State expects Reporters will be vigilant in ensuring that conditions imposed meet the criteria in paragraph 2 above and the detailed policy set out in the Annex.

Breach of condition notices

8. Since July 1992, planning authorities have been able to ensure compliance with many planning conditions by serving a breach of condition notice. Guidance about this type of notice is given in SOEnD Circular 36/1992. If a valid breach of condition notice is contravened, the resulting offence is open to summary prosecution. But the prosecution's case must always be proved on the criminal standard of proof ("beyond reasonable doubt"). Consequently, if the breach of condition notice procedure is to operate effectively, planning conditions must be formulated precisely. In the event of prosecution, Courts will then have no doubt about exactly what is required in order to comply with the terms of a planning condition.

Specialist subjects

9. This Circular does not include specific advice on the use of planning conditions for specialist subjects such as minerals workings or for developments relating to waste management.

Manpower and financial considerations

10. This Circular brings up to date existing advice, and should therefore have no effect on local government manpower or expenditure.

Model conditions

11. The Secretary of State is of the view that detailed guidance on model conditions should be provided. Further work with local authority representatives in this area will be undertaken and a list of model conditions will be issued in due course. This Circular should be read with the forthcoming guidance on model conditions. Until the new list of model conditions is published, authorities should continue to refer to these in Appendices A and B of SDD Circular 18/1986.

Enquiries and further copies

12. Enquiries about the content of this Circular should be addressed to Mr Stephen Bruce (Telephone 01312447065). Further copies of the Circular and a list of current planning circulars may be obtained from The Scottish Office Development Department, Planning Division, 2-H, Victoria Quay, Edinburgh, EH6 6QQ (Telephone 0131 244 7066 or 7825).

Annex A: The use of conditions in planning permissions

Powers

Summary of powers

1. Conditions on planning permissions may be imposed only within the statutory powers available. Advice on these powers is given below. This advice is intended to be a guide, and it must be stressed that it is not definitive. An authoritative statement of the law can only be made by the Courts. The principal powers are in sections 37 and 41 of the Town and Country Planning (Scotland) Act 1997 (referred to below as "the Act"). Sections 58 and 59 of the Act require the imposition of time-limiting conditions on most grants of planning permission (see paragraphs 45 to 52 below). Powers to impose conditions are also conferred on the Secretary of State or Reporters by sections 46, 48 and 133 and Schedule 4 of the Act. Unless the permission otherwise provides, planning permission runs with the land and conditions imposed on the grant of planning permission will bind successors in title.

General power

2. Section 37(1) of the Act enables the planning authority to grant planning permission "either unconditionally or subject to such conditions as they think fit". The power to impose conditions is not, however, as wide as it appears, and must be interpreted in the light of Court decisions.

Powers for conditions on land outside application site and temporary permissions

3. Section 41(1) amplifies the general power in section 37(1) in two ways. It makes clear that the planning authority may impose conditions regulating the development or use of land under the control of the applicant even if it is outside the site which is the subject of the application. (The Courts have held that the question whether land is under the control of an applicant is a matter to be determined according to the

facts of the particular case. It is only necessary to have such control over the land as is required to enable the developer to comply with the condition.) The section also makes clear that the planning authority may grant planning permission for a specified period only.

Power to vary or remove the effect of conditions

4. Section 33 of the Act provides, among other things, for planning applications to be made in respect of development which has been carried out without planning permission and for applications for planning permission to authorise development which has been carried out without complying with some planning condition to which it was subject. Special consideration may need to be given to conditions imposed on planning permissions granted under section 33. For example, the standard time-limiting condition will not be appropriate where development has begun before planning permission has been granted.

5. Section 42 of the Act provides for applications for planning permission to develop land without complying with conditions previously imposed on a planning permission. The planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original condition(s) should continue. The original planning permission will continue to subsist whatever the outcome of the application under section 42. This section will not apply if the period within which the development could begin, as specified in the previous condition, has expired without the development having begun.*

Other considerations

Policy and other considerations

6. The limits of the enabling powers are not the only constraints on the use of conditions. Conditions should normally be consistent with national planning policies, as expressed in Government Circulars, National Planning Policy Guidelines (NPPGs) and other published material. They should also normally be consistent with the provisions of development plans and other policies of planning authorities. However, where a certain kind of condition is specifically endorsed by a development plan policy it is still necessary to consider whether it is justified in the particular circumstances of the proposed development. In general, conditions which duplicate the effect of other legislation should not be imposed (see paragraphs 19-22).

Practice

Role of pre-application discussions

7. Even before an application is made, informal discussions between the applicant and the planning authority can be very helpful. They can allow the applicant to formulate the details of a project so as to take full account of the requirements of the authority and assist the authority in making sure that those requirements are reasonable in the light of the development proposed. Discussion can also reduce the need for conditions, enable the authority to explore the possible terms of conditions which remain necessary and ensure that these are tailored to the circumstances of the case.

"Standard conditions"

8. Lists of standard or model conditions can be of great benefit. They can improve consistency of decisions, make effective use of staff resources and increase the speed of processing of planning applications. They may also, however, encourage the use of conditions as a matter of routine, without the careful assessment of the need for a condition which every applicant should be able to expect. Slavish or uncritical application of conditions is wholly inappropriate. Lists of standard conditions can usefully be made available locally, so that developers can take account of possible conditions at an early stage in drawing up their proposals. Such lists should contain a warning that they are not comprehensive and that conditions will always be devised or adapted where appropriate to suite the particular circumstances of a case.

Reasons

9. It is for the planning authority, in the first instance, to judge on the facts of the case whether a particular development proposal should be approved subject to planning conditions. By virtue of Article 22(1)(a) of The Town and Country Planning (General Development Procedure) (Scotland) Order 1992, an authority deciding to grant permission subject to conditions must state the reasons for their decision. Where a planning authority, by virtue of Article 15 of the General Development Procedure Order, has consulted other bodies in respect of a planning application and is disposed to grant planning permission subject to a condition suggested to them by another body, the authority should ensure that the body has provided clear reasons for suggesting the imposition of the condition. Such conditions should only be imposed where they will meet clear land use planning objectives; as stated in paragraph 6 above conditions should not be used to duplicate controls available under other legislation. Reasons must be given for the imposition of every condition. It may be that more than one condition will be justified on the same basis, in which case it will be acceptable that such conditions be grouped together and justified by one reason. Reasons such as "to comply with the policies of the Council", "to secure the proper planning of the area" or "to maintain control over the development" are vague, and can suggest that the condition in question has no proper justification. The phrase "to protect amenity" can also be obscure and will often need amplification. If the reasons for the imposition of conditions are clearly explained, developers will be better able to understand the need for them and to comply with them in spirit as well as in letter. The likelihood of proper and acceptable conditions being challenged on appeal, so that development proposals are held up, will also be diminished.

Notes for information

10. Sometimes planning authorities will wish to give guidance to an applicant for outline planning permission as to the kind of details of reserved matters which they would find acceptable. A planning authority may also wish to draw the attention of an applicant to other statutory consents (eg listed building or road construction consent) which must be obtained before development can commence. This should not be done by imposing a condition: instead a note may be appended to the planning permission. A note may also be desirable to draw the attention of the applicant to his

or her right to make an application to vary or remove a condition under section 42 of the Act, or indeed for other purposes.

Planning agreements

11. Problems posed by a development proposal may be solved either by imposing a condition on the planning permission or by concluding a planning agreement under section 75 of the Act or under other powers. The Secretary of State's policy on planning agreements is set out in SODD Circular 12/1996. This makes it clear that the planning authority should normally seek to regulate a development by a condition rather than through an agreement, since the imposition of restrictions by means of an agreement deprives the developer of the opportunity of seeking to have the restrictions varied or removed by an application or appeal under Part III of the Act if they are subsequently seen as being inappropriate or too onerous. Planning authorities should note that if a certain restriction is contrary to the advice contained in this Circular it is likely to be objectionable regardless of whether it is suggested that it should be implemented by a condition or an agreement. It is ultra vires to impose a condition in a planning permission requiring an applicant to enter into an agreement. Nor should conditions imposed on a grant of planning permission be duplicated in a planning agreement.

Tests

Six tests for conditions

12. On a number of occasions the Courts have laid down the general criteria for the validity of planning conditions. In addition to satisfying the Courts' criteria for validity, conditions should not be imposed unless they are both necessary and effective, and do not place unjustifiable burdens on applicants. As a matter of policy, conditions should only be imposed where they are:

- necessary,
- relevant to planning,
- relevant to the development to be permitted,
- enforceable,
- precise, and
- reasonable in all other respects.

Test: need for a condition

13. In considering whether a particular condition is necessary, authorities should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification. Planning authorities should also avoid imposing conditions through anxiety to guard against every possible contingency, however remote. The argument that a condition will do no harm is no justification for its imposition; as a matter of policy a condition ought not to be imposed unless there is a definite need for it. The same principles, of course, must be applied in dealing with applications for the removal of a condition under section 33 or 42 of the Act; a condition should not be retained unless there are sound and clear-cut reasons for doing so.

14. In some cases a condition will clearly be unnecessary, such as where it would repeat provisions in another condition imposed on the same permission. In other cases the lack of need may be less obvious and it may help to ask whether it would be considered expedient to enforce against a breach- if not, then the condition may well be unnecessary.

15. Conditions should be tailored to tackle specific problems, rather than impose unjustified controls. In so far as a condition is wider in its scope than is necessary to achieve the desired objective, it will fail the test of need. For example, where an extension to a dwelling house in a particular direction would be unacceptable, a condition on the permission for its erection should specify that, and not simply remove all rights to extend the building. Permissions should not, however, be overloaded with conditions. It might be appropriate, for example, to impose on a permission in a conservation or other sensitive area a requirement that all external details and materials should be in complete accordance with the approved plans and specifications, rather than recite a long list of architectural details one by one.

Completion of development

16. Conditions requiring development to be carried out in its entirety, or in complete accordance with the approved plans, often fail the test of need by requiring more than is needed to deal with the problem they are designed to solve. If what is really wanted is simply to ensure that some particular feature or features of the development are actually provided or are finished in a certain way, specific conditions to this end are far preferable to a general requirement.

17. The absence of a specific condition does not prevent enforcement action being taken against development which differs materially from the approved design. However, it may well be easier for planning authorities to enforce compliance with a condition that has been breached, than to enforce on the basis of a material variation from the approved plans or description of development. Where an application includes information, for example on likely hours of working, which significantly influence the planning decision, it may be appropriate to include a specific condition to ensure compliance with the restrictions.

Test: relevance to planning

18. A condition which has no relevance to planning is ultra vires. A condition that the first occupants of dwellings must be drawn from the local authority's housing waiting list, for example, would be improper because it was meant to meet the ends of the local authority as housing authority and was not imposed for planning reasons. Although a condition can quite properly require the provision of open space to serve the approved development (as part of a housing estate, for example) it would be ultra vires if it required the open space to be dedicated to the public. Other conditions affecting land ownership (requiring, for example, that the land shall not be disposed of except as a whole) where there was no planning justification for such a constraint would similarly be ultra vires.

Other planning controls

19. Some matters are the subject of specific control elsewhere in planning legislation, for example advertisement control, listed building consent or tree preservation. If these controls are relevant to the development the planning authority should normally rely on them and not impose conditions on a grant of planning permission to achieve the purposes of a separate system of control (but on Trees note paragraphs 77 and 78 below).

Non-planning controls

20. Other matters are subject to control under separate legislation, yet are also of concern to the planning system. A condition which duplicates the effect of other controls will normally be unnecessary and one whose requirements conflict with those of other controls will be ultra vires because it is unreasonable. For example, a planning condition would not normally be appropriate to control the level of emissions from a proposed development where they are subject to pollution control legislation. However, such a condition may be needed to address the impact of the emissions to the extent that they might have land-use implications and/or are not controlled by the appropriate pollution control authority. (For further advice on this subject, see Planning Advice Note 51 Planning and Environmental Protection.) A condition cannot be justified on the grounds that the planning authority is not the body responsible for exercising a concurrent control and, therefore, cannot ensure it will be exercised properly. Nor can a condition be justified on the grounds that a concurrent control is not permanent but is subject to expiry and renewal (as, for example, with certain licences). Even where a condition does not actually duplicate or conflict with another control, differences in requirements can cause confusion and it will be desirable as far as possible to avoid solving problems by the use of conditions instead of, or as well as, by another more specific control.

21. Where other controls are also available, a condition may, however, be needed when the considerations material to the exercise of the two systems of control are substantially different, since it might be unwise in these circumstances to rely on the alternative control being exercised in the manner or to the degree needed to secure planning objectives. Conditions may also be needed to deal with circumstances for which a concurrent control is unavailable. A further case where conditions may be justified will be where they can prevent development being carried out in a manner which would be likely to give rise to onerous requirements under other powers at a later stage (eg to ensure adequate arrangements for the disposal of sewage and thus avoid subsequent intervention under the Sewerage (Scotland) Act 1968).

22. As a matter of policy, conditions should not be imposed in order to avoid compensation payments under other legislation (although such a condition would not be ultra vires if it could be justified on planning grounds). Although conditions which have the effect of restricting for planning purposes the activities in respect of which planning permission is granted may reasonably be imposed without any liability for compensation arising under planning legislation, great care should be taken with conditions which would have the effect of removing future liability for compensation which might arise under other legislation. For example, a condition requiring sound-proofing measures may be appropriate to a permission for residential development

near a major road where noise levels are high. But it will be inappropriate to impose such a condition with the aim of removing the roads authority's liability to install soundproofing when proposals for major road improvement are implemented. A condition of this sort is not relevant to the existing planning circumstances, but looks to future circumstances in respect of which other legislation provides compensation for those affected.

Test: relevance to the development to be permitted

23. Unless a condition fairly and reasonably relates to the development to be permitted, it will be ultra vires.

24. It is not, therefore, sufficient that a condition is related to planning objectives: it must also be justified by the nature of the development permitted or its effect on the surroundings. For example, if planning permission is being granted for the alteration of a factory building, it would be wrong to impose conditions requiring additional parking facilities to be provided for an existing factory simply to meet a need that already exists. It would similarly be wrong to require the improvement of the appearance or layout of an adjoining site simply because it is untidy or congested. Despite the desirability of these objectives in planning terms, the need for the action would not be created by the new development. On the other hand, it is proper for conditions to secure satisfactory access or parking facilities, for example, which are genuinely required by the users of a proposed development. Conditions can also be proper where the need for them arises out of the effects of the development rather than its own features; for example, where a permission will result in intensification of industrial use of a site, a condition may be necessary requiring additional sound-insulation in the existing factory buildings. It may even be justifiable to require by condition that an existing building be demolished- perhaps where to have both would result in the site being over-intensively developed.

Test: ability to enforce

25. A condition should not be imposed if it cannot be enforced. It is often useful to consider what means are available to secure compliance with a proposed condition. There are two provisions which authorities may use to enforce conditions; an enforcement notice under section 127 of the Act or a breach of condition notice under section 145. Precision in the wording of conditions is crucial when it comes to enforcement.

Practicality of enforcement

26. Sometimes a condition will be unenforceable because it is in practice impossible to detect an infringement. More commonly it will merely be difficult to prove a breach of its requirements. For example, a condition imposed for traffic reasons restricting the number of persons resident at any one time in a block of flats would be impracticable to monitor and pose severe difficulties in proving an infringement. However, where a condition is intended to prevent harm to the amenity of an area which is clearly likely to result from the development (for example, a condition requiring an amusement centre to close at a certain time in the evening), it will not usually be difficult to monitor compliance with the condition. Those affected by

contraventions of its requirements are likely to be able to provide clear evidence of any breaches.

Whether compliance is reasonable

27. A condition may raise doubt about whether the person carrying out the development to which it relates can reasonably be expected to comply with it. If not, subsequent enforcement action is likely to fail on the ground that what is required cannot reasonably be enforced. One type of case where this might happen is where a condition is imposed requiring the carrying out of works (eg the construction of a means of access) on land within the application site but not, at the time of the grant of planning permission, under the control of the applicant. If the applicant failed to acquire an interest in that land and carried out the development without complying with the condition, the planning authority could enforce the condition only by taking action against the third party who owned the land to which the condition applied and who had gained no benefit from the development. Such difficulties can usually be avoided by framing the condition so as to require that the development authorised by the permission should not commence until the access has been constructed.

Enforcing conditions imposed on permission for operational development
28. An otherwise legally sound condition may prove unenforceable because it is imposed on a grant of planning permission for the carrying out of operations which have not been carried out in accordance with the approved plans. Authorities should take into account the Court of Appeal's judgement in the case of Handoll and Othersv Warner Goodman and Streat (A firm) and Others, (1995) 25EG157, which held that the judgement of the Divisional Court in KerrierDCv Secretary of State for the Environment and Brewer (1980) 41P&CR284, had been wrongly decided. Both cases concerned a planning permission for the erection of a dwelling subject to an agricultural occupancy condition.**

Test: precision

29. The framing of conditions requires great care, not least to ensure that a condition is enforceable. A condition, for example, requiring only that "a landscaping scheme shall be submitted for the approval of the planning authority" is incomplete since, if the applicant were to submit the scheme and even obtain approval for it, but neglect to carry it out, it is unlikely that the planning authority could actually require the scheme to be implemented. In such a case, a requirement should be imposed that landscaping shall be carried out in accordance with a scheme to be approved in writing by the planning authority; and the wording of the condition must clearly require this. A condition of this kind also sets no requirement as to the time or the stage of development by which the landscaping must be done, which can similarly lead to enforcement difficulties. Conditions which require specific works to be carried out at a certain 'time' or stage should state clearly when this must be done.

Vague conditions

30. A condition which is not sufficiently precise for the applicant to be able to ascertain what he must do to comply with it is ultra vires and must not be imposed. Vague expressions which sometimes appear in conditions, for example "keep the

buildings in a tidy state" or "so as not to cause annoyance to nearby residents", give occupants little idea of what is expected of them. Furthermore, conditions should not be made subject to qualifications, such as "if called upon to do so" or "if the growth of traffic makes it desirable", because these do not provide any objective and certain criterion by which the applicant can ascertain what is required.

Discretionary or vetting conditions

31. Conditions which attempt to provide for an arbiter to interpret such expressions or qualifications do not avoid this difficulty. Conditions requiring that tidiness, for example, shall be "to the satisfaction of the planning authority" make the applicant no more certain of what is required. Conditions which are imprecise or unreasonable cannot be made acceptable by phrases such as "except with the prior approval of the planning authority" which purport to provide an informal procedure to waive or modify their effect. Similarly, conditions restricting the occupation of a building should not set up a vetting procedure for prospective occupiers. Conditions which raise these difficulties, however, are not to be confused with conditions which require the submission of a scheme or details for approval which will, when granted, provide the precise guidelines to be followed by the developer.

Clarity

32. Conditions should be not only precise but clear. Where the wording of a condition may be difficult to follow, it may be helpful to attach to the permission an illustrative plan (eg describing sight lines required at the entrance to an access road).

Test: reasonableness

33. A condition can be ultra vires on the grounds of unreasonableness, even though it may be precisely worded and apparently within the powers available.

Conditions invalid on grounds of unreasonableness

34. A condition may be unreasonable because it is unduly restrictive. Although a condition may in principle impose a continuing restriction on the use of land (provided that there are good planning reasons for that restriction), such a condition should not be imposed if the restriction effectively nullifies the benefit of the permission. For example, it would normally be reasonable to restrict the hours during which an industrial use may be carried on if the use of the premises outside these hours would affect the amenity of the neighbourhood. However, it would be unreasonable to do so to such an extent as to make it impossible for the occupier to run his business properly. If it appears that a permission could be given only subject to conditions that would be likely to be held unreasonable by the Courts, then planning permission should be refused altogether.

Avoidance of onerous requirements

35. Even where a condition would not be so unreasonably restrictive as to be ultra vires, it may still be so onerous that as a matter of policy it should be avoided. For example, a condition which would put a severe limitation on the freedom of an owner

to dispose of his property, or which would obviously make it difficult to finance the erection of the permitted building by borrowing on mortgage, should be avoided on these grounds. An unduly restrictive condition can never be made acceptable by offering the prospect of informal relaxation of its effect.

Control over land

36. Particular care needs to be taken over conditions which require works to be carried out on land in which the applicant has no interest at the time when planning permission is granted. If the land is included in the site in respect of which the application is made, such conditions can in principle be imposed, but the authority should have regard to the points discussed in paragraph 3 above. If the land is outside that site, a condition requiring the carrying out of works on the land cannot be imposed unless the authority are satisfied that the applicant has sufficient control over the land to enable those works to be carried out.

Conditions depending on others' actions

37. It is unreasonable to impose a condition worded in a positive form which developers would be unable to comply with themselves, or which they could comply with only with the consent or authorisation of a third party Similarly, conditions which require the applicant to obtain an authorisation from another body, such as the Scottish Environment Protection Agency, should not be imposed.

38. Although it would be ultravires to require works which the developer has no powers to carry out, or which would need the consent or authorisation of a third party, it may be possible to achieve a similar result by a condition worded in a negative form, prohibiting development until a specified action has been taken. Whereas previously it had been understood that the test of whether such a condition was reasonable, was strict; to the effect that there were at least reasonable prospects of the action in question being performed, the House of Lords (in the British Railways Boardv the Secretary of State for the Environment and Hounslow LBC [1994] JPL32;[1993] 3 PLR 125) established that the mere fact that a desirable condition, worded in a negative form appears to have no reasonable prospects of fulfilment does not mean that planning permission need necessarily be refused as a matter of law. Thus, while an authority will continue to have regard to all relevant factors affecting a planning application and whether it should be granted with or without conditions, there is no longer a legal requirement to satisfy a reasonable prospects test in respect of any negative condition they may decide to impose. For example, if it could be shown that improvements to sewerage facilities for a new housing development were planned but there was no clear indication that they would be built within the time limits imposed by the permission, it might still be possible to grant consent subject to a condition that the houses should not be occupied until the relevant sewerage works were completed. It might also be reasonable to use a condition requiring that a development should not commence until a particular road had been stopped up or diverted, even if the timing remained uncertain. Planning authorities should therefore note this recent House of Lords ruling and its implications for a less restrictive view in the use of negative conditions.

Consent of applicant to unreasonable conditions

39. An unreasonable condition does not become reasonable because an applicant suggests it or consents to its terms. The condition will normally run with the land and may, therefore, still be operative long after the applicant has moved on. It must always be justified on its planning merits.

Regulation of development

Outline permissions

40. An applicant who proposes to carry out building or other operations may choose to apply either for full planning permission, or for outline permission with one or more of the following matters reserved by condition for the subsequent approval of the planning authority: the siting, design or the external appearance of the building, the means of access, or the landscaping of the site ("reserved matters"). An applicant cannot seek an outline planning permission for a change of use alone.

Details supplied in outline applications

41. An applicant can, however, choose to submit as part of an outline application details of any of these "reserved matters". Unless he has indicated that those details are submitted "for illustrative purposes only" (or has otherwise indicated that they are not formally part of the application), the planning authority must treat them as part of the development in respect of which the application is being made. The authority cannot reserve that matter by condition for subsequent approval, unless the applicant is willing to amend the application by withdrawing the details.

Conditions relating to outline permissions

42. Once outline planning permission has been granted, it cannot be withdrawn except by a revocation order under section 65 of the Act, and any subsequent approval of reserved matters does not constitute the granting of a further planning permission. Any conditions relating to anything other than the reserved matters should be imposed when outline permission is granted. The only conditions which can be imposed when the reserved matters are approved are conditions which directly relate to those matters. So, where certain aspects of the development are crucial to the decision, planning authorities will wish to consider imposing relevant conditions when outline permission is granted. For example, it may be considered necessary to require a building to be constructed within a specified "footprint" or to retain important landscape features which would affect the setting of the building and its neighbours.

43. If the planning authority consider that, whatever the precise form the development is to take, access to the buildings should be from a particular road (or, alternatively, that there should be no means of access from a particular road), then a condition to this effect must be imposed on the outline permission. Approval of the details of the means of access to the permitted buildings can be refused on the grounds that there should not be access to the site from a particular road only if the need for such a restriction arises from the details of the development which have

been submitted for approval (eg from the density which is indicated by submitted details of the design and siting of the buildings). It is desirable that, wherever possible, notes should be appended to an outline permission to give the developer guidance as to what precise form of development will be acceptable to the planning authority.

Conditions reserving other matters

44. Authorities should seek to ensure, where possible, that conditions other than those relating to reserved matters, are self-contained and do not require further approvals to be obtained before development can begin. Where necessary, however, a planning authority may also, when granting a full or outline planning permission, impose a condition requiring that details of a specified aspect of the development which was not fully described in the application (eg the provision of car parking spaces) be submitted for approval before the development is begun. In the case of full permission such a condition can relate to details (such as landscaping) which might have been reserved matters had the application been made in outline. The applicant has the same right of appeal to the Secretary of State under section 47 of the Act if he cannot get the authority's approval, agreement or consent to matters reserved under such a condition as he has in respect of applications for approval of reserved matters.

Time-limits on the commencement of development

Statutory time-limits

45. The imposition of time-limits on the commencement of development is, by virtue of section 58 of the Act, not required for temporary permissions (see paragraphs 104-109), for permissions for any development carried out before the grant of planning permission, or for permissions granted by a development order, an enterprise zone or simplified planning zone scheme.

Time-limits on full permissions

46. Other grants of planning permission (apart from outline permissions) should, under section 58 of the Act, be made subject to a condition imposing a time-limit within which the development authorised must be started. The section specifies a period of five years from the date of the permission. Where planning permission is granted without a condition limiting the duration of the planning permission, it is deemed to be granted subject to the condition that the development to which it relates must be begun not later than the expiration of 5 years beginning with the grant of permission.

Time-limits on outline permissions

47. Grants of outline planning permission must, under section 59 of the Act, be made subject to conditions imposing two types of time-limit, one within which applications must be made for the approval of reserved matters and a second within which the development itself must be started. The periods specified for the submission of applications for approval of reserved matters are: the latest of three years from the

grant of outline permission; 6 months from the date of refusal of an earlier application; and 6 months from the date on which an appeal against such a refusal was dismissed. The periods specified for starting the development are either five years from the grant of permission or two years from the final approval of the last of the reserved matters, whichever is the longer.

Variation from standard time-limits

48. If the authority consider it appropriate on planning grounds, they may specify longer or shorter periods than those specified in the Act, and must give their reasons for so doing. In the absence of specific time-limiting conditions, permission is deemed to have been granted subject to conditions imposing the periods referred to in paragraphs 46 and 47. It may be particularly desirable to adopt a flexible approach to the fixing of time-limits where development is to be carried out in distinct parts or phases; section 59(6) of the Act provides that outline permissions may be granted subject to a series of time-limits, each relating to a separate part of the development. Such a condition must be imposed at the time outline planning permission is granted.

49. A condition requiring the developer to obtain **approval** of reserved matters within a stated period should not be used, since the timing of an approval is not within the developer's control. A condition, therefore, should set time-limits only on the **submission** of applications for approval of reserved matters.

Separate submission of different reserved matters

50. Applications for approval under an outline permission may be made either for all reserved matters at once, or for one at one time and others at another. Even after details relating to a particular reserved matter have been approved, one or more fresh applications may be made for approval of alternative details in relation to the same reserved matter. Once the time-limit for applications for approval of reserved matters has expired, however, no applications for such an approval can be made.

Effect of time-limit

51. After the expiry of the time-limit for commencement of development it would be ultra vires for development to be begun under that permission; a further application for planning permission must be made.

Renewal of permissions before expiry of time-limits

52. Developers who delay the start of development are likely to want their permission renewed, as the time-limit for implementation approaches. Under Article 5 of The Town and Country Planning (General Development Procedure) (Scotland) Order 1992 applications for such renewals may be made simply by letter, referring to the existing planning permission, although the planning authority have power subsequently to require further information, if needed. As a general rule, such applications should be refused only where:

a. there has been some material change in planning circumstances since the original permission was granted (eg a change in some relevant planning policy for the area,

or in relevant road considerations or the issue by the Government of a new planning policy which is material to the renewal application);
b. there is likely to be continued failure to begin the development and this will contribute unacceptably to uncertainty about the future pattern of development in the area; or
c. the application is premature because the permission still has a reasonable time to run.

Completion of development

Completion of whole development

53. A condition requiring that the whole of the development permitted be completed is likely to be difficult to enforce. If a development forming a single indivisible whole, such as a single dwelling house, is left half-finished, it may be possible to secure completion by a completion notice under section 61 of the Act. If, however, the reason for failure to complete is financial difficulties experienced by the developer, neither a completion notice nor the enforcement of conditions would be likely to succeed. In such circumstances, the only practical step open to the planning authority, if they wish to secure the completion of the development, would be to carry it out themselves following acquisition of the land. If a large development, such as an estate of houses is left half-complete, this may be due to market changes (for example, a shift in demand from four-bedroom to two-bedroom houses) and it would clearly not be desirable to compel the erection of houses of a type for which there was no demand. Conditions requiring the completion of the whole of a development should, therefore, not normally be imposed.

Completion of elements of a development

54. Conditions may be needed, however, to secure that a particular element in a scheme is provided by a particular stage or before the scheme is brought into use, or to secure the provision of an element of a kind a developer might otherwise be tempted to defer or omit. Thus it may be desirable to require that a new access to the site should be constructed before any other development is carried out; or, where an office scheme includes a car park, that the car park is completed before the offices are occupied; or, where the scheme includes both offices and housing, that the offices should not be occupied before the houses are complete. The approach adopted must, of course, be reasonable. Taking the last example, it could well be unacceptable to require that the houses should be completed before the offices are begun; this would be likely to be an unjustifiable interference with the way the development is carried out. Or, to take another example, it could well be unacceptable to demand that all the requirements of a landscape condition should be complied with before a building is occupied; this could involve the building lying empty for many months, since such a condition will often provide for a considerable maintenance period so that trees can become established.

Phasing

55. Conditions may also be imposed to ensure that development proceeds in a certain sequence where some circumstances of the proposal, for example the

manner of infrastructure provision, makes this necessary. A condition delaying development over a substantial period is a severe restriction on the benefit of the permission granted. If land is available for a particular purpose, its commencement should not be delayed by condition because the authority have adopted a system of rationing the release of land for development.

Traffic and transport

56. The Government is planning to publish a White Paper in 1998 setting out its new integrated transport policy. This will aim, for example, to offer genuine choice to the travelling public by promoting more integrated public transport systems and to address the problems of congestion and transport related pollution. New planning guidance and advice flowing from the new policy will be issued in due course and it is likely that this will have implications for the level of parking provision which it would be appropriate to prescribe in planning conditions. Subsequent paragraphs need to be read against this general background.

Parking, public transport, walking and cycling

57. Developments often generate extra traffic, usually in the form of haulage or delivery vehicles or cars of residents, visitors or employees. Unless this demand is minimal (as it might be, for example, in the case of some very small firms) and unlikely to cause obstruction, space may need to be provided for off-street parking. Any conditions specifying the number of parking spaces should be consistent with the development plan as well as transport policies for the area. They also need to be reasonable in relation to the size and nature of the development and to satisfy the tests referred to in paragraph 12.

58. Normally a parking site separate from the road will be needed. In this case, conditions should ensure, where necessary, that space is provided for the turning of vehicles so that they do not have to reverse on to the road. Where the authority decides that it is appropriate to require the provision of car parking spaces on other land under the control of the applicant, the development must be readily accessible from the car park.

59. In certain circumstances, developers may enter into a planning agreement with the planning authority to provide off-site parking or to contribute to other transport measures directly related to the development, for example to assist public transport or walking and cycling. The provisions of such agreements should reflect Government policy as set out in SODD Circular 12/1996.

Access

60. Where a service road is needed as part of a large development for which outline permission is to be granted, it may be necessary to impose a condition requiring all access to the main road to be by means of the service road. If such a condition is not imposed at outline stage it may not be possible to secure the objective at a later stage (see paragraph 42). Similarly, if it is desired that there should be no direct access on to a main road, or that access must be taken from a particular side road, a condition to that effect should be imposed on the outline permission, as without such

a condition these restrictions could not normally be introduced when details are being considered.

61. A condition may require the provision or improvement of a service road or means of access even if such works are not included in the application, provided that they can be undertaken on the site in respect of which the application is made, or on other land which is under the control of the applicant, and relates to the proposed development. The condition should be framed so as to require the laying out or improvement of the means of access on the relevant section of the service road on defined land before the relevant buildings are occupied.

62. In considering the imposition of conditions concerning "access", planning authorities should bear in mind the definition of "road" in section 277 of the Town and Country Planning (Scotland) Act 1997 which refers to the definition in section 151 of the Roads (Scotland) Act 1984:

"any way (other than a waterway) over which there is a public right of passage (by whatever means) and whether subject to a toll or not and includes the road's verge, and any bridge (whether permanent or temporary) over which, or tunnel through which, the road passes and any reference to a road includes a part thereof."
Roads fall into 2 particular categories- "public roads" and "private roads", defined in section 151 of the Roads (Scotland) Act 1984. The former are those included in a list of public roads kept by the roads authority and such roads are managed and maintained by the authority. Private roads are those over which the public has a right of passage but whose maintenance is not the responsibility of a roads authority. Such roads are maintainable privately but they are not private in any other way. They are not included in the list of public roads but there is provision in the 1984 Act under which they can be added to the roads authority's list provided they are of adoptable standard. There is sometimes confusion as to what is a private road and that term is often associated in the public mind with, for example, driveways up to private houses. These are not "roads" in terms of the Roads (Scotland) Act as there is no public right of passage over them (anyone using them does so on the sufferance of the owner) and they are, in fact, private accesses. Planning authorities should ensure that prospective developers are fully aware of the significant difference between a private access and a private road. "Private road" marked on a plan indicates that the public will have a right of passage over the land comprising the road: the developer will be required to seek from the roads authority a separate written consent to build such a road and it must be constructed to the standard required by that authority.

Lorry routing

63. Planning conditions are not an appropriate means of controlling the right of passage over public roads. Although negatively worded conditions which control such matters might sometimes be capable of being validly imposed on planning permissions, such conditions are likely to be very difficult to enforce effectively. It may be possible to encourage drivers to follow preferred routes by posting site notices to that effect, or by requiring them to use a particular entrance to (or exit from) the site. But where it is judged essential to prevent traffic from using particular

routes, the appropriate mechanism for doing so is by means of an Order under section 1 of the Road Traffic Regulation Act 1984.

Cession of land

64. Conditions may not require the cession of land to other parties, such as the roads authority.

Development of contaminated sites

Contaminated land

65. Land formerly used for many purposes, including industry and waste disposal can be contaminated by substances that pose immediate or long-term hazards to the environment or to health, or which may damage buildings erected on such sites. Contaminants may also escape from the site to cause air and surface or groundwater pollution and pollution of nearby land. The emission of gas or leachate from a landfill site may be particularly hazardous. In these circumstances, appropriate conditions may be imposed in order to ensure that the development proposed for the site will not expose future users or occupiers of the site, buildings and services, or the wider environment to risks associated with the contaminants present. Planning authorities should, however, base any such conditions on a site-specific assessment of the environmental risks which might affect, or be affected by, the particular proposed development. Conditions should not duplicate the effect of other legislative controls. The contaminated land should be remediated to a standard which is suitable for the proposed use.

66. If it is known or strongly suspected that a site is contaminated to an extent which would adversely affect the proposed development or infringe statutory requirements, an investigation of the hazards by the developer and proposals for remedial action will normally be required before the application can be determined by the planning authority. Any subsequent planning permission may need to include planning conditions requiring certain remedial measures to be carried out.

67. In cases where there is only a suspicion that the site might be contaminated, or where the evidence suggests that there may be only slight contamination, planning permission may be granted subject to conditions that development will not be permitted to start until a site investigation and assessment have been carried out and that the development itself will incorporate any remedial measures shown to be necessary.

68. Conditions might also be imposed requiring the developer to draw to the attention of the planning authority the presence of significant unsuspected contamination encountered during redevelopment. The planning authority may then require the developer to take further remediation action under public health duties. Further guidance on contaminated land is contained in NPPG 10- Planning and Waste Management. PAN 33- Development of Contaminated Land and PAN 51- Planning and Environment Protection. A new regime for identifying and remediating contaminated land is being introduced through the provision of the Environmental Protection Act 1990, as amended by the Environment Act 1995. This uses a risk-

based approach in identifying contaminated land and applies the polluter pays and 'suitable for use' principles. The role of the planning system in addressing contamination will continue alongside the new regime.

Environmental assessment

69. For projects subject to environmental assessment, conditions attached to a grant of planning permission may incorporate monitoring and mitigation measures proposed in an environmental statement where such conditions meet the criteria summarised in paragraph 12. It may be appropriate to impose conditions on the grant of planning permission and in the light of the environmental assessment, to require a scheme of mitigation covering matters of planning concern to be submitted to and approved in writing by the planning authority before any development is undertaken. Again conditions should not duplicate the effect of other legislative controls. In particular, planning authorities should not seek to substitute their own judgement on pollution control issues for that of the bodies with the relevant expertise and the statutory responsibility for that control.

Noise

70. Noise can have a significant effect on the environment and on the quality of life enjoyed by individuals and communities. The planning system should ensure that, wherever practicable, noise-sensitive developments are separated from major sources of noise and that new development involving noisy activities should, if possible, be sited away from noise-sensitive land uses. Where it is not possible to achieve such a separation of land uses, planning authorities should consider whether it is practicable to control or reduce noise levels, or to mitigate the impact of noise, through the use of conditions or planning agreements. (See SDD Circular 16/1973.)

Nature conservation and landscape

71. Nature conservation and landscape quality can be important material considerations in determining many planning applications. Planning authorities should not, however, refuse permission if development can be permitted subject to conditions that will prevent damaging impacts on particular species, wildlife habitats or important physical features. Moreover, for some types of development, such as mineral workings, conditions can be used to provide, on completion of operations, a natural heritage asset. Conditions can also be used, for example, to require areas to be fenced or bunded off to protect them, to restrict operations or uses at or to particular times of the year, to safeguard particular views or to reinforce particular landscape features. The views of Scottish Natural Heritage (SNH) will be particularly important in assessing the impact of development on the natural heritage of an area and in framing appropriate conditions.

72. Planning authorities should bear in mind that a number of areas valued for their landscape quality or nature conservation interest are afforded statutory protection. National Scenic Areas provide the national designation for landscape. For habitats, as well as national designations (primarily Sites of Special Scientific Interest), European Community Directives on nature conservation, most notably through

Special Areas of Conservation under the Habitats Directive and Special Protection Areas under the Wild Birds Directive, are being implemented. A number of sites have also been designated under the Ramsar Convention on Wetlands of International Importance. Conditions affecting such areas will need to be consistent with the provisions applicable for their protection. Scottish Office Environment Department Circulars13/1991 and 6/1995 are particularly important sources of information and guidance.

73. Where the primary concern relates to land management or access to natural heritage resources, planning authorities should consider whether mechanisms other than those provided under planning legislation might provide the best means of securing their objectives. Countryside Management Agreements under the Countryside (Scotland) Act 1967 as amended by the Natural Heritage (Scotland) Act 1991 provide a mechanism for securing appropriate management of natural heritage assets. Access or Public Path Creation Agreements under the 1967 Act can be used to secure appropriate access for enjoyment of the natural heritage.

Design and landscape

74. The appearance of a proposed development and its relationship to its surroundings are material considerations in planning decisions. While planning authorities should not attempt to use conditions simply to impose matters of taste, there will be circumstances where it is important to secure a high quality of design in a proposal if this is to make a positive contribution to a site and its surroundings and show consideration for its local context. This could involve, for example, specifying in conditions the use of particular design features such as materials or finishes. The appearance and treatment of the spaces between and around buildings is also of great importance. Similarly, planning authorities may wish to use conditions to ensure that important vistas are preserved or that landscape features are provided to improve the overall setting of a development.

75. Landscape design may raise special considerations. The treatment of open space can vary greatly and the objective should be to ensure that the intended design quality is achieved in practice. It is, therefore, especially important for the authority to give some advance indication of the essential characteristics of an acceptable landscape scheme- always bearing in mind that such requirements should not be unreasonable. It is of equal importance to ensure that the design proposals are reflected in the quality of works and materials in the final product. The design and implementation stages of landscape treatment may, therefore, be addressed more successfully by separate conditions, occurring as they do at different stages and under variable circumstances. The visual impact of a development will often need to be assessed as a whole and this may well involve considering details of landscape design together with other reserved matters.

Enforcement of landscaping requirements

76. To ensure that a landscape design scheme is prepared, conditions may require that no development should take place until the scheme is approved, so long as this requirement is reasonable. Enforcing compliance with landscape schemes can pose problems, since work on landscaping can rarely proceed until building operations are

nearing completion. Only on permissions for a change of use would it be acceptable to provide that the development permitted should not proceed until the landscaping had been substantially completed. Where permission is being granted for a substantial estate of houses, it might be appropriate to frame the relevant condition to allow for landscape works to be phased in accordance with a programme or timetable to be agreed between the developer and the planning authority and submitted for approval as part of the landscape design proposals. Alternatively, the erection of the last few houses might be prohibited until planting had been completed in accordance with the landscape scheme. In relation to a permission for an industrial or office building, it would be possible to impose a condition prohibiting or restricting occupation of the building until such works had been completed.

Trees

77. Section 159 of the Act places an express duty on the planning authority, when granting planning permission, to ensure whenever appropriate that adequate conditions are imposed to secure the preservation or planting of trees, and that any necessary tree preservation orders are made under section 160 of the Act. When granting outline planning permission, the authority may consider it appropriate to impose a condition requiring the submission of particular details relating to trees to be retained on the site, such as their location in relation to the proposed development and their general state of health and stability. When granting detailed planning permission, conditions may be used to secure the protection of trees to be retained, for example by requiring the erection of fencing around trees during the course of development or restricting works which are likely to adversely affect them. The long-term protection of trees, however, should be secured by tree preservation orders rather than by condition. Such orders may also be expedient for the temporary protection of existing trees until details of the reserved matters are submitted and it becomes clear whether there is a need to retain the trees.
78. The planting and establishment of new trees may need work over several months or years and the authority may wish to ensure that they obtain details of those responsible for the management and maintenance of certain planted areas during that period of time. Where appropriate, a condition may require not just initial planting, but also that trees shall be maintained over a specified period of years and that any which die or are removed within that time shall be replaced.

Sites of archaeological interest

Archaeological sites

79. Monuments scheduled as of national importance by the Secretary of State are protected by Part I of the Ancient Monuments and Archaeological Areas Act 1979. Where its provisions apply, their effect should not be duplicated by planning conditions (see paragraphs 19-21), although authorities granting planning permission in such circumstances are advised to draw the attention of the applicant to the relevant provisions of the 1979 Act.

80. Where, however, planning permission is being granted for development which might affect the setting of a scheduled monument or a non-scheduled monument or its setting, the planning authority may wish to impose conditions designed to protect

the monument or its setting; to secure the provision of archaeological excavation and recording prior to development commencing; or, if the expectation of significant archaeological deposits is low, to ensure arrangements are made for a watching brief before and during the construction period. Further advice on archaeology and planning conditions is given in NPPG 5 Archaeology and Planning and Planning Advice Note42 Archaeology.

Maintenance conditions

81. A condition may be imposed, where appropriate, requiring some feature of a development to be retained- car parking spaces off the road, for example, or an area of open space in a housing scheme. A condition requiring something to be maintained, in the sense of being kept in good repair or in a prescribed manner, should be imposed only when the planning authority are fully satisfied that the requirement is both relevant to the development which is being permitted, reasonable in its effects and sufficiently precise in its terms to be readily enforceable. Maintenance conditions should not normally be imposed when granting permission for the erection of buildings, or for works other than works of a continuing nature such as minerals extraction.

Conditions requiring a financial or other consideration for the grant of permission

82. As a general proposition no payment of money or other consideration can be required when granting a permission or any other kind of consent required by a statute, except where there is specific statutory authority. Conditions requiring, for instance, the cession of land for road improvements or for open space, or requiring the developer to contribute money towards the provision of facilities not directly related to the proposed development, should accordingly not be attached to planning permissions. There may, however, be certain circumstances whereby the general proposition should not apply. The appropriateness of conditions involving financial or other considerations is dependent on the particular circumstances of the development for which the planning authority intends to grant planning permission and whether, in particular, the proposed conditions satisfy the criteria in paragraph 12. Thus conditions, involving financial considerations, but which meet the tests in paragraph 12 need not necessarily be ultra vires. Planning authorities should also bear in mind the advice in SODD Circular 12/1996 on Planning Agreements.

Conditions altering the nature of the development

Modifying proposed development

83. If some feature of a proposed development, or the lack of it, is unacceptable in planning terms, the best course will often be for the applicant to be invited to modify the application. If the modification is substantial, of course, a fresh application will be needed. It may however, depending on the case, be quicker and easier for the planning authority to impose a condition modifying the development permitted in some way. The precise course of action will normally emerge during discussion with the applicant. It would thus be legitimate to require by condition that a factory

proposal, for example, should include necessary car parking facilities, but wrong to grant permission for a development consisting of houses and shops subject to a condition that houses be substituted for the shops. Whether a modification would amount to substantial difference will depend upon the circumstances of the case. A useful test will be whether it would so change the proposal that: (i) those who have shown an interest in it would wish to comment on the modification; and (ii) those who, although they had a right to object to the original application and chose not to do so, would be prejudiced if they were not now given an opportunity to comment. A condition modifying the development, however, cannot be imposed if it would make the development permitted substantially different from that comprised in the application.

Regulation after development

84. Conditions which will remain in force after the development has been carried out always need particular care. They can place onerous and permanent restrictions on what can be done with the premises affected and they should, therefore, not be imposed without scrupulous weighing of where the balance of advantage lies. The following paragraphs give more detailed guidance.

Restrictions on use or permitted development

85. Exceptionally, conditions may be imposed to restrict further development which would normally be permitted by the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or to restrict changes of use which would not be regarded as development whether because the change is not a "material" change within the terms of section 26(1) of the Act, or by reason of section 26(2) and the provisions of The Town and Country Planning (Use Classes) (Scotland) Order 1997. Changes of use can be restricted either by prohibiting any change from the use permitted or by precluding specific alternative uses. It should be noted, however, that a condition restricting changes of use will not restrict ancillary or incidental activities unless it so specifies. Similarly, a general condition which restricts the use of land does not remove permitted development rights for that use unless the condition specifically removes those rights as well.

Presumption against such restrictions

86. Both the General Permitted Development Order and the Use Classes Order, however, are designed to give or confirm a freedom from detailed control which will be acceptable in the great majority of cases. Accordingly, save in exceptional circumstances, conditions should not be imposed which restrict either permitted development rights granted by the General Permitted Development Order or future changes of use which the Use Classes Order would otherwise allow. The Secretary of State would regard such conditions as unreasonable unless there were clear evidence that the uses excluded would have serious adverse effects on amenity or the environment, that there was no other forms of control and that the condition would serve a clear planning purpose.

87. To illustrate some exceptional circumstances, it may be possible to justify imposing a condition restricting permitted development rights allowed by Class 7 of the General Permitted Development Order so as to preserve an exceptionally

attractive open plan estate free of fences, or under Class 1 of the General Permitted Development Order so as to avoid over-development by extensions to dwelling houses in an area of housing at unusually high density. Similarly, changes of use may be restricted so as to prevent the use of large retail premises as a food or convenience goods supermarket, where such a use may generate an unacceptable level of additional traffic or have a damaging effect on the vitality of a nearby town centre. Conditions may also limit the storage of hazardous substances in a warehouse.

Specific conditions better than general ones

88. Because of the general presumption against such restrictions on permitted development or on changes of use which are not development, it will always be necessary to look carefully at the planning reasons for any restriction and to ensure that the condition imposed is no more onerous than can be justified (see paragraph 87 above). It would not be right to use a condition restricting uses where an alternative, more specific, condition would achieve the same end. For example, where it is necessary to restrict the volume of noise emitted from an industrial site and a condition addressing the problem expressly can be used, that condition should be imposed, rather than one restricting the permitted uses. Scrupulous care in the giving of proper, adequate and intelligible reasons for imposing conditions (see paragraph 9) can help authorities to ensure that the conditions they impose are not more onerous than is necessary to achieve their objective.

Restrictions on use

89. It will be preferable if a condition designed to restrict changes of use can be drafted so as to prohibit a change to a particular unacceptable use or uses (provided the list does not become too long), rather than in terms which prevent any change of use at all. However, in certain cases a condition confining the use only to the use permitted may be necessary. In appropriate circumstances, it might be reasonable to impose a condition limiting the intensification of use of small office or industrial buildings where intensification beyond a certain point would generate traffic and/or parking problems. Conditions designed to prevent the primary use of an office building being changed to use as shops are unnecessary, as this would involve a material change of use amounting to development of land which would require planning permission.

Ancillary uses

90. Conditions are sometimes imposed restricting ancillary or incidental activities which would not normally be material changes of use involving development. Conditions of this kind can be burdensome to some technologically advanced industries. They may have a need for higher than normal levels of ancillary office, research or storage uses, or for short-term changes in uses or the balance of uses. Such conditions should, therefore, not normally be imposed on permissions for manufacturing or service industry, except where they are designed to preclude or regulate activities giving rise to hazard, noise or offensive emissions.

Conditions restricting the occupancy of buildings and land

Occupancy: general considerations

91. Since planning controls are concerned with the use of land rather than the identity of the user, the question of who is to occupy premises for which permission is to be granted will normally be irrelevant. Conditions restricting occupancy to a particular occupier or class of occupier should only be used when special planning grounds can be demonstrated and where the alternative would normally be refusal of permission.

Personal permissions

92. Unless the permission otherwise provides, planning permission runs with the land and it is seldom desirable to provide otherwise. There are occasions relating, for example, to strong compassionate or other personal grounds, where the planning authority is minded to grant permission for the use of a building or land for some purpose which would not normally be allowed. In such a case the permission may be made subject to a condition that it shall enure only for the benefit of a named person- usually the applicant. A permission personal to a company is generally inappropriate. Conditions of this type will scarcely ever be justified in the case of a permission for the erection of a permanent building.

General undesirability of commercial and industrial occupancy conditions

93. Conditions are sometimes imposed to confine the occupation of commercial or industrial premises to local firms. Such conditions can act- undesirably- to protect local businesses against fair competition and may hinder the movement of industry in response to economic demand. If a service, or the employment it generates, is needed in an area, there is no planning reason why it should be provided by one firm rather than another. Commercial and industrial buildings in an area of open countryside will not become more acceptable because their occupancy is restricted, nor will the expansion of a local firm necessarily lead to less pressure for further development (eg housing) than the arrival of a firm from outside. The Secretary of State therefore regards such conditions as undesirable in principle.

Conditions governing size of unit occupied

94. Conditions requiring that a large commercial or industrial building should be occupied either only as a single unit or, alternatively, only in suites not exceeding a certain area or floorspace, represent a significant interference with property rights which is likely to inhibit or delay the productive use of the buildings affected. Such conditions should, therefore, normally be avoided.

Domestic occupancy conditions

95. Subject to the advice about affordable housing (paragraph 96), staff accommodation (paragraph 98-99), agricultural and forestry dwellings (paragraphs 100-102) and seasonal use (paragraphs 111-113), if the development of a site for housing is an acceptable use of the land, there will seldom be any good reason on

land use planning grounds to restrict the occupancy of those houses to a particular type of person (eg those already living or working in the area). To impose such a condition would be to draw an artificial and unwarranted distinction between new houses or new conversions and existing houses that are not subject to such restrictions on occupancy or sale. It may deter house-builders from providing homes for which there is a local demand and building societies from providing mortgage finance. It may also impose hardship on owners who subsequently need to sell. It involves too detailed and onerous an application of development control and too great an interference in the rights of individual ownership. Such conditions should, therefore, not be imposed save in the most exceptional cases where there are clear and specific circumstances that warrant allowing an individual house (or extension) on a site where development would not normally be permitted.

Affordable housing

96. The community's need for a mix of housing types- including affordable housing- is capable of being a material planning consideration. It follows that there may be circumstances in which it will be acceptable to use conditions to ensure that some of the housing built is occupied only by people falling within particular categories of need. Such conditions would normally only be necessary where a different planning decision might have been taken if the proposed development did not provide for affordable housing and should make clear the nature of the restriction by referring to criteria set out in the relevant development plan policy. Conditions should not normally be used to control matters such as tenure, price or ownership. Guidance on affordable housing is contained in NPPG 3: Land for Housing.

"Granny annexes"

97. Some extensions to dwellings are intended for use as "granny annexes". It is possible that a "granny annex" which provides independent living accommodation, could subsequently be let or sold off separately from the main dwelling. Where there are sound planning reasons why the creation of an additional dwelling would be unacceptable, it may be appropriate to impose a planning condition to the effect that the extension permitted shall be used solely as accommodation ancillary to the main dwelling house. The same is true for separate buildings (often conversions of outbuildings) intended for use as "granny annexes". In these cases it is even more likely that a separate unit of accommodation will be created.

Staff accommodation

98. The above considerations may equally apply to staff accommodation. Where an existing house is within the curtilage of another building and the two are in the same occupation, any proposal to occupy the two buildings separately is likely to amount to a material change of use, so that planning permission would be required for such a proposal even in the absence of a condition. Planning authorities should normally consider applications for such development sympathetically since, if the need for such a dwelling (for the accommodation of an employee, for example) disappears, there will generally be no justification for requiring the building to stand empty or to be demolished.

99. Conditions tying the occupation of dwellings to that of separate buildings (eg requiring a house to be occupied only by a person employed by a nearby garage) should be avoided. However, exceptionally, such conditions may be appropriate where there are sound planning reasons to justify them, eg where a dwelling has been allowed on a site where permission would not normally be granted. To grant an unconditional permission would mean that the dwelling could be sold off for general use which may be contrary to development plan policy for the locality. To ensure that the dwelling remains available to meet the identified need, it may therefore be acceptable to grant permission subject to a condition that ties the occupation of the new house to the existing business.

Agricultural and forestry dwellings

100. In many parts of Scotland planning policies impose strict controls on new residential development in the open countryside. There may, however, be circumstances where permission is granted to allow a house to be built to accommodate a worker engaged in bona fide agricultural or forestry employment on a site where residential development would not normally be permitted. In these circumstances, it will often be necessary to impose an agricultural or forestry worker occupancy condition.

101. Planning authorities will wish to take care to frame agricultural occupancy conditions in such a way as to ensure that their purpose is clear. In particular, they will wish to ensure that the condition does not have the effect of preventing future occupation by retired agricultural workers or the dependants of the agricultural occupant.

102. Where an agricultural occupancy condition has been imposed, it will not be appropriate to remove it on a subsequent application unless it is shown that circumstances have materially changed and that the agricultural need which justified the approval of the house in the first instance no longer exists.

Retail development

103. Out-of-centre retail developments, including retail parks, can change their composition over time. If such a change would create a development that the planning authority would have refused on the grounds of impact on vitality and viability of an existing town centre, it may be sensible to consider the use of planning conditions to ensure that these developments do not subsequently change their character unacceptably. Any conditions imposed should apply only to the main ranges of goods (eg food and convenience goods, hardware, electrical goods, furniture and carpets) and should not seek to control details of particular products to be sold. For further guidance see NPPG 8: Retailing.

Temporary permissions

104. Section 41(1)(b) of the Act gives power to impose conditions requiring that a use be discontinued or that buildings or works be removed at the end of a specified period. Where permission is granted for the development of the operational land of a statutory undertaker, however, this power does not apply except with the

undertaker's consent (see section 219 of the Act). Conditions of this kind are sometimes confused with conditions which impose a time-limit for the implementation of a permission (paragraphs 45 to 49) but they are quite distinct and different considerations arise in relation to them.

Principles applying to temporary permissions

105. In other cases, in deciding whether a temporary permission is appropriate, three main factors should be taken into account. Firstly, it will rarely be necessary to give a temporary permission to an applicant who wishes to carry out development which conforms with the provision of the development plan. Secondly, it is undesirable to impose a condition requiring the demolition after a stated period of a building that is clearly intended to be permanent. Lastly, the material considerations to which regard must be had in granting any permission are not limited or made different by a decision to make the permission a temporary one. Thus, the reason for granting a temporary permission can never be that a time-limit is necessary because of the effect of the development on the amenity of the area. Where such objections to a development arise they should, if necessary, be met instead by conditions whose requirements will safeguard amenity. If it is not possible to devise such conditions and the damage to amenity cannot be accepted, then the proper course is to refuse permission. These considerations mean that a temporary permission will normally only be appropriate either where the applicant himself proposes temporary development or when a trial run is needed in order to assess the effect of the development on the area.

Short-term buildings or uses

106. Where, therefore, a proposal relates to a building or use which the applicant is expected to retain or continue only for a limited period, whether because he has specifically volunteered that intention or because it is expected that the planning circumstances will change in a particular way at the end of that period, then a temporary permission may be justified. For example, permission might reasonably be granted on an application for erection of a temporary building to last seven years on land which will be required for road improvements eight or more years hence, although an application to erect a permanent building on the land would normally be refused.

Trial runs

107. Again, where an application is made for permanent permission for a use which may be a "bad neighbour" to existing uses nearby but there is insufficient evidence to enable the authority to be sure of its character or effect, it might be appropriate to grant a temporary permission in order to give the development a trial run, provided that such a permission would be reasonable having regard to the capital expenditure necessary to carry out the development. However, a temporary permission would not be justified merely because, for example, a building is to be made of wood rather than brick. Nor would a temporary permission be justified on the grounds that, although a particular use, such as a hostel or playgroup, would be acceptable in a certain location, the character of its management may change. In certain circumstances it may be possible to grant temporary permission for the provision of a

caravan or other temporary accommodation, where there is some evidence to support the grant of planning permission for an agricultural or forestry dwelling but it is inconclusive, perhaps because there is doubt about the sustainability of the proposed enterprise. This allows time for such prospects to be clarified.

108. A second temporary permission should not normally be granted. A trial period should be set that is sufficiently long for it to be clear by the end of the permission whether permanent permission or a refusal is the right answer. Usually a second temporary permission will only be justified where road or redevelopment proposals have been postponed or in cases of hardship where temporary instead of personal permission has been granted for a change of use.

Restoration of sites

109. If the temporary permission is for development consisting of, or including, the carrying out of operations, it is important to make provision by condition for the removal of any buildings and works permitted- not merely for the cessation of the use- and for the reinstatement of the land when the permission expires. Where the permission is for temporary use of land as a caravan site, conditions may include a requirement to remove at the expiry of the permission any buildings or structures, such as toilet blocks, erected under Class 17 of the General Permitted Development Order.

Access for disabled people

110. Where a building is new or is being altered, it is usually sufficient to rely on building regulations to ensure adequate access for disabled people. However, some new development does not require building regulation approval, eg development affecting the setting of buildings (layout of estates, pedestrianisation etc) rather than the buildings themselves. Where there is a clear planning need, it may be appropriate to impose a condition to ensure adequate access for disabled people.

Seasonal use

Seasonal occupancy conditions

111. Occasionally it may be acceptable to limit the use of land for a particular purpose to certain seasons of the year. For example, where planning permission is being granted for a caravan site, the planning authority may think it necessary to impose a condition to ensure that during the winter months the caravans are not occupied and are removed for storage to a particular part of the site or away from the site altogether. Where such a condition is imposed, particular care should be taken to see that the condition allows a reasonable period of use of the caravans in each year. A similar approach may be taken where it is necessary to prevent the permanent residential use of holiday chalets, which by the character of their construction or design are unsuitable for continuous occupation. Seasonal occupancy conditions may also be appropriate to protect the local environment, or example, where the site is near a fragile habitat which requires peace and quiet to allow seasonal breeding or winter feeding to take place.

Holiday occupancy conditions

112. In recent years there has been an increased demand for self-catering holiday accommodation- whether new buildings (including mobile homes) or converted properties- which may be constructed to a standard that would equally support permanent residence in some comfort. But this accommodation may also be located in areas in which the provision of permanent housing would be contrary to national policies on development in the countryside or not in accordance with development plan policies, or both. The Secretary of State considers that the planning system should respond to these changes without compromising policies to safeguard the countryside.

113. There may be circumstances where it will be reasonable for the planning authority to grant planning permission for holiday accommodation as an exception to these policies, with a condition specifying its use as holiday accommodation only. For example, conversions of redundant buildings into holiday accommodation where conversion to residential dwellings would not be permitted may reduce the pressure on other housing in rural areas. A holiday occupancy condition would seem more appropriate in those circumstances than a seasonal occupancy condition. But authorities should continue to use seasonal occupancy conditions to prevent the permanent residential use of accommodation which by the character of its construction or design is unsuitable for continuous occupation, particularly in the winter months.

Addendum to Circular 4/1998

Planning series:

National Planning Policy Guidelines (NPPGs) provide statements of Government policy on nationally important land use and other planning matters, supported where appropriate by a locational framework.

Circulars, which also provide statements of Government policy, contain guidance on policy implementation through legislative or procedural change.

Planning Advice Notes (PANs) provide advice on good practice and other relevant information.

Statements of Government policy contained in NPPGs and Circulars may, so far as relevant, be material considerations to be taken into account in development plan preparation and development control.

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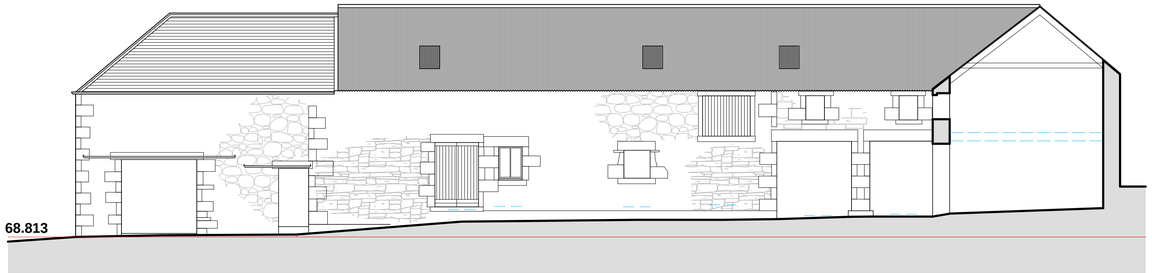
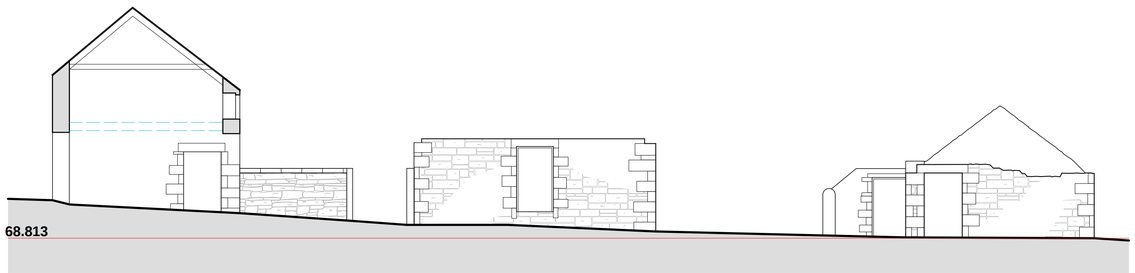
ITEM 12a



SECTION A



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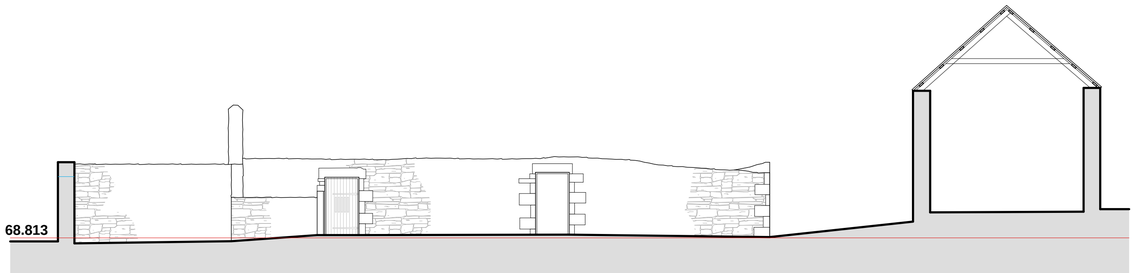

SECTION C

SECTION D

2m 1m 0 5m 10m

Drawing Title: **EXISTING STEADING SECTIONS**

Job Title: **Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF**

Client: **Mirna Melki and Robert Mills**
Drawing Number: **811P2-05**
Drawing Scale: **1:100**
Drawing Date: **1 February 2021**
Drawn By: **KR**
Amendments:
none

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ITEM 12 b

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Passivhaus Trust MEMBER The UK Passive House Organisation
Building Standards Approved Certifier The Scottish Government

Station	Easting	Northing	Level
A	335536.870	746672.450	68.986
B	335527.905	746681.212	68.885
BM	335533.732	746669.249	69.098
C	335513.169	746702.286	68.319

5m 2m 1m 0 5m 10m

Drawing Title: **EXISTING SITE PLAN**

Job Title: **Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF**

Client: **Mirna Melki and Robert Mills**
Drawing Number: **811P2-02**
Drawing Scale: **1:200**
Drawing Date: **1 February 2021**
Drawn By: **KR**
Amendments:
none

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ITEM 12c

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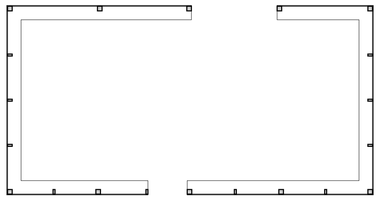

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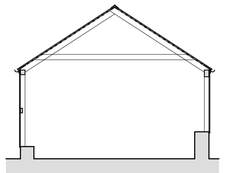

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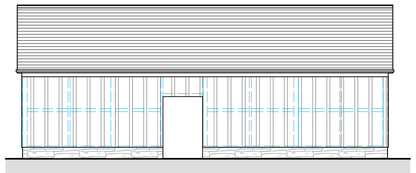

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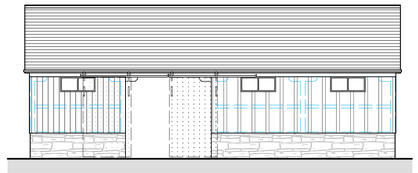

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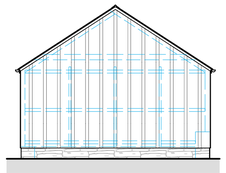

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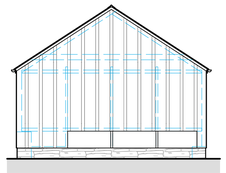
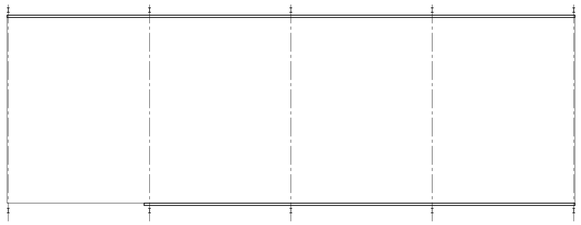


SOUTH ELEVATION

WOOD SHED DRAWINGS



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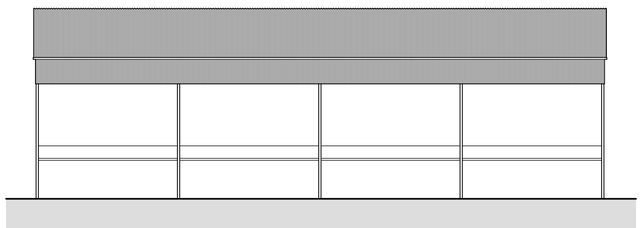

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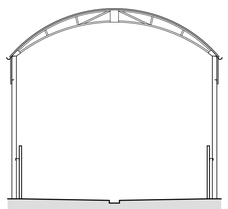

SECTION

DUTCH BARN DRAWINGS

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Drawing Title: **EXISTING DUTCH BARN AND WOODSHED DRAWINGS**

Job Title: **Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF**

Client: **Mirna Melki and Robert Mills**
Drawing Number: **811P2-06**
Drawing Scale: **1:100**
Drawing Date: **1 February 2021**
Drawn By: **KR**
Amendments:
none

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ITEM 12d

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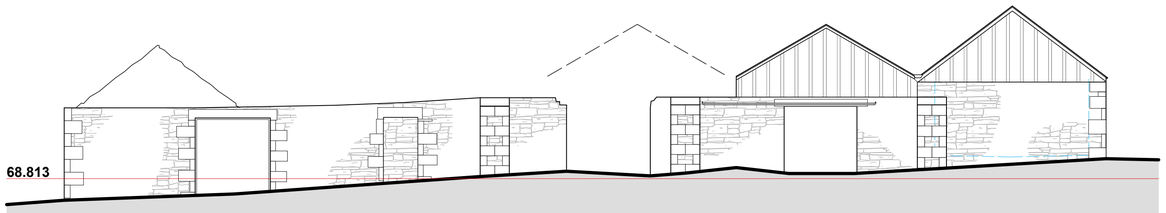

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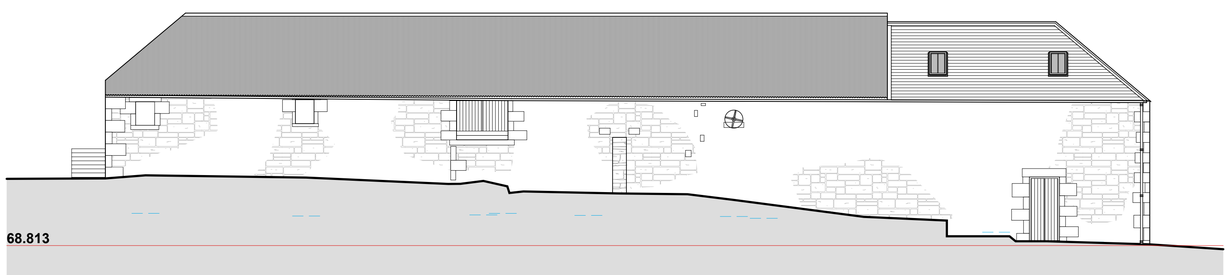

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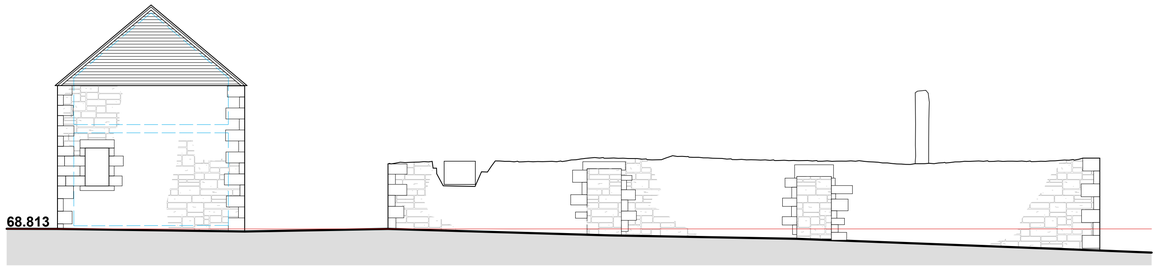

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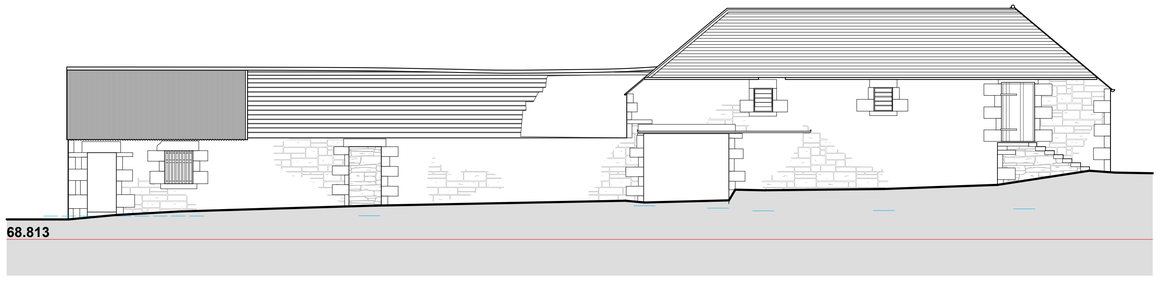

WEST ELEVATION

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Drawing Title: **EXISTING STEADING ELEVATIONS**

Job Title: **Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF**

Client: **Mirna Melki and Robert Mills**
Drawing Number: **811P2-04**
Drawing Scale: **1:100**
Drawing Date: **1 February 2021**
Drawn By: **KR**
Amendments:
none

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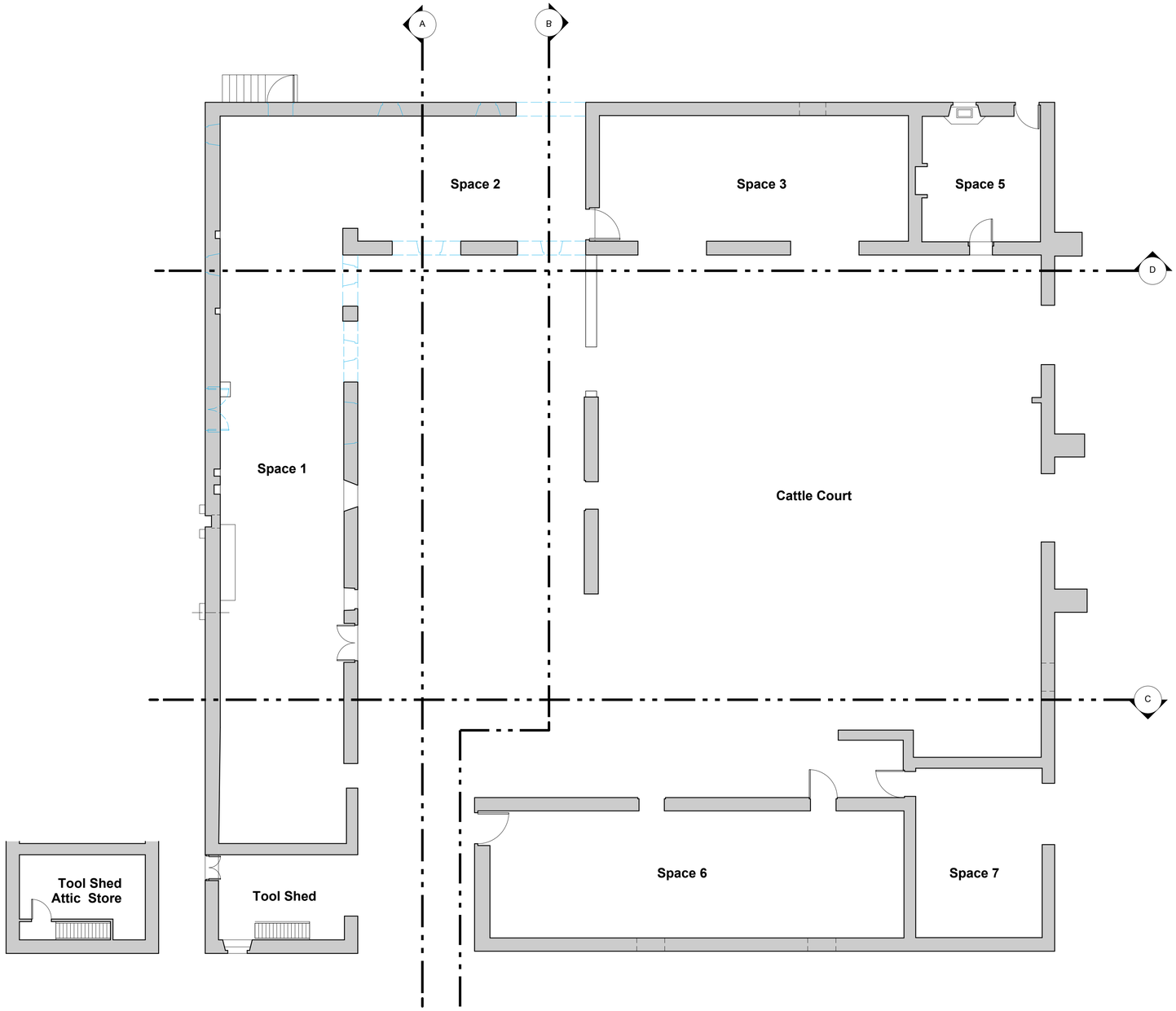

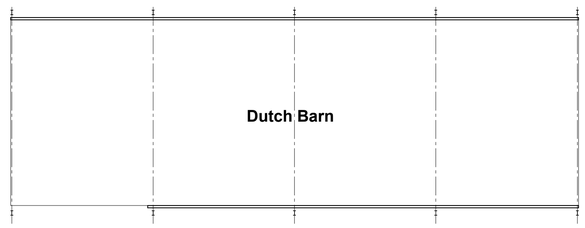

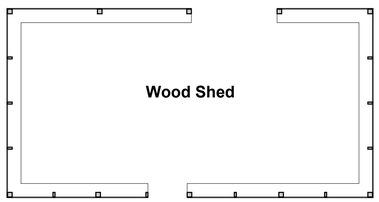

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Drawing Title: **EXISTING STEADING FLOOR PLANS**

Job Title: **Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF**

Client: **Mirna Melki and Robert Mills**
Drawing Number: **811P2-03**
Drawing Scale: **1:100**
Drawing Date: **1 February 2021**
Drawn By: **KR**
Amendments:
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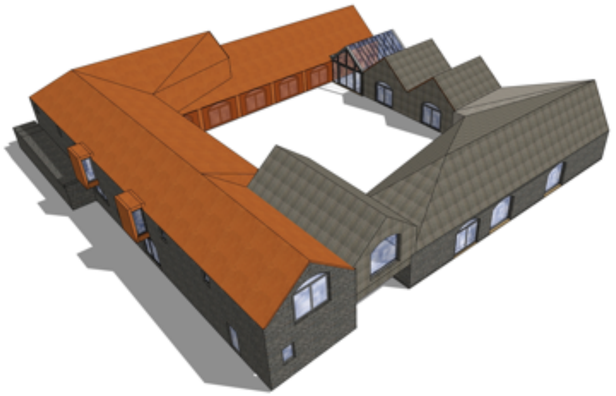

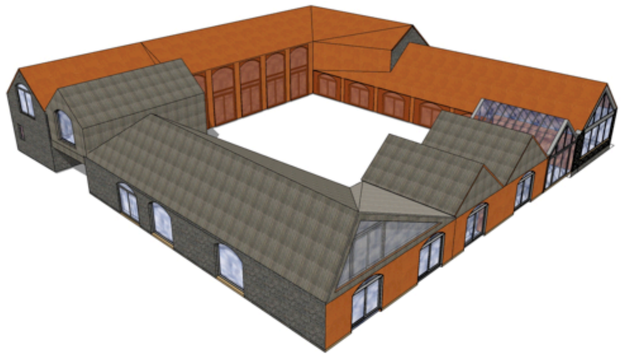

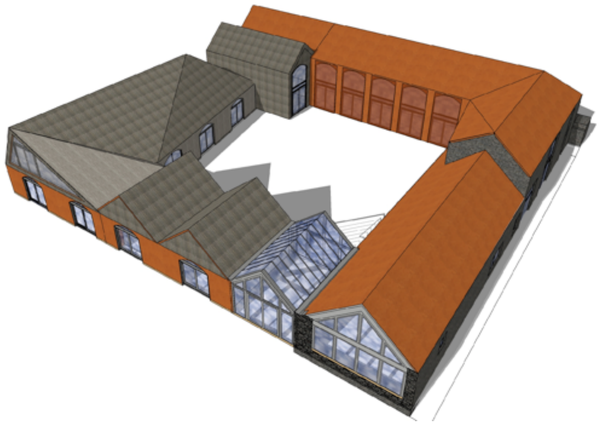

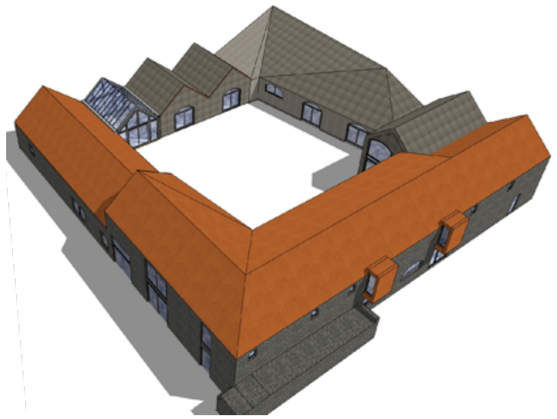

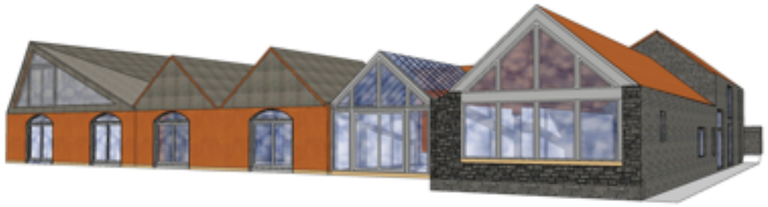

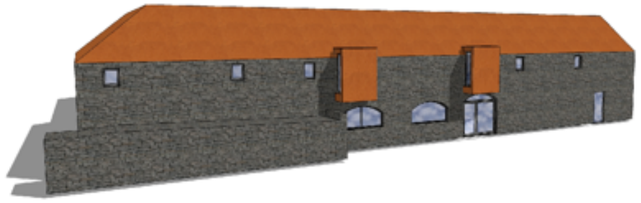

Drawing Title: **3D IMPRESSIONS**

Job Title: **Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF**

Client: **Mirna Melki and Robert Mills**
Drawing Number: **811P2-13a**
Drawing Scale: **NTS**
Drawing Date: **1 February 2021**
Drawn By: **KR**
Amendments:
a) 22-06-23, elevation changes to roofs and windows

Humestanes Studio, Hume Hall Holdings, Greenlaw, Duns, Berwickshire, TD10 6UW

ITEM 12g

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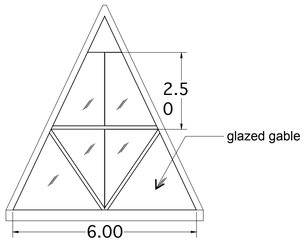
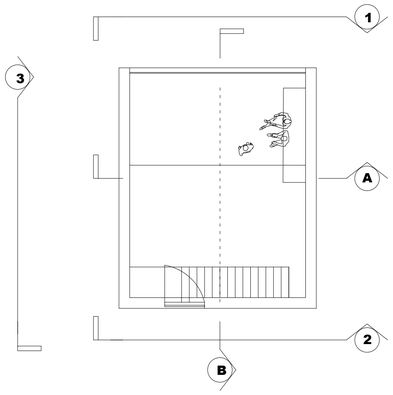
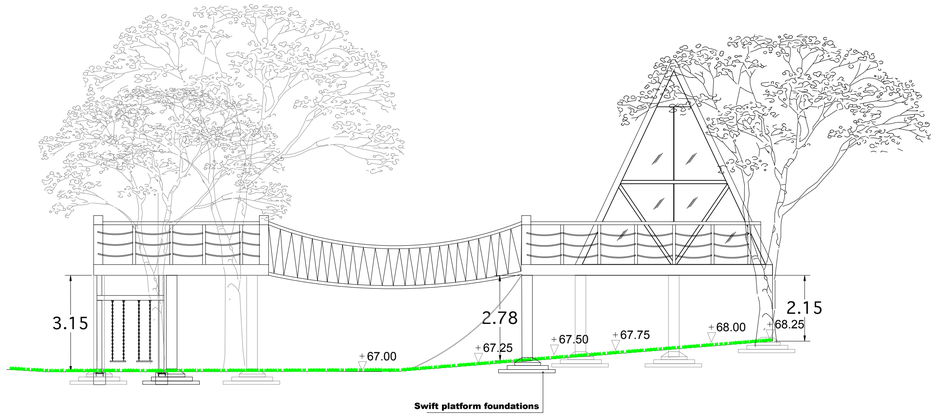


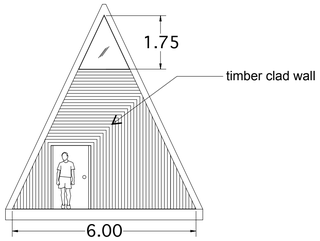
ELEVATION 1-1 (1)



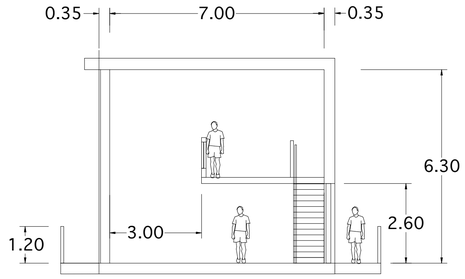
TREE HOUSE PLAN



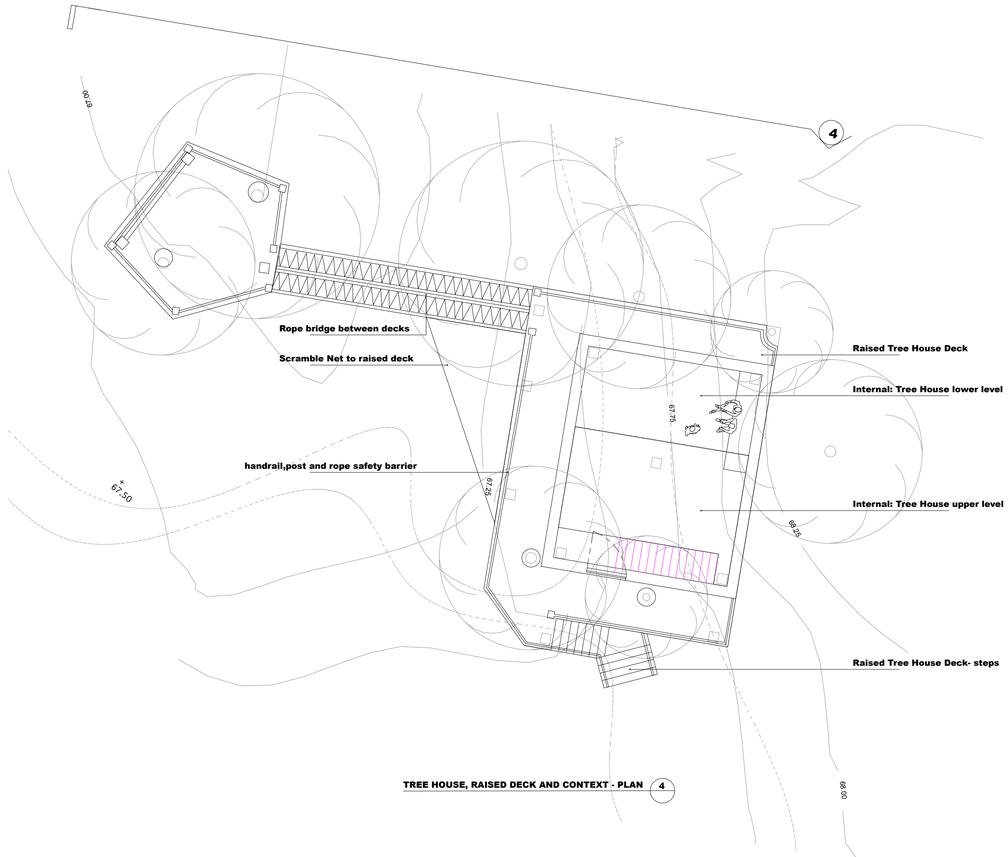
TREE HOUSE, RAISED DECK AND CONTEXT - ELEVATION



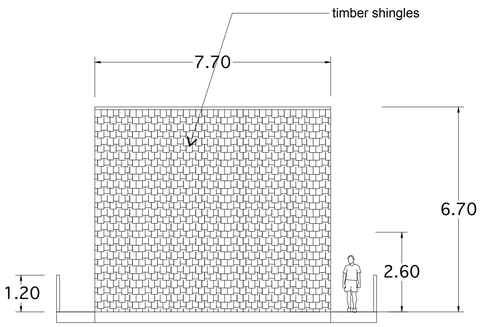
ELEVATION 2-2 (2)



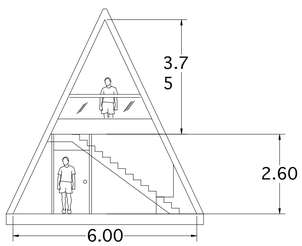
SECTION B-B (B B)



TREE HOUSE, RAISED DECK AND CONTEXT - PLAN (4)



ELEVATION 3-3 (3)



SECTION A-A (A A)

2m 1m 0 5m 10m

Drawing Title: **PROPOSED TREE HOUSE, DECK AND PLATFORM**

Job Title: **Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF**

Client: **Mirna Melki and Robert Mills**
Drawing Number: **811P2-12a**
Drawing Scale: **1:100**
Drawing Date: **1 February 2021**
Drawn By: **KR**
Amendments:
a) 27-05-21 , tree roots removed at section

Humestanes Studio, Hume Hall Holdings, Greenlaw, Duns, Berwickshire, TD10 6UW

ITEM 12h

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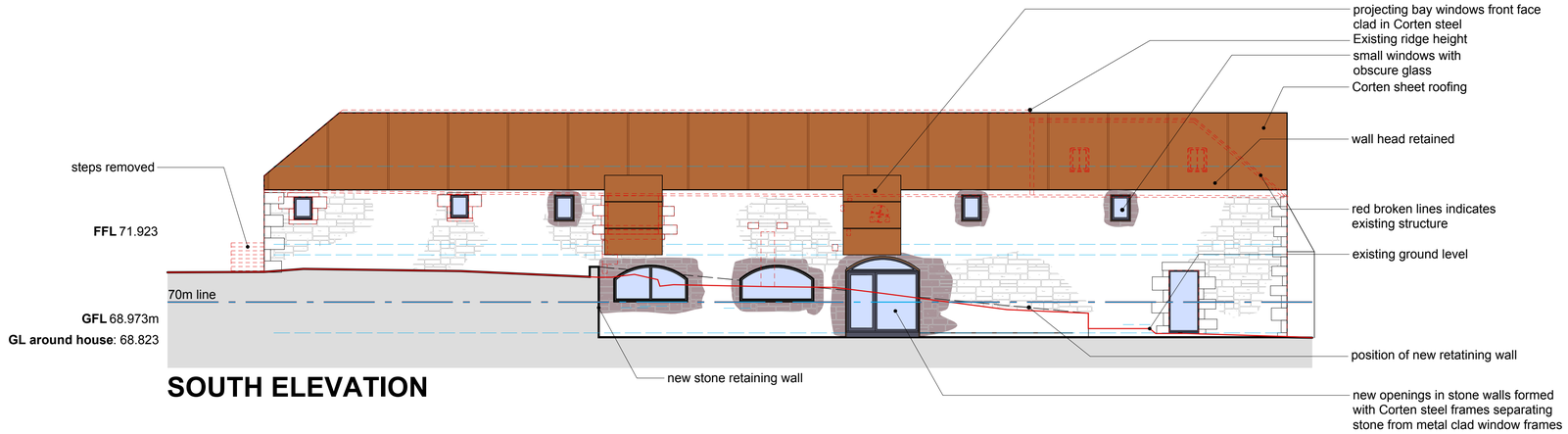
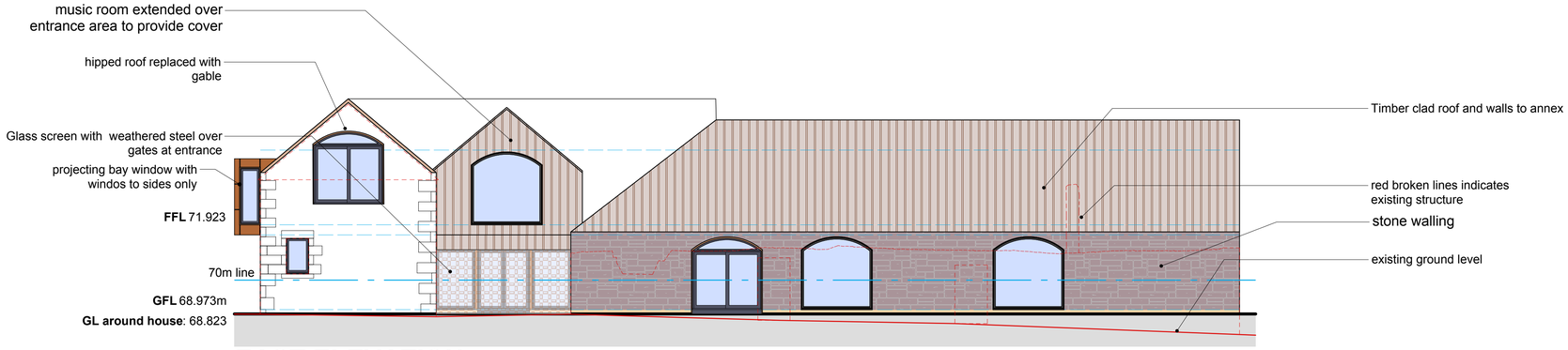
Passivhaus Trust MEMBER
The UK Passive House Organisation
Building Standards Approved Certifier
The Scottish Government

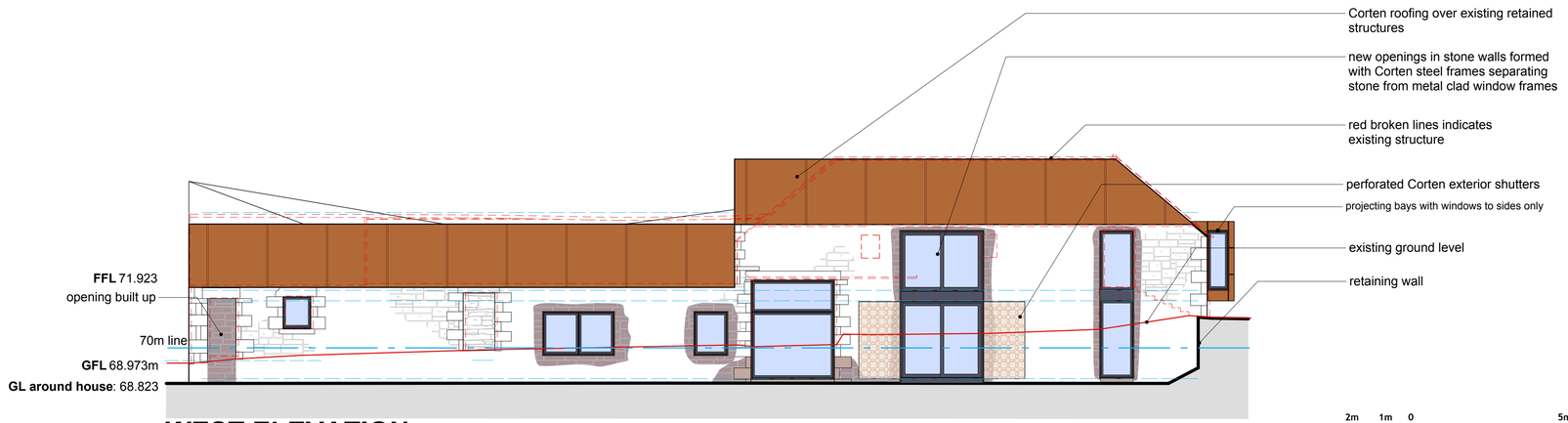


SOUTH ELEVATION

NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION

2m 1m 0 5m 10m

Drawing Title: **PROPOSED ELEVATIONS**

Job Title: **Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF**

Client: **Mirna Melki and Robert Mills**
Drawing Number: **811P-09b**
Drawing Scale: **1:100**
Drawn By: **KR**
Amendments:
a) 18-02-21, south elevation amended to remove incorrect annex roof profile
b) 12 June 2023, changes to openings and roof

Humestanes Studio, Hume Hall Holdings, Greenlaw, Duns, Berwickshire, TD10 6UW

ITEM 12i

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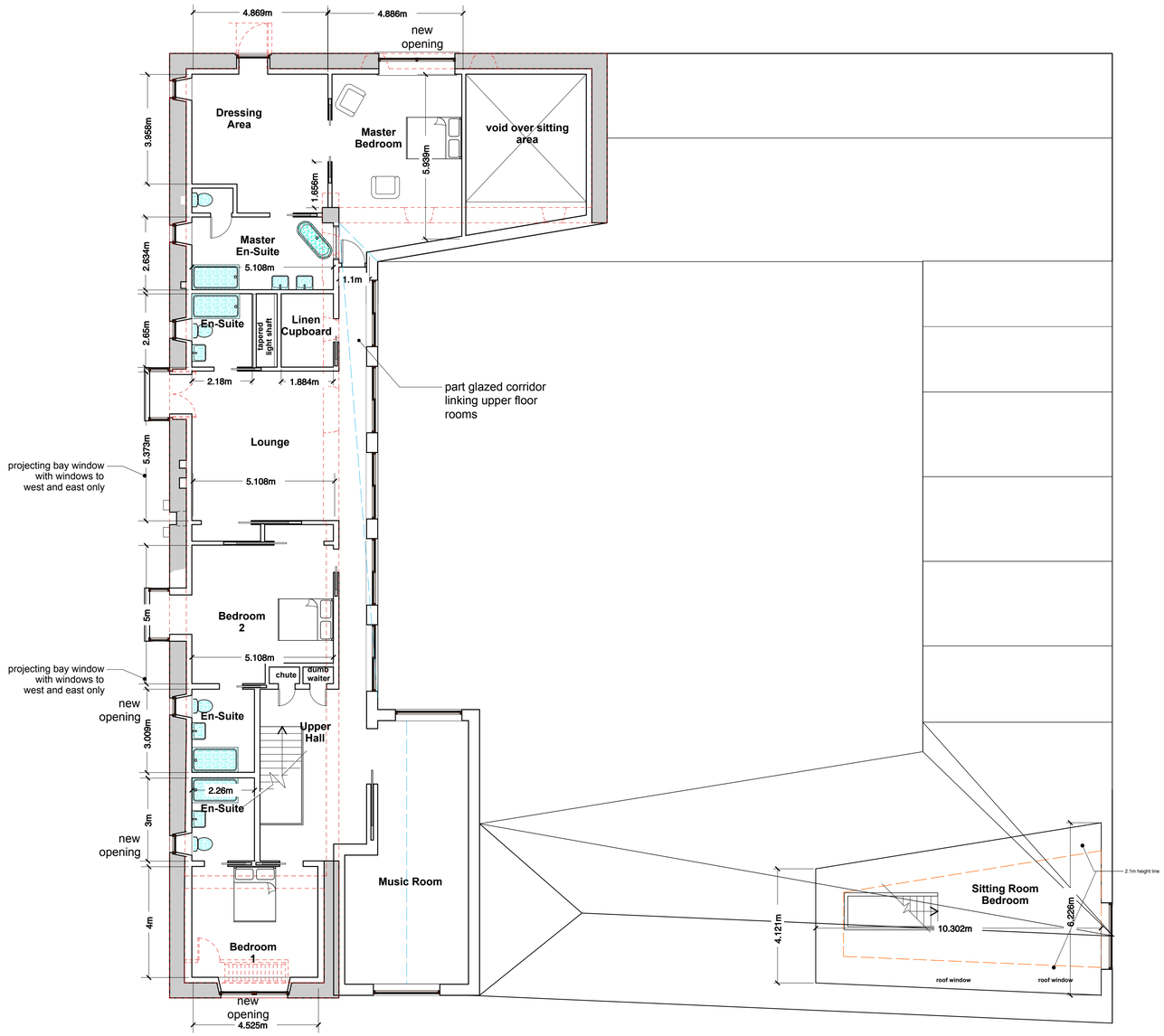

FIRST FLOOR PLAN

2m 1m 0 5m 10m

Drawing Title: **PROPOSED FIRST FLOOR PLAN**

Job Title: **Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF**

Client: **Mirna Melki and Robert Mills**
Drawing Number: **811P-08a**
Drawing Scale: **1:100**
Drawing Date: **1 February 2021**
Drawn By: **KR**
Amendments:
a) 12 June 2023, changes to openings and roof

Humestanes Studio, Hume Hall Holdings, Greenlaw, Duns, Berwickshire, TD10 6UW

ITEM 12j

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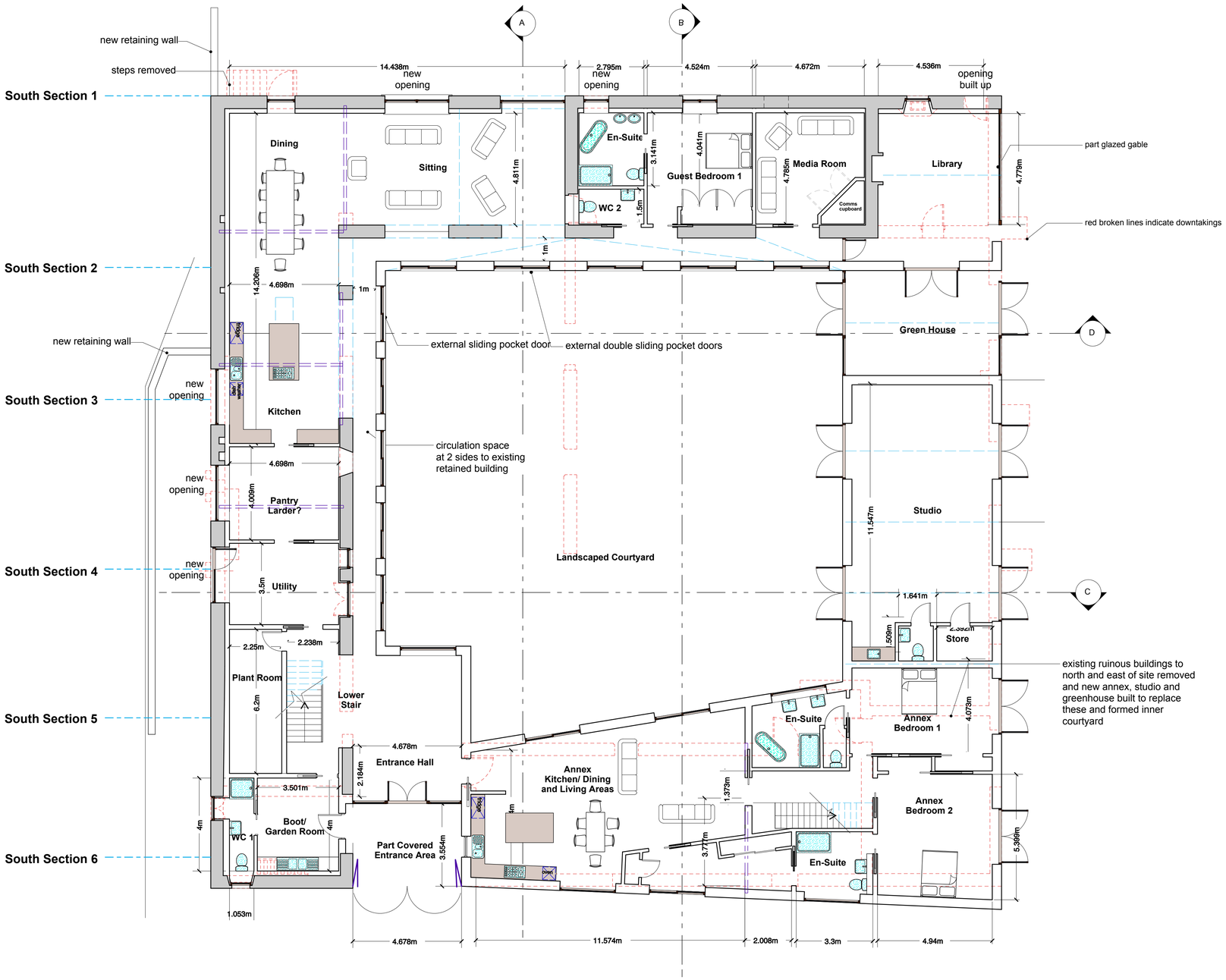
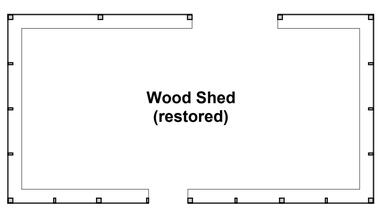


GROUND FLOOR PLAN



2m 1m 0 5m 10m

Drawing Title: **PROPOSED GROUND FLOOR PLAN**

Job Title: **Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF**

Client: **Mirna Melki and Robert Mills**
Drawing Number: **811P2-07a**
Drawing Scale: **1:100**
Drawing Date: **1 February 2021**
Drawn By: **KR**
Amendments:
a) 12 June 2023, changes to openings and roof

Humestanes Studio, Hume Hall Holdings, Greenlaw, Duns, Berwickshire, TD10 6UW

ITEM 12k

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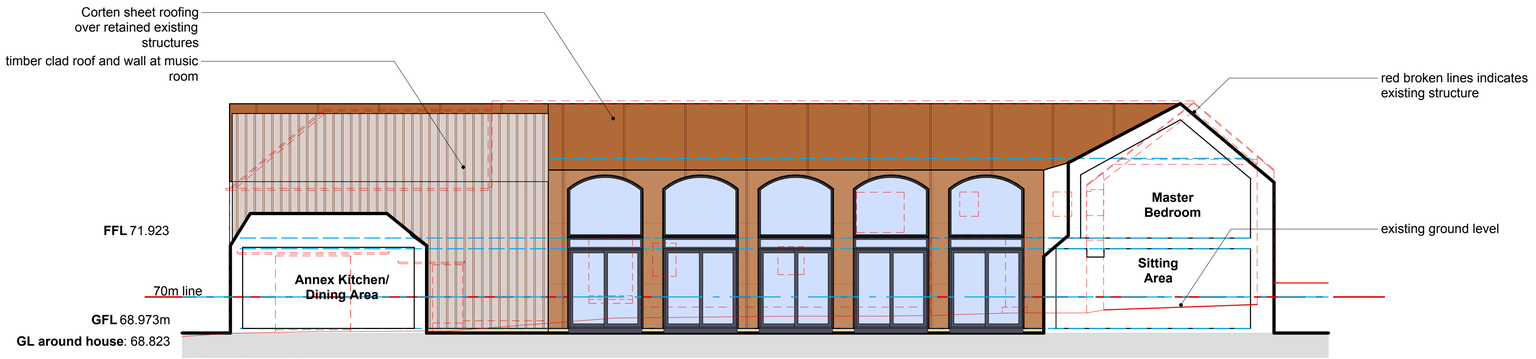
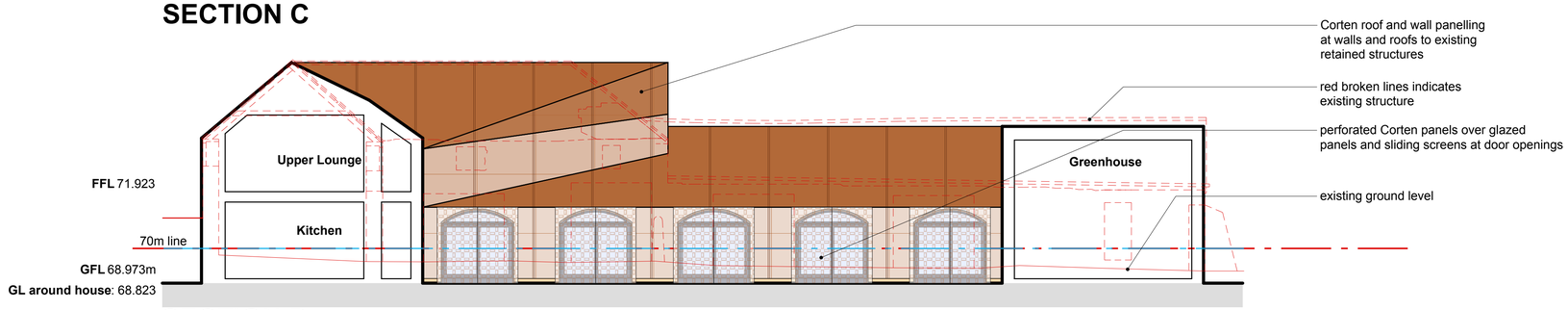


SECTION A

SECTION B

SECTION C



SECTION D

2m 1m 0 5m 10m

Drawing Title: **PROPOSED SECTIONS**

Job Title: **Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF**

Client: **Mirna Melki and Robert Mills**
Drawing Number: **811P-10a**
Drawing Scale: **1:100**
Drawing Date: **1 February 2021**
Drawn By: **KR**
Amendments:
a) 12 June 2023, changes to openings and roof

Humestanes Studio, Hume Hall Holdings, Greenlaw, Duns, Berwickshire, TD10 6UW

ITEM 12I

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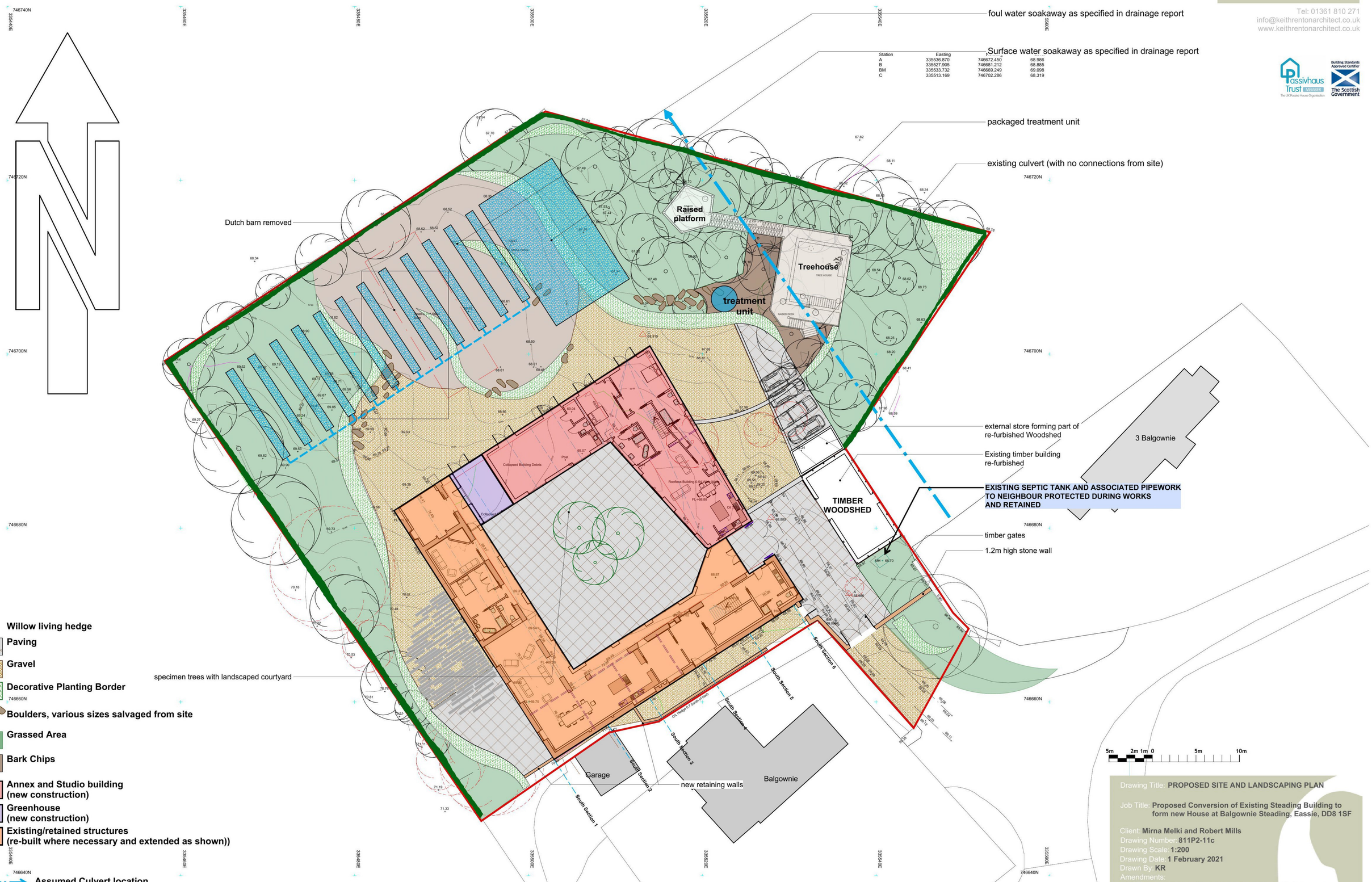
Passivhaus Trust MEMBER — The UK Passive House Organisation
Building Standards Approved Certifier — The Scottish Government



Station	Easting		
A	335536.870	746672.450	68.986
B	335527.905	746681.212	68.885
BM	335533.732	746669.249	69.098
C	335513.169	746702.286	68.319

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Drawing Title: **PROPOSED SITE AND LANDSCAPING PLAN**

Job Title: **Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF**

Client: **Mirna Melki and Robert Mills**
Drawing Number: **811P2-11c**
Drawing Scale: **1:200**
Drawing Date: **1 February 2021**
Drawn By: **KR**
Amendments:
a) 27-05-21, removed tress shown to accord with tree survey
b) 13-07-21, alltered drainage and surface water disposal shown with soakaways on site.
c) 22-06-23, revisions to surface and foul water soakawys to accord with drainage report

Humestanes Studio, Hume Hall Holdings, Greenlaw, Duns, Berwickshire, TD10 6UW

ITEM 12m

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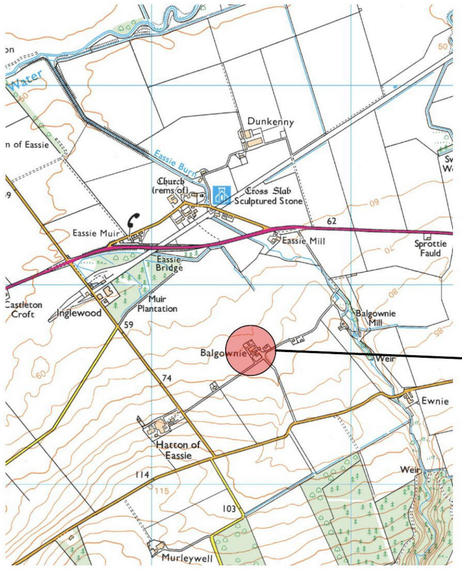

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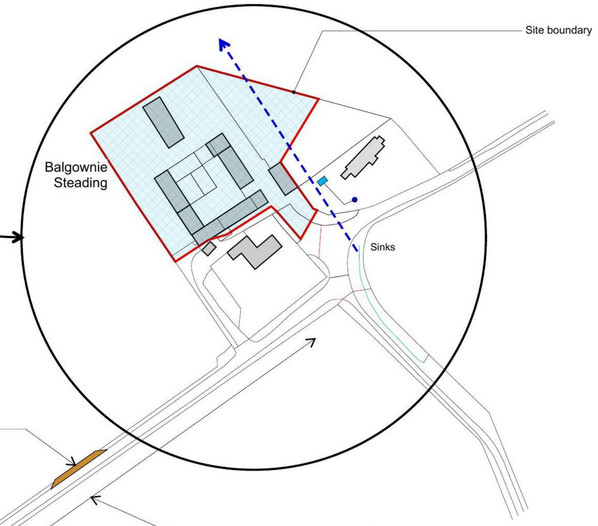

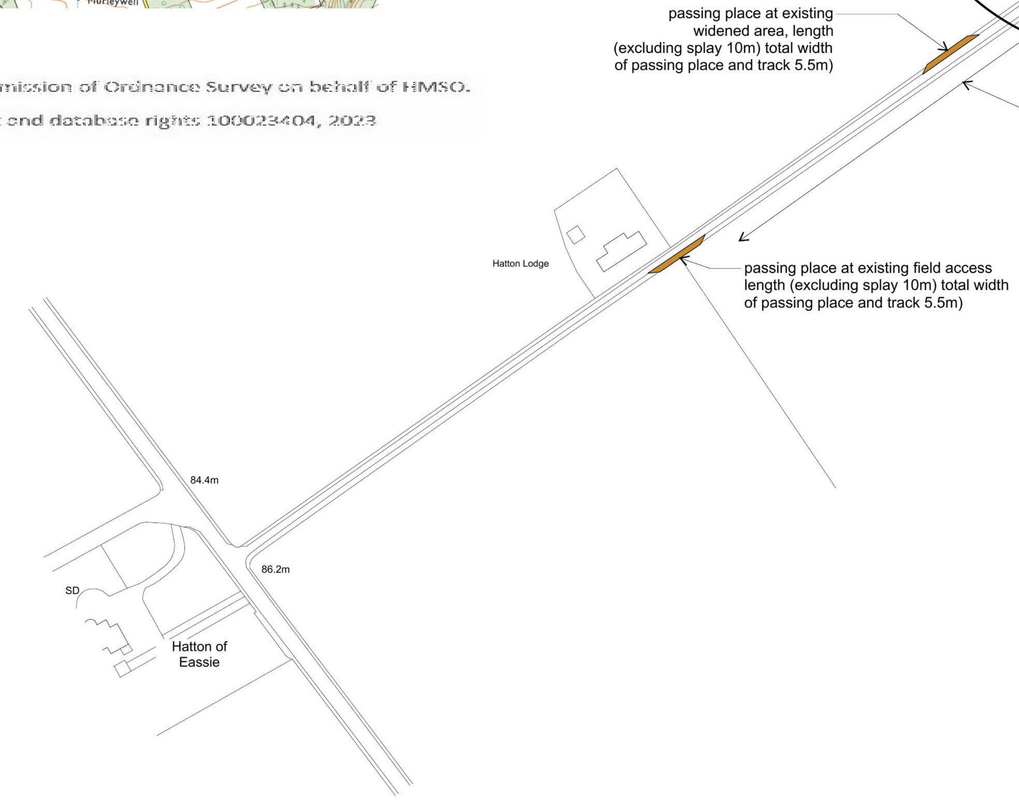

Passing Place Construction:

1. Excavate to a depth of 300mm (or to subsoil base whichever the greater).

2. Overlay subsoil with geotextile membrane.

3. Lay and compact min. of 300mm depth hardcore

4. Top and finish with 18mm whin dust to a depth of 25-50mm and compact with roller.

Works to Existing Access Drive:

1. Condition survey to be carried out prior to commencement of any site works.

2. Any exsting depressions and pot holes to be filled with compacted ahrdcore and whin dust.

3. On Completion carry out further inspection and make good any deterioration or pot holes to specification of passing places

0m 50m 100m 150m 200m

Drawing Title: **LOCATION PLAN**

Job Title: **Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF**

Client: **Mirna Melki and Robert Mills**
Drawing Number: **811P2-01a**
Drawing Scale: **1:1250**
Drawing Date: **1 February 2021**
Drawn By: **KR**
Amendments:
a) 06-06-23, passing places and road make up shown and specfied

Humestanes Studio, Hume Hall Holdings, Greenlaw, Duns, Berwickshire, TD10 6UW

ITEM 12n

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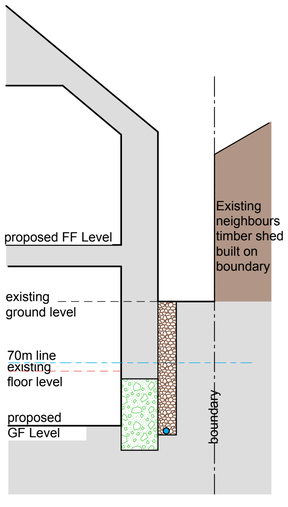
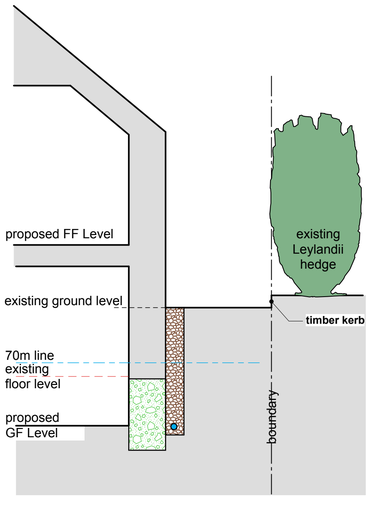


Section 1

Work sequence at Section 1:

1. Provide "hit and miss" mass concrete underpinning to existing external wall to a depth equal to to 450mm below finished ground floor level as directed by engineer

2. Dig narrow trench (300mm with trenching bucket) immediately adjacent to existing external wall to a depth of 150mm below finished floor level, lay perforated drain and back filled with 30- 40mm no fines granular material to ground level

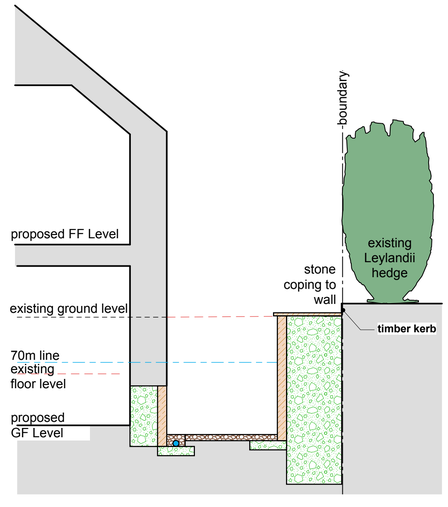


Section 2

Work sequence at Section 2:

1. Provide "hit and miss" mass concrete underpinning to existing external wall to a depth equal to to 450mm below finished ground floor level as directed by engineer

2. Dig narrow trench (300mm with trenching bucket) immediately adjacent to existing external wall to a depth of 150mm below finished floor level, lay perforated drain and back filled with 30- 40mm no fines granular material to ground level



Section 3

Work sequence at Section 3:

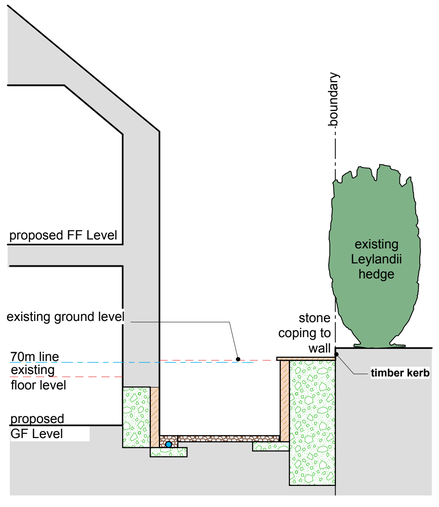
1. Provide "hit and miss" mass concrete underpinning to existing external wall to a depth equal to to 450mm below finished ground floor level as directed by engineer

2. Dig trench adjacent to boundary to depth determined by engineer and trench fill with reinforced concrete to form mass concrete retention.

3. Excavate between external wall and concrete retention to lowered ground level

4. Form strip foundations against underpinning and trench fill. Construct stone face to external wall and concrete retention using stone salvaged elsewhere on site.

5. Finish new ground level with gravel incorporating edge drain



Section 4

Work sequence at Section 3:

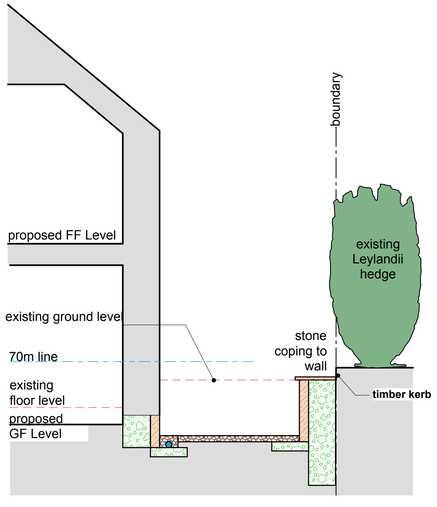
1. Provide "hit and miss" mass concrete underpinning to existing external wall to a depth equal to to 450mm below finished ground floor level as directed by engineer

2. Dig trench adjacent to boundary to depth determined by engineer and trench fill with reinforced concrete to form mass concrete retention.

3. Excavate between external wall and concrete retention to lowered ground level

4. Form strip foundations against underpinning and trench fill. Construct stone face to external wall and concrete retention using stone salvaged elsewhere on site.

5. Finish new ground level with gravel incorporating edge drain



Section 5

Work sequence at Section 5:

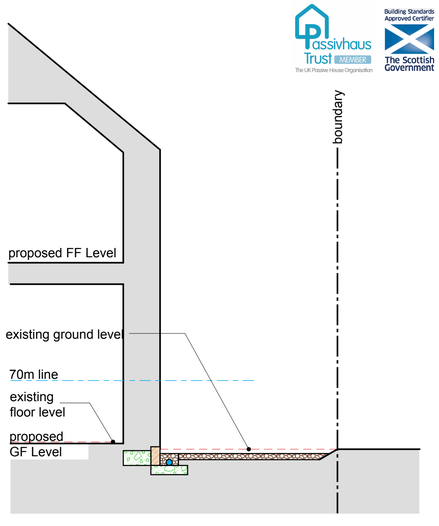
1. Provide "hit and miss" mass concrete underpinning to existing external wall to a depth equal to to 450mm below finished ground floor level as directed by engineer

2. Dig trench adjacent to boundary to depth determined by engineer and trench fill with reinforced concrete to form mass concrete retention.

3. Excavate between external wall and concrete retention to lowered ground level

4. Form strip foundations against underpinning and trench fill. Construct stone face to external wall and concrete retention using stone salvaged elsewhere on site.

5. Finish new ground level with gravel incorporating edge drain



Section 6

Work sequence at Section 6:

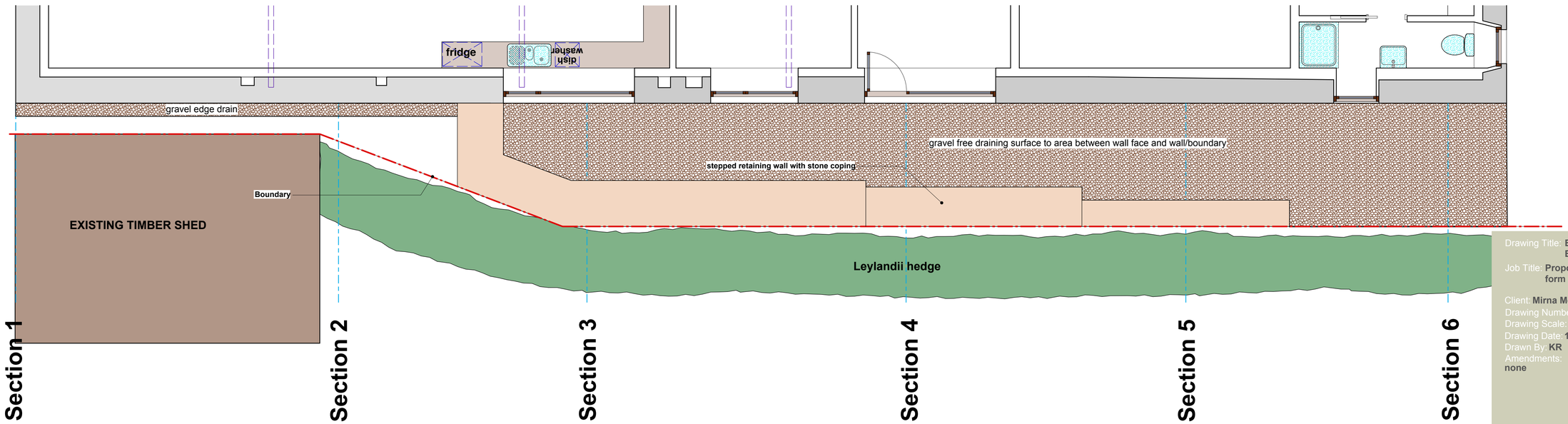
1. Provide "hit and miss" mass concrete underpinning to existing external wall to a depth equal to to 450mm below finished ground floor level as directed by engineer

2. Lower ground level to allow finished ground level 150mm below finished floor level.

3. Make good stone work at external as necessary

4. Grade ground between new ground level and adjacent level at boundary

5. Finish new ground level with gravel incorporating edge drain



PLAN BETWEEN SOUTH WALL AND BOUNDARY

Drawing Title: **BOUNDARY TREATMENT AND SECTIONS AT SOUTH ELEVATION**
Job Title: **Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF**

Client: **Mirna Melki and Robert Mills**
Drawing Number: **811P2-14**
Drawing Scale: **1:50**
Drawing Date: **12 May 2021**
Drawn By: **KR**
Amendments:
none

Humestanes Studio, Hume Hall Holdings, Greenlaw, Duns, Berwickshire, TD10 6UW

CHRISTIE GILLESPIE
CONSULTING ENGINEERS LTD.

Our Ref: 2020-617

14 July 2021

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Dear Sirs,

Proposed Development at Balgownie Steading, Eassie - 21/00081/FULL
Structural Feasibility of Proposals

Introduction
It is proposed to convert and develop the existing steading buildings at Balgownie to form a new dwelling house. As part of the project, it is necessary to lower the floor in one of the buildings and provide the necessary boundary treatment to enable protection of and access to the building close to the existing boundary.

Civil and Structural Engineering Works

The principles of the works including the engineering aspects are shown on the Drawing No. 811P2-13 by Keith Renton.
In summary to enable lowering of the floor in the building, it is necessary to underpin the existing wall to form foundations at a lower level than the existing. This is done in a sequenced segmental basis known as hit and miss where small sections of the underpinning are done leaving gaps which are filled in later to avoid any risk of settlement of the existing foundations and walls. This is a common practice solution for works of this type. The depth of underpinning required under the building varies along the length but is of a scale that is feasible for the works.
Some of the trenching in Sections 1 and 2 may also need to be formed from the building side due to restricted access and although not straightforward, this is technically feasible.
The remainder of the works from sections 3 onwards are also structurally feasible. The method and details will need to be assessed by the contractor on site to suit specific working method preferences and plant but also under guidance from the structural engineer in terms of design parameters for where temporary works will be required and the particular loading parameters.
From a review of the proposals, it is considered that the design principles of the proposal are technically feasible from an engineering perspective.

Yours faithfully,

[redacted]

Alistair Christie BSc CEng MIStructE
Director

alistair@christiegillespie.com

CHRISTIE GILLESPIE
CONSULTING ENGINEERS LTD.

Our Ref: 2020-617

14 July 2021

Angus Council
County Buildings
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Forfar
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EH21 7PB

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Dear Sirs,

Proposed Development at Balgownie Steading, Eassie - 21/00081/FULL
Structural Feasibility of Proposals

Introduction
It is proposed to convert and develop the existing steading buildings at Balgownie to form a new dwelling house. As part of the project, it is necessary to lower the floor in one of the buildings and provide the necessary boundary treatment to enable protection of and access to the building close to the existing boundary.

Civil and Structural Engineering Works

The principles of the works including the engineering aspects are shown on the Drawing No. 811P2-13 by Keith Renton.
In summary to enable lowering of the floor in the building, it is necessary to underpin the existing wall to form foundations at a lower level than the existing. This is done in a sequenced segmental basis known as hit and miss where small sections of the underpinning are done leaving gaps which are filled in later to avoid any risk of settlement of the existing foundations and walls. This is a common practice solution for works of this type. The depth of underpinning required under the building varies along the length but is of a scale that is feasible for the works.
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From a review of the proposals, it is considered that the design principles of the proposal are technically feasible from an engineering perspective.

Yours faithfully,

[redacted]

Alistair Christie BSc CEng MIStructE
Director

alistair@christiegillespie.com

ITEM 13c

Location plan for Balgownie Steading, Eassie (DD8 1SF)

Balgownie Steading is located half a kilometer east of Hatton of Eassie farm and 2.8km west of the town of Glamis.

Grid Ref: NO355466

X(Easting) 335534;
Y(Northing) 746679

Lattitude 56.607539
Longitude -3.0517784

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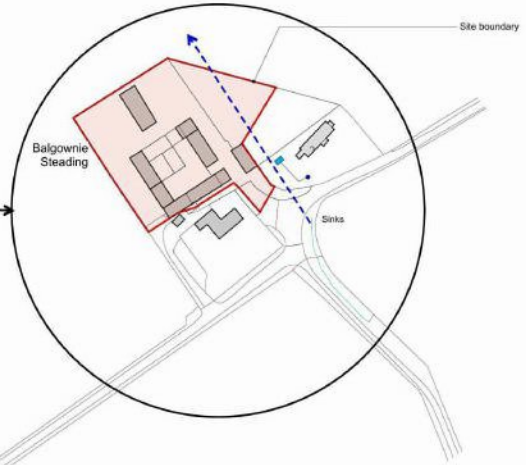

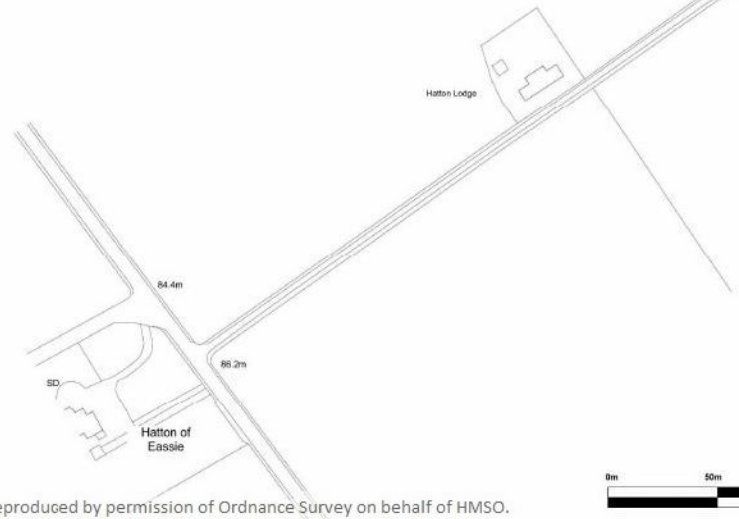

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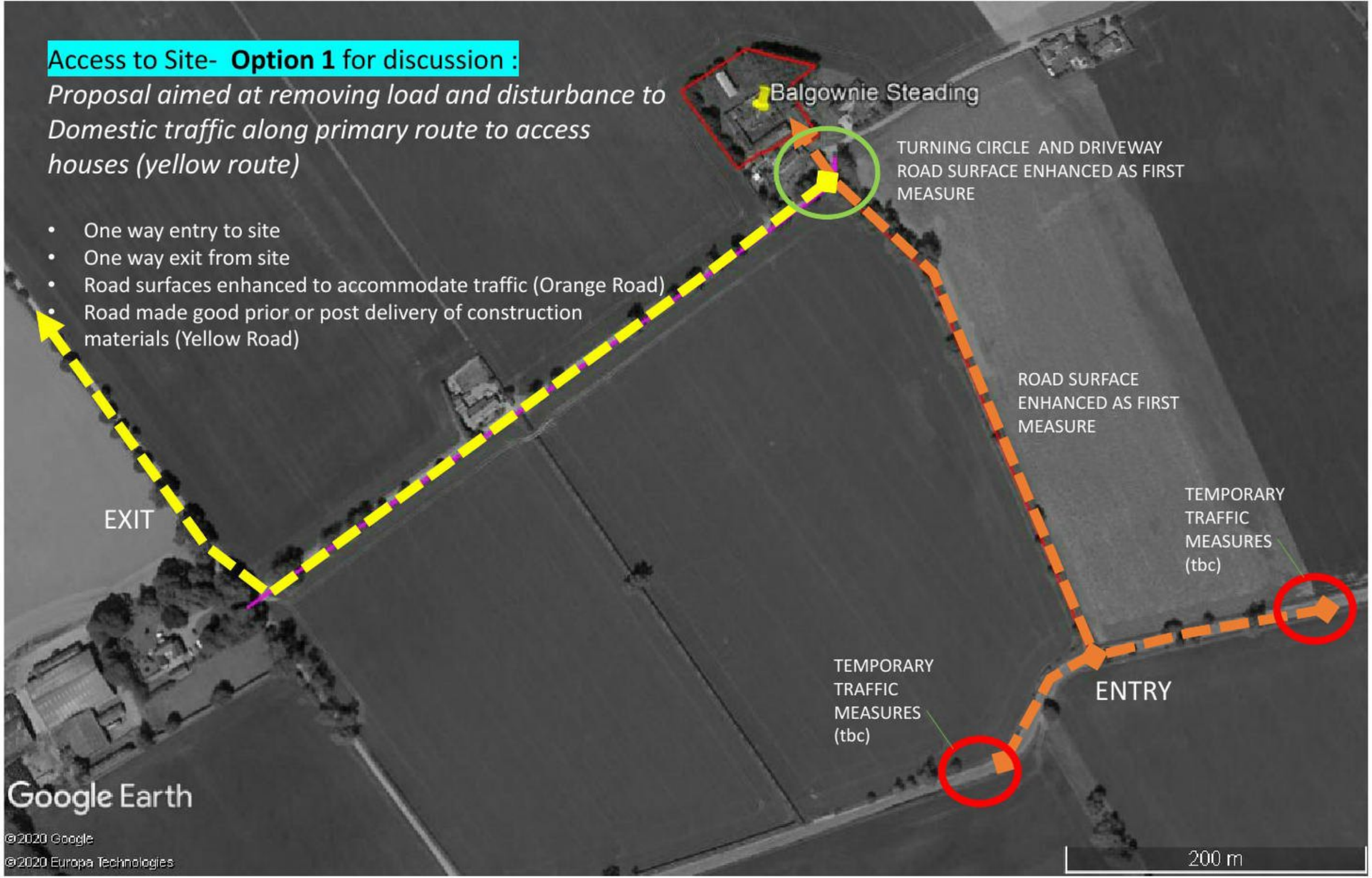
Location plan for
Balgownie Steading,
Eassie (DD8 1SF)
A94
Balgownie Steading
Coupar Angus Road
Hatton of
Eassie Farm
Google Earth
© 2020 Google
© 2020 Europa Technologies
1 km


Access to Site- **Option 1** for discussion :
Proposal aimed at removing load and disturbance to Domestic traffic along primary route to access houses (yellow route)
• One way entry to site
• One way exit from site
• Road surfaces enhanced to accommodate traffic (Orange Road)
• Road made good prior or post delivery of construction materials (Yellow Road)
Balgownie Steading
TURNING CIRCLE AND DRIVEWAY ROAD SURFACE ENHANCED AS FIRST MEASURE
ROAD SURFACE ENHANCED AS FIRST MEASURE
TEMPORARY TRAFFIC MEASURES (tbc)
TEMPORARY TRAFFIC MEASURES (tbc)
EXIT
ENTRY
Google Earth
©2020 Google
©2020 Europa Technologies
200 m

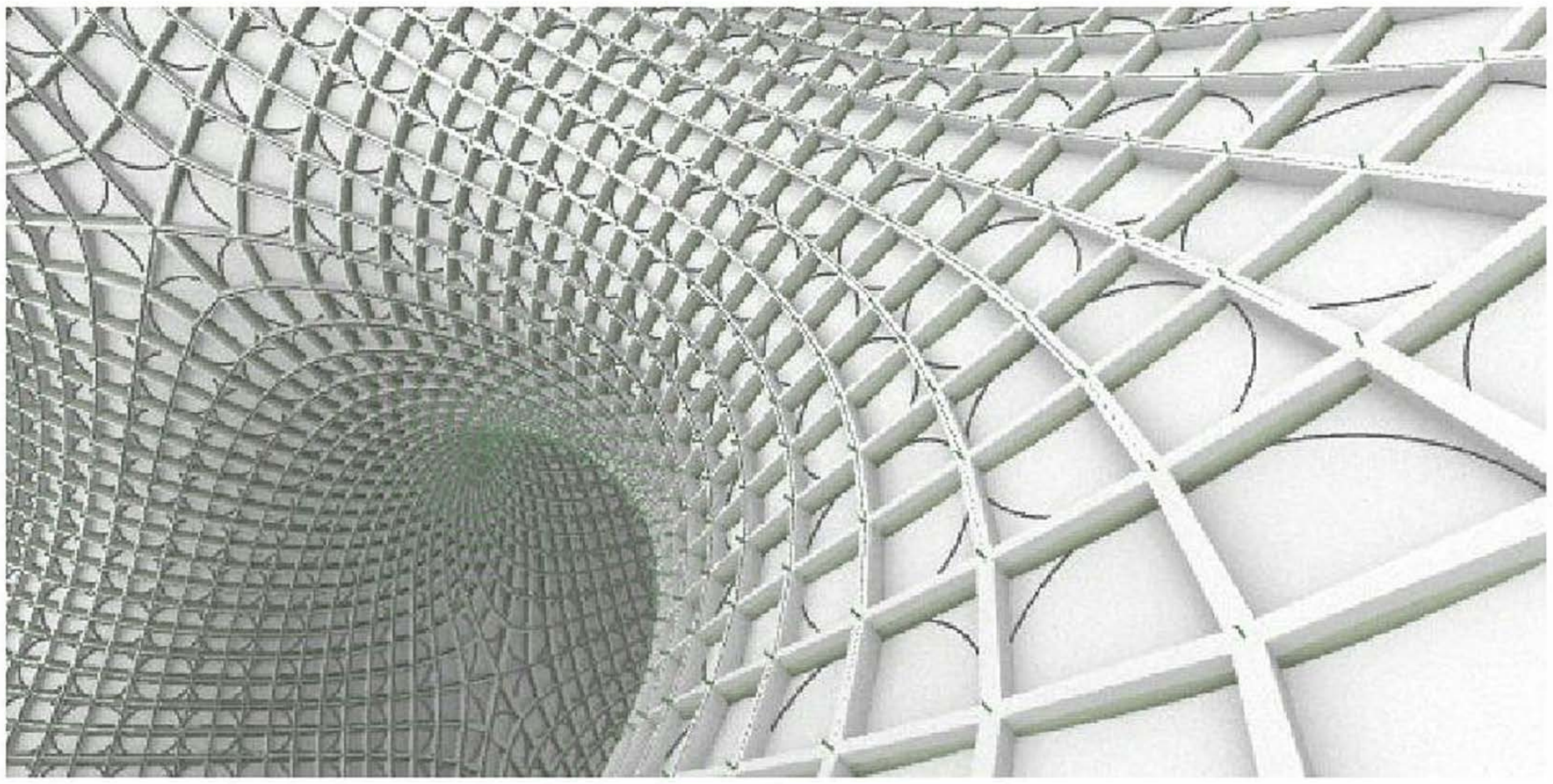
Access to Site- **Option 2** for discussion :

Proposal aimed at removing load and disturbance to Domestic traffic along primary route to access houses (blue route)

- Two way entry and exit to site (via unused farm road- Orange Road)
- Road surfaces enhanced to accommodate traffic (Orange Road)
- Road traffic measures sufficient to accommodate occasional delivery of materials and vehicles entering and exiting the construction site.
- Balgownie driveway and turning circle immediately opposite the driveway enhanced to accommodate vehicles and deliveries

ITEM 13d

CHRISTIE GILLESPIE
CONSULTING ENGINEERS LTD.



BALGOWNIE STEADING, EASSIE, ANGUS, DD8 1SF

ASSESSMENT OF STRUCTURAL CONDITION OF EXISTING BUILDINGS

CLIENT: MS MIRNA MELKI AND MR ROBERT MILLS

Revision: First Issue
Date of Issue: 23 October 2020
PROJECT Nº 2020-617

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Confidential

QUALITY MANAGEMENT

Issue/revision	First issue	Revision 1	Revision 2	Revision 3
Remarks				
Date	22/10/20			
Prepared by	A Christie			
Signature				
Checked by				
Signature				
Authorised by	A Christie			
Signature	[redacted]			
Project number	2020-617			
Report number	N/A			
File reference	2020-617/Documents/Internal			

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APPENDIX A DRAWINGS

APPENDIX B PHOTOGRAPHS

CHRISTIE GILLESPIE
CONSULTING ENGINEERS LTD.

1. INTRODUCTION

Christie Gillespie Consulting Engineers were instructed to carry out a structural assessment of the property by the current owners. The purpose of the assessment was to determine the nature and condition of the existing buildings remaining at the site and provide advice and recommendations with regard to the extent of any demolition and repairs necessary in the context of the proposed development. The proposed development includes the retention and refurbishment where feasible of the buildings to provide a conversion and redevelopment of the property to form a new dwelling.

The inspection was carried out in 2016 and the findings have been reviewed in reference to further recent photographs of the building taken this year and provided by the client. Photographs of the relevant areas are provided in Appendix B.

2. SITE DESCRIPTION

The site is located between the villages of Eassie and Glamis just south off the A94 at Balgownie Farm. The existing steading buildings consist of a collection of varying height single storey sandstone buildings with pitched slated roofs. The buildings have been derelict and unused for a considerable period of time and are in varying states of condition. The roofs and walls of some of the buildings have collapsed and others are at risk of further disintegration and potential collapse in the near future. A plan of the existing buildings along with summary notes of the condition is provided in Appendix A. Photographs of the buildings are included in Appendix B.

3. SURVEY FINDINGS AND ASSESSMENT

The various buildings as shown on the drawing in Appendix A and the reference numbers in this report for each building are indicated on this plan. The site was originally visited in July 2016 and although more photographs taken recently of some of the buildings have been provided

Building 1

3.1.1 This building comprises what is effectively a two storey high masonry building which lies on the east boundary of the site. It is open full height to the underside of the walls and roof. It has thick external masonry walls up to around 550mm thick with pitched timber trussed roof with slates. The east and south elevations are intact with relatively minor defects in the stone and mortar joints. There is a crack in the north east gable which extends from eaves down to the top of the ground floor window.

3.1.2 A crack of this type is not unusual in this form of construction. It appears that the crack may have initiated from some relative movement between the gable and adjacent elevations and this has been exacerbated over a long period of time through weathering and freeze thaw action. It was noted that the gutter is no longer in place on this elevation and there is a damp patch on the wall next to the crack. Whilst this crack is relatively wide, it is capable of repair with stainless steel straps or ties cut into and across the crack a grouted in place. The residual gap can be grouted and filled with a suitable mortar that is compatible with the stonework. This gable is otherwise in good condition and does not show any evidence of ongoing settlement or structural distress.

3.1.3 On the north west elevation at the south end where there are larger openings, the stonework at higher level is leaning and bowing outwards. The stonework below is still in a stable condition and although there was damage to the pier evident between the two openings, it is considered that this is repairable. There has been further deterioration of the higher level stonework in this area according to the recent photographs. Because of the area of bowing, the wall will need to be removed down to the level of the window heads. The remaining section of wall should be propped in the meantime. Some of this area of façade stonework can be repaired but will require some temporary propping.

3.1.4 The roof structure is in relatively good condition although there are a number of damaged areas where water has penetrated. There are also signs of some rot and infestation with the likelihood of repairs required to the extent that it would be more economical to replace the roof entirely. A suitable temporary propping arrangement will need to be designed to protect the walls during the reconstruction works whilst the roof is removed.

3.1.5 The foundations consist of broader stones laid at the base of the walls and are shallow as would be expected for a building of this type and age, Underpinning will be required to some of the walls to maintain the stability where levels are being reduced for any future development and this will be done on a hit and miss basis when casting the new ground floor slabs.

Building 2

3.1.6 With the exception of the north east elevation of this building, the masonry is in reasonable condition with areas that have weathered and where the mortar has become friable as a result of water ingress but are repairable. On the north east elevation, the lintel over the east door opening has cracked and the inner timber safe lintel has failed with the loss of stone and rubble fill above. The remaining sections of wall around this area are not stable and will need to be removed and reconstructed as required. Some small areas of this wall at the lower level below lintel height may be salvageable with repairs.

3.1.7 The roof structure is in poor condition with many missing slates and areas of sarking and it has partially collapsed in places. The roof structure is not economically repairable and will need to be removed and replaced.

Building 3 and 3a

3.1.8 These are adjacent single storey masonry buildings. The roof structure is in very poor condition with significant areas that have partially collapsed in places. The roof structure is not economically repairable and will need to be removed and replaced. The western end of the north east elevation wall has a lean towards the west side and generally the mortar is in poor condition. This wall will require more extensive repairs than the general repairs noted for other walls in the buildings. The section of wall which leans will need to be at least partially taken down and rebuilt.

3.1.9 The south west elevation is in reasonable condition although again some general patching and repointing remedial work will be required. This could be retained but is being removed as part of the design proposals. The western end of the south east elevation wall also leans outwards around the door and window opening and there is a slight lean at eaves height along part of the length of this wall. Some partial reconstruction of this wall will be necessary around the openings and along the upper sections from just below lintel height and above. The remainder of this wall will also need to be patched and repointed.

Building 4

3.1.10 This is a single storey shed with timber roof and corrugated metal cladding. It is partly supported on building 3. It has partially collapsed in places and is not repairable. This building needs to be demolished.

Buildings 5 and 5a

3.1.11 These buildings were sheds originally supported on cast iron columns and have effectively completely collapsed. The remainder of any standing framed structure and roof needs to be taken down and removed completely. The single storey height buttressed masonry wall along the north west elevation is in poor condition. Part of the wall has collapsed and the wall head has been exposed to water penetration with vegetative growth on top of the wall in places. Because this wall has been exposed to water penetration through the head of the wall, the overall condition is not considered to be structurally suitable to retain as the wall and mortar will have been weakened by the prolonged period of water ingress into the core of the wall. It is recommended that this wall also be demolished. This is also the case for the single storey height freestanding wall at the south east side of these buildings where the wall head has been exposed to water penetration for a prolonged period and there is vegetation growing from the top of the wall.

Buildings 6 and 7

3.1.12 These are single storey buildings in the north corner of the site. Areas of the roof have collapsed and similarly to the masonry walls around buildings 5 and 5a, there has been a prolonged period where water has penetrated through the wall head with significant vegetative growth. The mortar is in poor condition and has been significantly eroded from the joints. It is considered that the walls are not structurally suitable for retention and re-use and the buildings require to be demolished.

4. SUMMARY CONCLUSIONS AND RECOMMENDATIONS

4.1.1 The buildings on the site are in varying conditions and have suffered to a lesser or greater extent as a result of exposure and weathering over a long period of time. The original survey was carried out in 2016 and it is noted from more recent photographs that there has been some deterioration since. However significant areas of the masonry that have remained largely protected are capable of retention and repair. Some of the walls in such a condition that they need to be demolished. The walls that have been exposed at the head and as such have allowed water penetration over a long period are not structurally suitable to be retained and will require to be removed.

4.1.2 The drawing provided in Appendix A shows the sections of wall that require to be demolished. Repair and remedial works will be necessary to the majority of the remainder of the walls which are suitable for retention as structural elements for the new development. Such repairs will be in the form of local patching of stone and raking out and repointing of loose and friable mortar in the joints will be necessary. This will need to be based on a detailed schedule of works to be prepared as part of the development.

Appendix A

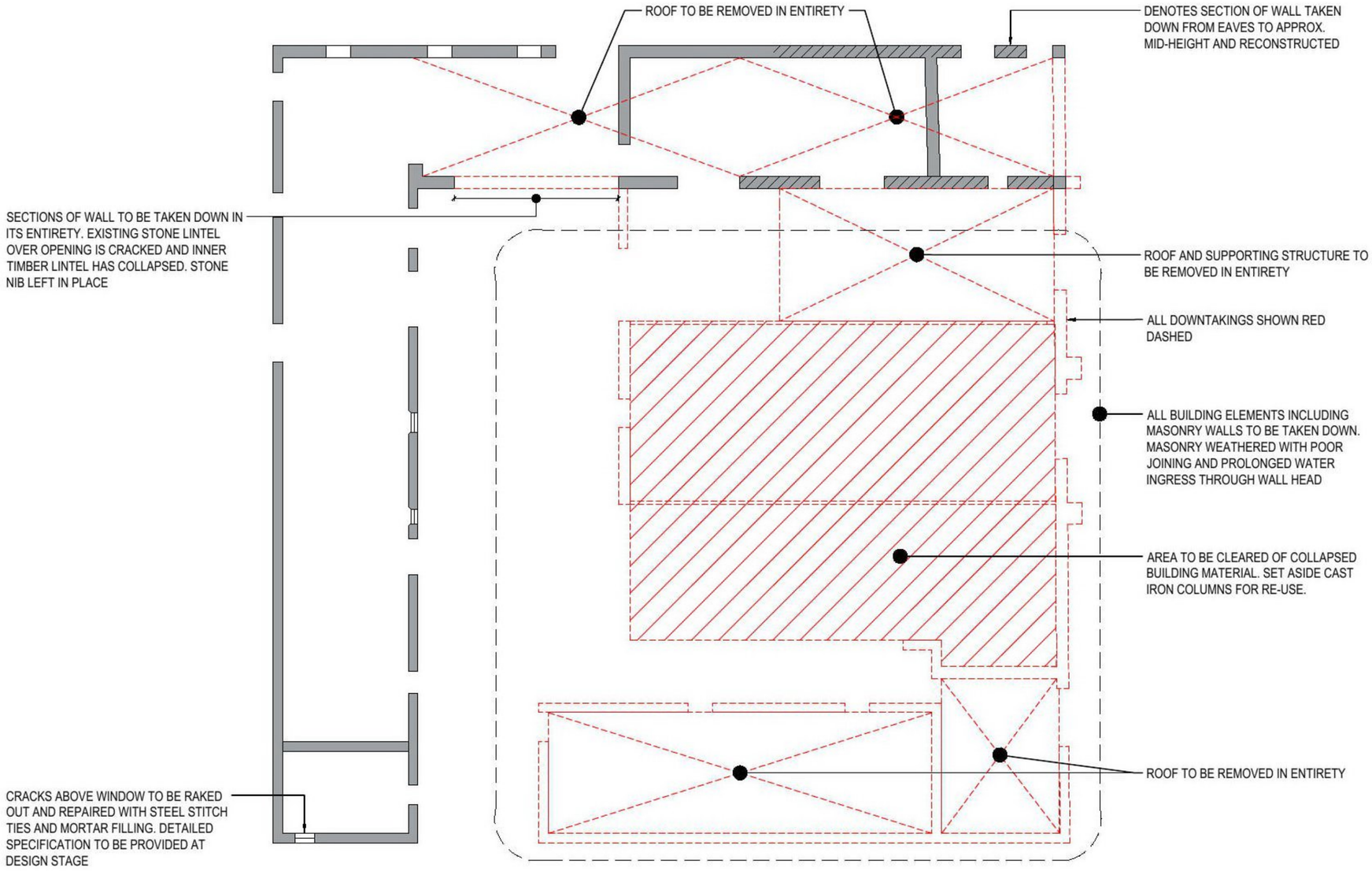
DRAWING

2016-240-S001 – Layout of Buildings and Scope of Works

CDM - RESIDUAL RISKS

THERE ARE CONSIDERED TO BE NO RESIDUAL RISKS ASSOCIATED WITH THE STRUCTURAL ASPECTS OF THIS PROJECT

IMPORTANT NOTE:
SINGLE HATCHED AREAS SHOW SECTIONS OF WALL WHERE REMOVAL OF APPROX. TOP 600mm OF WALL AND REBUILD REQUIRED TO CORRECT LOCALISED BOWING



LAYOUT OF EXISTING BUILDINGS
(SHOWING EXTENT OF STRUCTURAL REMOVALS AND REPAIRS BASED ON CONDITION ASSESSMENT
SCALE 1:200

GENERAL NOTES

1. DO NOT SCALE FROM THIS DRAWING.
2. ALL SIZES/DIMENSIONS TO BE CONFIRMED ON SITE PRIOR TO CONSTRUCTION.
3. THIS DRAWING HAS BEEN PREPARED TO SHOW EXTENT OF EXISTING BUILDING ELEMENTS THAT ARE NOT STRUCTURALLY SUITABLE FOR RETENTION AND AN OUTLINE OF REPAIRS REQUIRED TO AREAS THAT ARE SUITABLE TO RETAIN AND INCORPORATE IN THE NEW DEVELOPMENT

MASONRY REPAIRS
ALL MASONRY WALLS TO BE RETAINED WILL REQUIRE GENERAL PATCHING (INDENTS) AND REPAIR AND REPLACEMENT OF AREAS OF LOOSE/FRIABLE MORTAR WITH REPOINTING GENERALLY

STATUS: **PLANNING**

REV	DETAILS	DATE	DRAWN	CHK'D	APP'D

CLIENT
MS M. MELKI & MR R. MILLS

PROJECT
PROPOSED CONVERSION TO BALGOWNIE STEADING, EASSIE, GLAMIS

DRAWING TITLE
LAYOUT OF BUILDINGS SHOWING STRUCTURAL REMOVALS & REPAIRS BASED ON CONDITION ASSESSMENT

DRG No	REV	SCALE	DATE
2020-617-S001	-	AS NOTED	23/10/2020
DRAWN BY		CHECKED BY	APPROVED BY
D.M		A.C	A.C

CHRISTIE GILLESPIE
CONSULTING ENGINEERS LTD.
Suite 11, Stuart House, Eskmills Business Park, Musselburgh, EH21 7PB
Telephone Number: 0131 285 8261
www.christiegillespie.com

A3 SHEET SIZE

Appendix B

PHOTOGRAPHS

Building 1 - North East Elevation showing cracks above window.

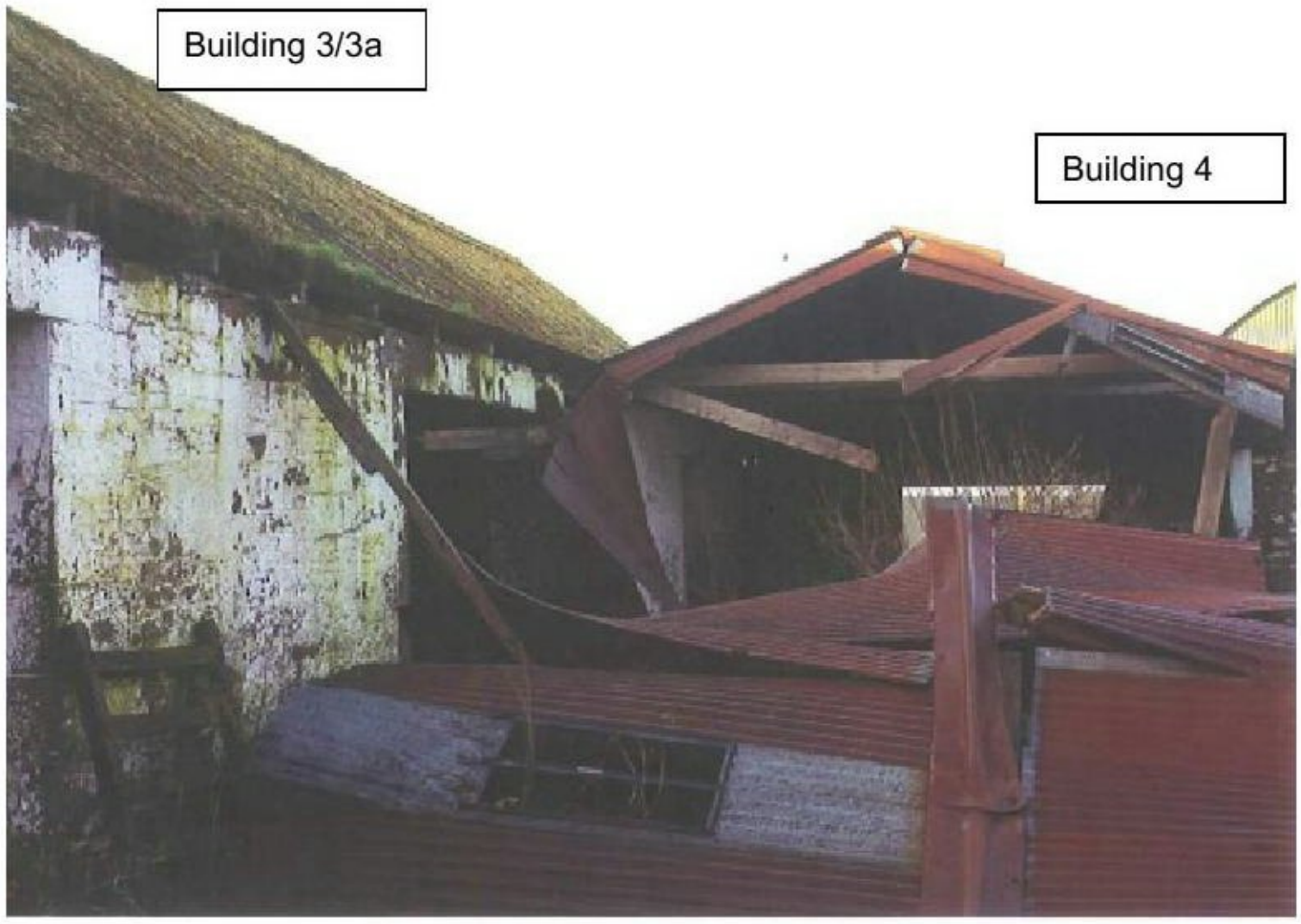
Building 1 – Interior from south west corner

Buildings 1 and 2 – north west and north east elevations respectively

Building 2 – section of north east elevation to be removed.

Wall between Building 2 and 3 from building 2

Building 3 - roof to be removed



Building 3 – north east elevation and adjacent building 4

Buildings 5 and 5A – collapsed

Buildings 4, 5 and 7 – north west elevations

Building 3A south west elevation showing lean and general condition of stonework

Building 5 and 5A – north east elevation freestanding wall to be demolished

Building 6 – south west elevation showing missing roof, loss of wall head stones, loss of mortar jointing and vegetative growth

Building 6 – part of wall previously removed and tank constructed. Wall head exposed with vegetation

Building 7 showing missing roof and loss of support for remainder of roof, exposed wall head.

Building 5 and 5A north west elevation showing partial collapse, open joints and vegetation

ITEM 13e

S.A. McGREGOR

GEOTECHNICAL & ENVIRONMENTAL ONSITE SERVICES

GROUND ASSESSMENT REPORT
&
DRAINAGE RECOMMENDATIONS

PROPOSED STEADING CONVERSION
BALGOWNIE STEADING
EASSIE
FORFAR
ANGUS
DD8 1SF

Architect:	Keith Renton Architects
Client:	Mr R Mills & Ms M Melki
Contract No.	2964/21
Report Issued:	6th June 2023

S. A. McGregor
info@samcgregor.co.uk

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Introduction

Site Location & Brief Description

Site Work
Trial Pits
Percolation Testing
Infiltration Testing

Ground Assessment
Published Geology
Encountered Ground Conditions
Ground Water Observations

Discussion
Sub-Soils
Sewage Treatment
Foul Water Discharge
SuDS & Surface Water Disposal

Comments on Flood Risk Observations
Ponding Water
Former Lade Pipe, Waterwheel and Pond

Drainage Recommendations
Foul Water Discharge
SEPA
Surface Water Disposal
Indicative Drainage Layout

System Maintenance
Sewage Treatment System
Soakaways

Regulations

APPENDIX A

Site Plans	Fig. 1.	General & Site Location Plans
	Fig. 2.	Test Location Plan
Trial Pit Logs	FW1 & SW1	
Drainage	Fig. 3.	Indicative Drainage Layout
	Fig. 4.	Indicative Sub-Surface Soakaway Construction
Certificates	Foul Water Discharge	
	Surface Water Disposal	

GROUND ASSESSMENT & DRAINAGE RECOMMENDATION REPORT

PROPOSED STEADING CONVERSION BALGOWNIE STEADING EASSIE, FORFAR ANGUS DD8 1SF

INTRODUCTION

At the request of Keith Renton Architects, on behalf of Mr R Mills & Ms M Melki, a ground assessment investigation was undertaken on land at Balgownie Steading, Eassi, Forfar, Angus.

It is proposed to convert the steading to form a new dwellinghouse.

The purpose of the visit was to carry out a ground investigation to determine the nature of the materials underlying the area of the site and to undertake the following: -

- to carry out percolation testing to assess the suitability of the underground strata for the disposal of effluent from a sewage treatment system to the ground via a designed sub-surface soakaway system
- to carry infiltration testing for the disposal design for surface waters from the proposed development

SITE LOCATION & BRIEF DESCRIPTION

The site is located on land at Balgownie Steading, West of Forfar with access from the A94 and local roads on land all under the ownership of the applicant, OS Grid Ref NO 35508 46682 (approx. centre of site), see Fig. 1. General & Site Location Plans.

The site is occupied by the derelict farm steading buildings and other associated buildings and very overgrown. The site is generally level with a slight fall to the north-west.

The site is un-serviced however mains water, electricity and telephone are nearby; there is no mains drainage available for this site; all nearby properties are served by private sewage treatments systems.

There are no known wells supplying potable water within 50m of the site.

There are no watercourses within 10m of the proposed infiltration fields.

SITE WORK

Trial Pits

On the 9th October 2021 a tracked excavator with 0.50m bucket excavated trial pits to carry out an assessment of the underlying ground conditions, to carry out percolation and infiltration testing in the areas of the potential foul and surface water sub-surface soakaways.

The locations of the trial pits were decided on site and are indicated on Fig. 2. Indicative Site Layout & Test Location Plan in Appendix A.

Percolation Testing

Percolation testing was carried out in test holes adjacent to observation trial pits FW1 in accordance with Section 3.9 of the Scottish Building Standards Technical Handbook (Domestic) and SEPA WAT-RM-04. The test results are shown on the following table: -

Date of Testing 09/10/21	FW1 A	FW1 B
Average time taken for water to drain 3 times in each sump hole (middle 150mm)	7455	10125
Depth of Water Table below Ground Level (m)	>1.50m	
Soil Percolation Values, Vp, s/mm	**49.7**	**67.5**
Average Vp	**58.6**	

Infiltration Testing

Infiltration tests were carried out in trial pit FW1C & SW1 in accordance with BRE Digest 365. The test results are tabulated below: -

Trial Pit No.	Pit Dimensions (W x L)m	Test Zone (mbegl)	In-Fill	Ave. Soil Infiltration Rate, *f*(m/s)
FW1C	0.50 x 1.20	0.50 – 1.50	Open	**5.68×10^{-6}**
SW1	0.50 x 1.20	0.80 – 1.80		

GROUND ASSESSMENT

Published Geology

The British Geological Survey 1:50,000 Quaternary and Solid maps indicate that the site is overlain by Glaciofluvial Deposits (silt, sand and gravel) formed up to 3 million years ago during the Quaternary Period. The site is underlain by Scone Sandstone Formation (sandstone) Sedimentary bedrock formed approximately 393 to 419 million years ago in the Devonian Period.

Encountered Ground Conditions

FW1: Topsoil: The area nearby to the access is overlain by 400mm thickness of topsoil.
Natural Sub-Soils: The natural underlying sub-soils have an upper mantle of loose to medium dense orange pink gravelly sand becoming dense light pink brown very sandy gravel (completely weathered sandstone) from around 0.60m to 0.90m. The strata then becomes dense pink and red brown slightly sandy gravels and cobbles (highly weathered sandstone) and proved to the maximum investigated depth of 1.50m.

SW1: Made Ground and Topsoil: The site is overlain by 800mm of made ground, consisting of reworked topsoils, rubble and pieces of metal and china. A thin 400mm layer of original topsoil was encountered beneath the made ground to 1.20m below ground level.
Natural Sub-Soils: The natural underlying sub-soils are described as dense orange red brown sandy angular gravel (completely weathered sandstone) proved to the depth of 1.80m.
Bedrock: In-tact bedrock was not encountered during this investigation.

Groundwater Observations

Groundwater was not encountered during the investigation nor observed during the monitoring period. No visual (no seepages or discoloration) indication of the seasonally high or fluctuating ground water table was seen in the strata above the encountered depths of 1.80m.

DISCUSSION

Sub-Soils

The sandy gravelly nature of the underlying strata and the results from the percolation and infiltration testing confirmed the moderate draining properties of the sub-soils.

Sewage Treatment

The soil percolation value, Vp, is within the range 15-100 s/mm and therefore a septic tank is suitable for the development. A septic tank or PSTP with a 3,750-litre capacity is required for a 7-bedroom house with a population, PE = 9.

Foul Water Discharge

A sub-surface stone-filled soakaway (infiltration system) is considered suitable for the discharge of foul waters from a septic tank or PSTP directly to the ground. The soakaway should comply with the Domestic Technical Handbook (para. 3.9.2) which sets out guidance on design in accordance with the requirements of SEPA Regulatory Method (WAT-RM-04) Indirect Sewage Discharges to Groundwater.

SuDS & Surface Water Disposal

The disposal of surface waters from the dwellinghouse needs to be assessed in terms of both the quantity and the quality of the discharge for Building Regulations and SEPA. Using the SIA tool, the land use run-off quality has been determined, see summary below: -

SIA Summary: -

Land Use Type	**Residential Roofing**	**Residential Parking & Driveway**
Pollution Hazard Level	**Very Low**	**Low**
Pollution Hazard Indices TSS Metals Hydrocarbons	 0.2 0.2 0.05	 0.5 0.4 0.4
SuDS Component Proposed Component 1	**None** **(not discharging to watercourse)**	
SuDS Pollution Mitigation Indices TSS Metals Hydrocarbons	 0.4 0.4 0.4	 0.4 0.4 0.4
Groundwater Protection Type	**Infiltration Trench**	**Silt Trap for TSS** **Minimum 300mm permeable gravel finish**
Combined Pollution Mitigation Indices TSS Metals Hydrocarbons	 0.4 0.4 0.4	 0.4 0.4 0.4
Acceptability of Pollution Mitigation TSS Metals Hydrocarbons	 **Sufficient** **Sufficient** **Sufficient**	 **Sufficient** **Sufficient** **Sufficient**

The SIA assessment confirms that the installation of an infiltration trench provides sufficient quality mitigation for the surface water run-off from the roof areas and permeable driveways/parking areas for the proposed development prior to disposal to the ground.

The design is to be effective in all-weather conditions and are not considered to pose a risk to local water supplies and the water environment.

COMMENTS ON FLOOD RISK ASSESSMENT OBSERVATIONS

Angus Council have requested further information and that the following point should be addressed: -

- the ponding of water near to the access concerns regarding flooding of the property
- evidence of former lade pipe, waterwheel and pond.

Ponding Water

A walkover of the area noted to 'pond' near to the access of the property was undertaken.

The ponding is due to a 'low lying' area of compacted topsoils which reduce the natural infiltration of the surface waters through the upper strata to the underlying more permeable natura sub-soils encountered underlying the property.

The ponding of water is from road run-off and field run-off from the slightly higher ground to the south-east.

There is a gully and surface water ditch which are in poor condition due to poor maintenance, and under heavy rainfall events the both the gully and the ditch which are silted up are unable to cope with the run-off waters and therefore overtop and onto the road and migrate to the low lying area under concern.

It is considered that remediation can be undertaken to clear both the gully and surface water ditch which will alleviate the overtopping.

The newly formed access will remediate the 'low lying' area.

It is proposed that as part of the development works the applicants will carry out the remedial works and will maintain the gully and small stretch of the surface water ditch to prevent overtopping the road towards the property and the adjacent property.

The newly formed access road, with permeable surface, will have 'soft' verges, acceptable SuDS solution, to enable the road access run-off waters to be directly naturally to the underlying strata.

The Council have requested that IHS24 greenfield run-off guidance should be applied.

It is considered that this development would not be covered by calculations referred to in IHS24.

The development boundaries do not cover the area where the run-off waters originate from and the proposed areas of the infiltration fields for the proposed redevelopment of the site are a greater than 500m from the 'ponding area'.

Former Lade Pipe, Waterwheel and Pond

Further research has been carried out looking at historic maps online try and find graphic evidence of the lade pipe and pond. Viewing historic maps from 1861 to 1959 do not show the lade or pond.

The walkover did not see any physical evidence of a former lade or lade pipe.

The assumption of a potential pond location was founded only due to the low-lying area near to trial pit SW1 and the nature/depth of the up-fill which can be associated with back-filled ponds.

It is concluded that since there is no physical evidence of the lade pipe or pond being in use in recent times they are no longer functioning as water storage or water transport and that the risk of potential cause for run-off can be discounted.

It is not proposed to utilise the former lade pipe or pond in the design of the SuDS for this development.

DRAINAGE RECOMMENDATIONS

It is proposed to discharge all the drainage from the proposed development within the site boundaries to ground.

The proposed drainage design and installations should not have an adverse effect on the development, neighbouring properties, or the water environment.

Foul Water Discharge

To comply with the Domestic Technical Handbook (para. 3.9.2) which sets out guidance on how proposals may meet the Building Standards set out in the Building (Scotland) Regulations 2004, an infiltration system must be designed and constructed in accordance with the requirements of SEPA.

Using the average soil percolation value, ***Vp = 58.6s/mm*** and in accordance with the regulations the minimum base area, A, is derived from ***A = Vp x PE x 0.25 ,*** see the following table: -

Proposed Development	**Population Equivalent, PE** (as defined in BW COP:18.11/14)	**Min. Base Area (m^2) with PSTP**
New Dwellinghouse	**9** (7-bedroom)	**106**

Full details of the proposed sewage treatment system will be made available to the Building Standards Officer once it has been determined after consultation with suppliers which models are the most suitable for the proposed development.

SEPA

The installed sewage treatment system and discharge will require to be registered with SEPA under CAR.

Surface Water Disposal

The size of the proposed surface water infiltration trench is based on the impermeable surface areas of the development i.e. the house roof areas.

Using the soil infiltration rate, ***f = 5.68 x 10^{-6} m/s*** in *Table 2.* the optimum dimensions for the surface water infiltration trench (soakaway) are shown on the following table: -

Impermeable Areas (m²)	Width x Length (m)	Storage depth (m)	Half Empty Time (hrs)
All Roof Areas Up to **1050m²**	11 x 15	1.00	17.96

These dimensions include for Climate Change Peak Rainfall Intensity Allowance +39%
For the Tay Region of Scotland and in accordance with BRE Digest 365.

Indicative Drainage Layout

The indicative drainage layout is shown on Fig 3. with indicative soakaway construction shown on Fig. 4. along with the certificates all in Appendix A.

SYSTEM MAINTENANCE

Sewage Treatment System

All servicing and maintenance should be undertaken in full accordance with the manufacturer's literature or by a responsible qualified person. The septic tank should be regularly inspected and 'desludged' (emptied) when appropriate to ensure solids and silts do not 'clog' the soakaway or make their way to the discharge outlet.

Soakaways

The soakaways are designed for the life time of the proposed development if they are not allowed to silt up nor the pipework to be blocked.

If a soakaway fails to due blockages or silting it should be excavated and reconstructed with fresh clean stone, new pipework and renewed terram.

During the development of the site, and the excavation of the soakaways, should any field drains be found within 10m of the soakaway they should be realigned or relocated accordingly.

REGULATIONS

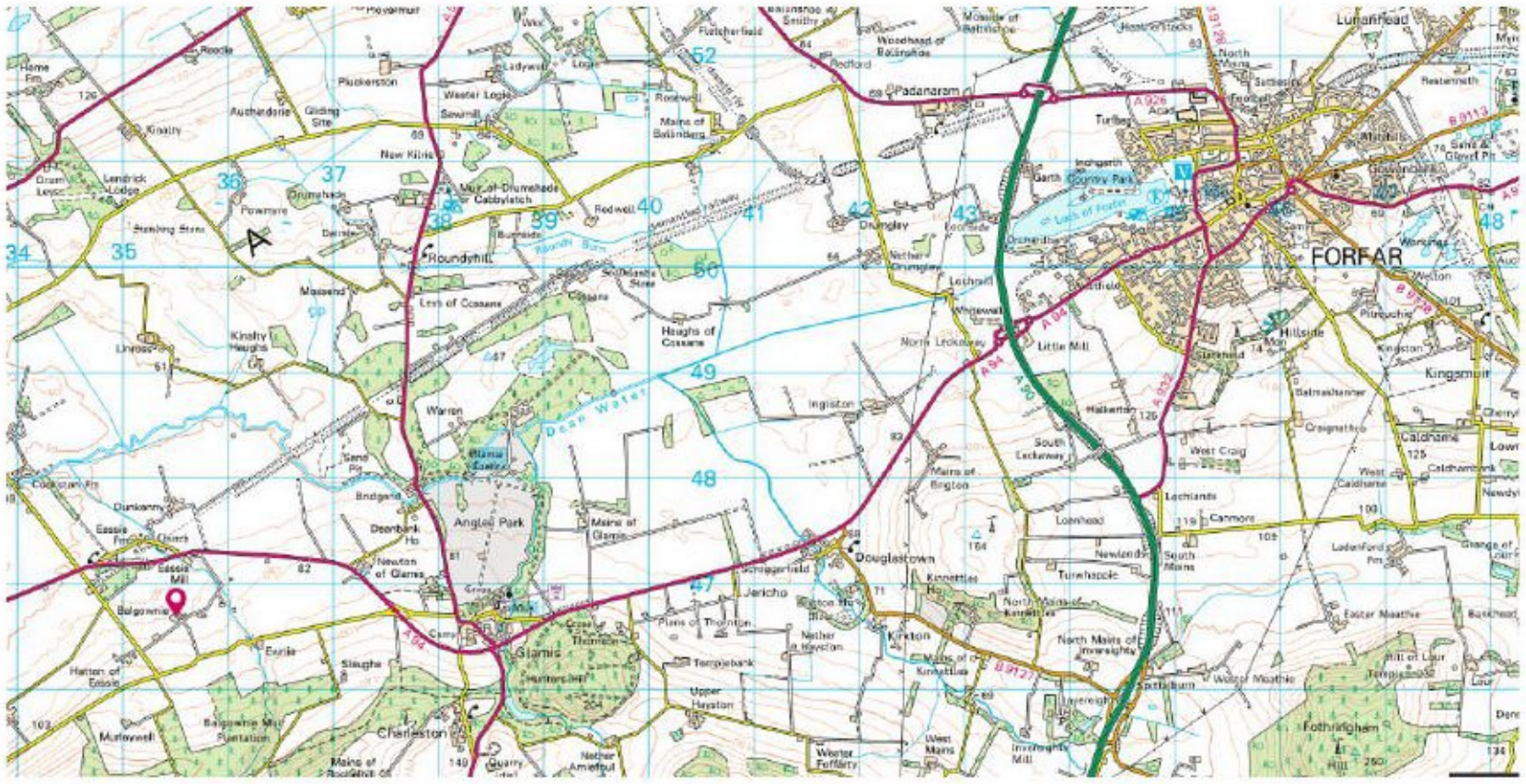
SEPA and Building Regulations require that infiltration systems (soakaways) are located at least: -

- 50m from any spring, well or borehole used as drinking water supply
- 10m horizontally from any water course (including any inland or coastal waters), permeable drain (including culvert), road or railway
- 5m from all buildings
- 5m from boundaries *(reduced distance to boundaries may also be subject to agreement from adjacent land owners where the soakaway is considered not to be detrimental to the adjacent property)*

APPENDIX A

Site Plans	Fig. 1.	General & Site Location Plans
	Fig. 2.	Test Location Plan
Trial Pit Logs	FW1 & SW1	
Drainage	Fig. 3.	Indicative Drainage Layout
	Fig. 4.	Indicative Sub-Surface Soakaway Construction
Certificates	Foul Water Discharge	
	Surface Water Disposal	

Fig. 1. GENERAL & SITE LOCATION PLANS



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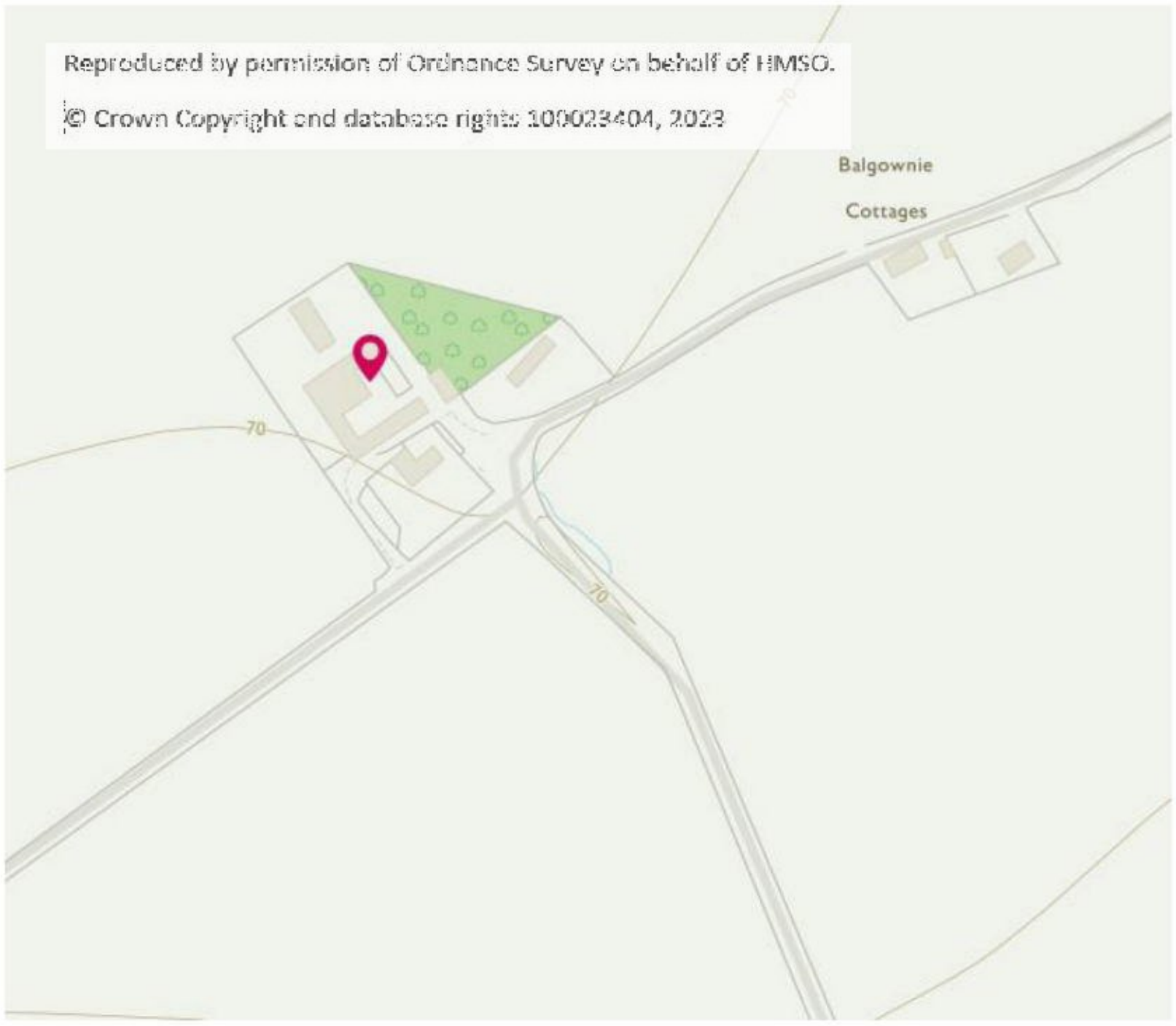
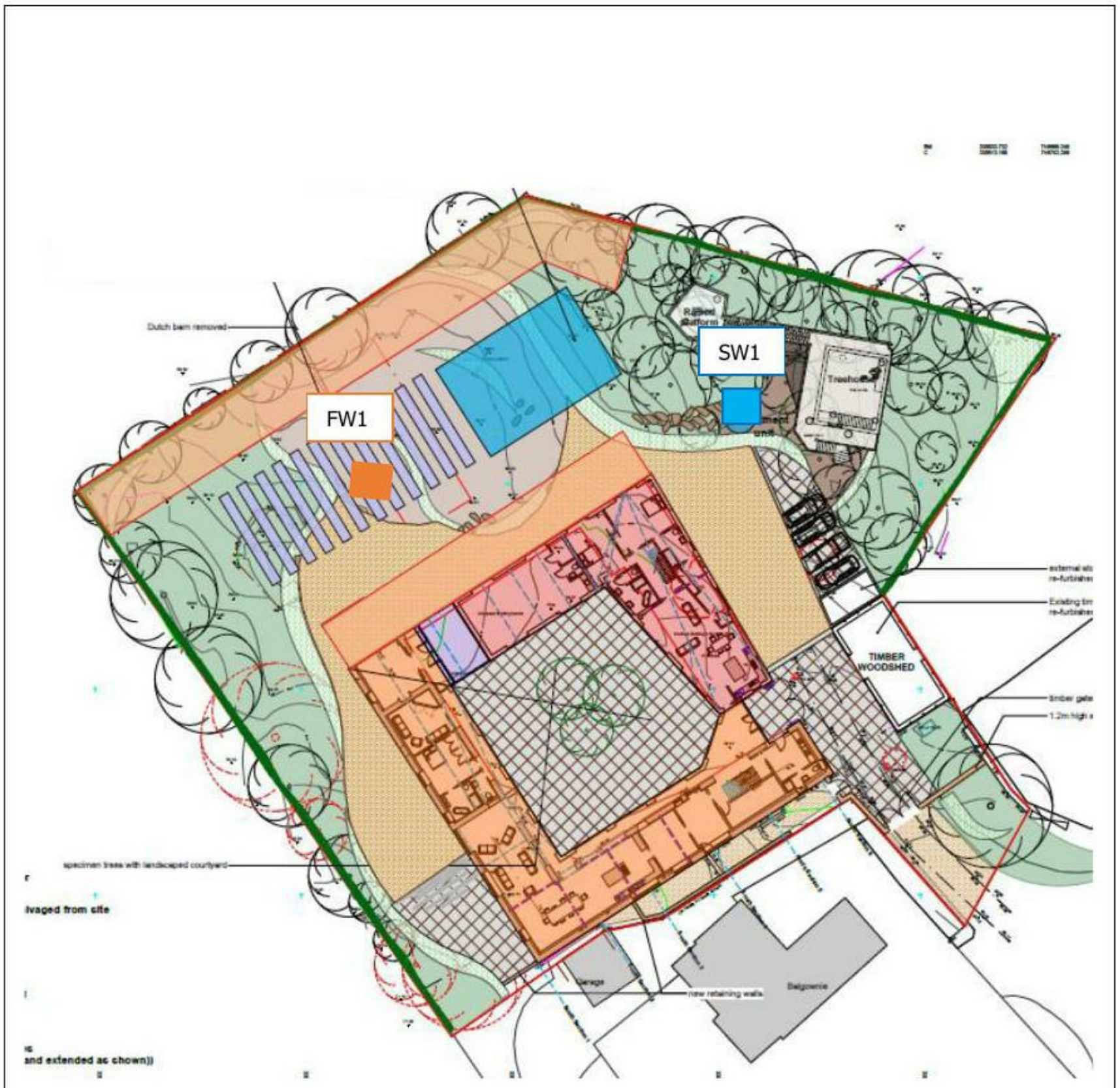


Fig. 2. TEST LOCATION PLAN



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S.A. McGREGOR

Site Balgownie Steading			**Trial Pit Number** FW1
Excavation Method Tracked excavator with 0.50m bucket	**Dimensions** 0.50 x 1.30	**Ground Level (mOD)**	**Client** Ms Melki & Mr Mills	**Job Number** 2964/21
	Location	**Dates** 09/10/2021	**Architect** Keith Renton	**Sheet** 1/1

Depth (m)	Sample / Tests	Water Depth (m)	Field Records	Level (mOD)	Depth (m) (Thickness)	Description	Legend	Water
					(0.40)	TOPSOIL		
					0.40 (0.20)	Loose to medium dense orange pink gravelly SAND		
			Percolation testing at 0.50-1.50m		0.60 (0.30)	Dense light pink brown very sandy GRAVEL (completely weathered sandstone)		
					0.90 (0.60)	Dense pink and red brown slighty sandy GRAVELS and cobbles (highly weathered sandstone)		
			No Groundwater ingress		1.50	Complete at 1.50m		

Plan

Remarks

Scale (approx)	Logged By	Figure No.
1:20	SAM	2964/21.FW1

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S.A. McGREGOR

Site Balgownie Steading			**Trial Pit Number** SW1
Excavation Method Tracked excavator with 0.50m bucket	**Dimensions** 0.50 x 1.20	**Ground Level (mOD)**	**Client** Ms Melki & Mr Mills	**Job Number** 2964/21
	Location	**Dates** 09/10/2021	**Architect** Keith Renton	**Sheet** 1/1

Depth (m)	Sample / Tests	Water Depth (m)	Field Records	Level (mOD)	Depth (m) (Thickness)	Description	Legend	Water
						MADE GROUND - reworked topsoils, rubble and pieces metal and china		
					(0.60)			
					0.60	MADE GROUND - reworked clayey sub-soils		
					(0.20)			
			Infiltration test zone 0.80-1.80m		0.80	Original TOPSOIL		
					(0.40)			
					1.20	Dense orange red brown sandy angular GRAVEL (completely weathered sandstone)		
					(0.60)			
			No Groundwater ingress		1.80	Complete at 1.80m		

Plan

Remarks

Scale (approx)	Logged By	Figure No.
1:20	SAM	2964/21.SW1

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Fig. 3. INDICATIVE DRAINAGE LAYOUT

NOT TO SCALE: ALL SOAKAWAY DIMENSIONS PROVIDED ON THIS DRAWING SHOULD BE CHECKED ON A FULL-SCALE PLAN TO ENSURE THEY MEET THE REQUIRED BUILDING REGULATIONS 5m FROM BUILDINGS AND SITE BOUNDARIES, 10m FROM OTHER SOAKAWAYS, DRAINS AND WATERCOURSES & 50m FROM WELLS

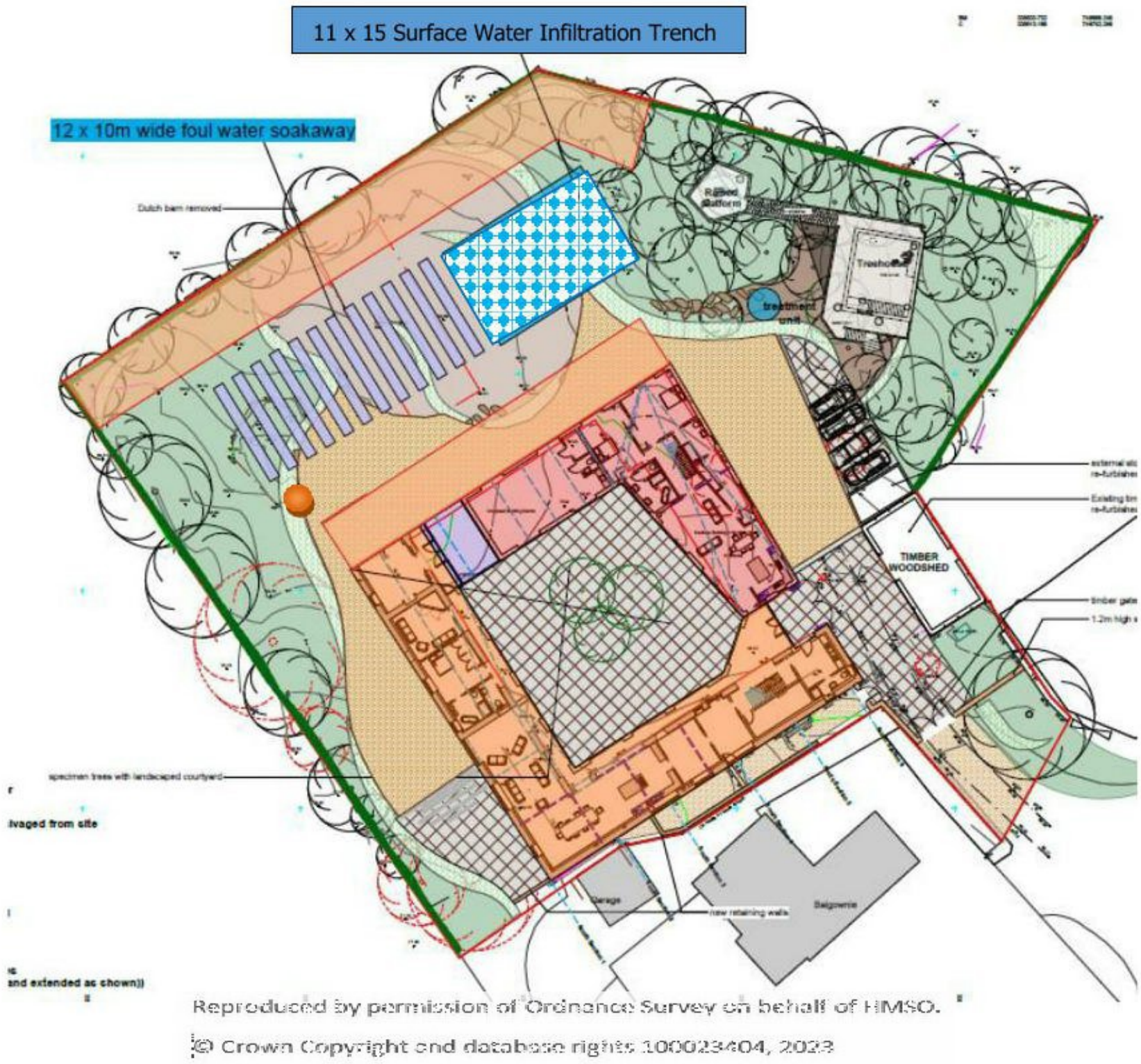
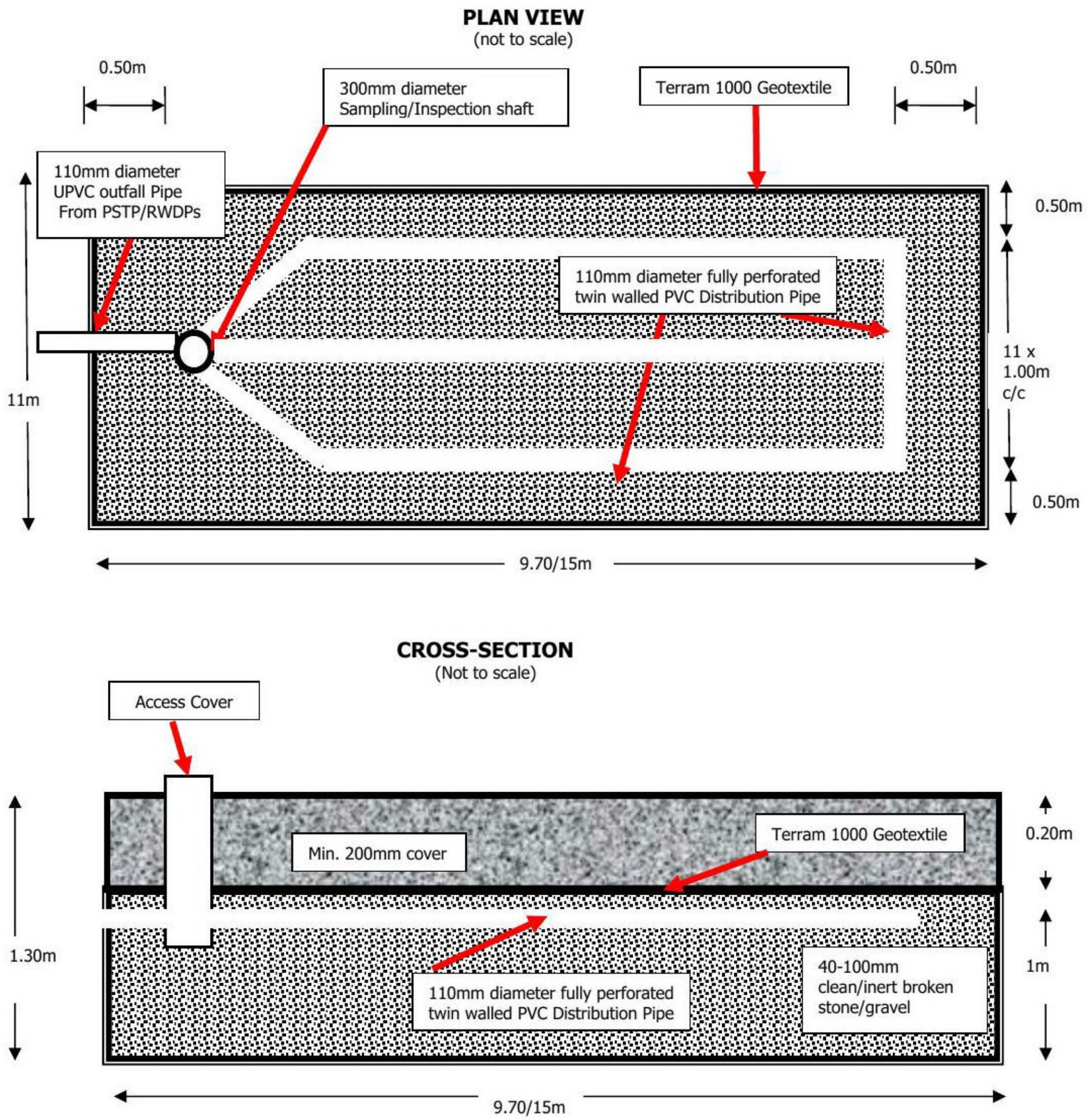


Fig. 4. INDICATIVE SOAKAWAY CONSTRUCTION (sketch only, not to scale)



CERTIFICATE FOR PROPOSED FOUL WATER SUB-SURFACE DISCHARGE

Two tests are normally required to demonstrate the suitability of the proposed drainage scheme:

1. A trial pit must be excavated to a depth of 1 metre below the proposed invert of the drain to establish whether the water table will interfere with the operation of the soakaway

and

2. A percolation test must be carried out to determine the area of the ground required.

Certificate

Client: Mr R Mills & Ms M Melki

Architect: Keith Renton Architects

Site Address: Balgownie Steading, Eassie, Forfar, Angus, DD8 1SF.

Date of Test: 9th October 2021 **Weather:** light rain

Encountered Ground Conditions

Topsoil: The area nearby to the access is overlain by 400mm thickness of topsoil.
Natural Sub-Soils: The natural underlying sub-soils have an upper mantle of loose to medium dense orange pink gravelly sand becoming dense light pink brown very sandy gravel (completely weathered sandstone) from around 0.60m to 0.90m. The strata then becomes dense pink and red brown slightly sandy gravels and cobbles (highly weathered sandstone) and proved to the maximum investigated depth of 1.50m.
Bedrock: In-tact bedrock was not encountered during this investigation however there was less weathering below 1.50m.

Groundwater Observations

Groundwater was not encountered during the investigation nor observed during the monitoring period. No visual (no seepages or discoloration) indication of the seasonally high or fluctuating ground water table was seen in the strata above the encountered depths of 1.50m.

Wells: no known wells used for supply of potable water within 50m of site.

Percolation Tests	**FW1 A**	**FW1 B**
Depth of Drains	1.00m	
Depth of Excavations	1.50m	
Time Taken (mean of three times), secs	7455	10125
Average Soil Percolation Values, Vp, s/mm	58.6	
Population Equivalent	7 (9-bedroom)	
Minimum Floor Area of Soakaway	**106m²** (11m x 9.70m)	

I hereby certify that I have carried out the above assessment in accordance with procedures specified within the Domestic Scottish Building Standards Technical Handbook (Environmental Standard 3.9 Infiltration Systems) and SEPA A WAT-RM-04, the results of which are tabulated above, and that the proposed drainage scheme detailed on the attached plans and report has been designed considering the recommendations in the standards and regulatory standards.

Signed [redacted] Date…6th June 2023
Name / Company S. A. McGregor
Address Serenje, Kingsford Steadings, Alford, Aberdeenshire, AB33 8HN
Qualification B.Eng (Civil Engineering).

CERTIFICATE FOR PROPOSED SURFACE WATER DISPOSAL

Client: Mr R Mills & Ms M Melki

Architect: Keith Renton Architects

Site Address: Balgownie Steading, Eassie, Forfar, Angus, DD8 1SF.

Date of Test: 9th October 2021 **Weather:** light rain

Encountered Ground Conditions

Made Ground and Topsoil: The site is overlain by 800mm of made ground, consisting of reworked topsoils, rubble and pieces of metal and china. A thin 400mm layer of original topsoil was encountered beneath the made ground to 1.20m below ground level.
Natural Sub-Soils: The natural underlying sub-soils are described as dense orange red brown sandy angular gravel (completely weathered sandstone) proved to the depth of 1.80m.
Bedrock: In-tact bedrock was not encountered during this investigation.

Groundwater Observations
Groundwater was not encountered during the investigation.

Wells: no known wells used for supply of potable water within 50m of site.

Infiltration Test	**FW1C**		**SW1**
Infiltration Test Zone (m)	0.50-1.50	and	0.80-1.80
Ave. Soil Infiltration Rate, *f*(m/s)	5.68×10^{-6}		
Surface Area of Development	**up to 1050m²**		

Recommendation

Surface Water Stone-filled Infiltration Trench (Soakaway)

11m x 15m x 1.00m storage depth

I hereby certify that I have carried out the above tests and calculations in accordance with BRE Digest 365 and in conjunction with the full requirements set out within the Domestic Scottish Building Standards Technical Handbook. The results of which are tabulated above, and that the proposed drainage scheme detailed within this report has been designed considering the recommendations in the standards.

Signed [redacted] Date…6th June 2023
Name / Company S. A. McGregor
Address Serenje, Kingsford Steadings, Alford, Aberdeenshire, AB33 8HN
Qualification B.Eng (Civil Engineering).

ITEM 13f

PART 1

BALGOWNIE STEADING WATER DISPOSAL OPTIONS REPORT-

Mr & Mrs Mills – Planning Application # **20/00515/FULL - Balgownie Steading**

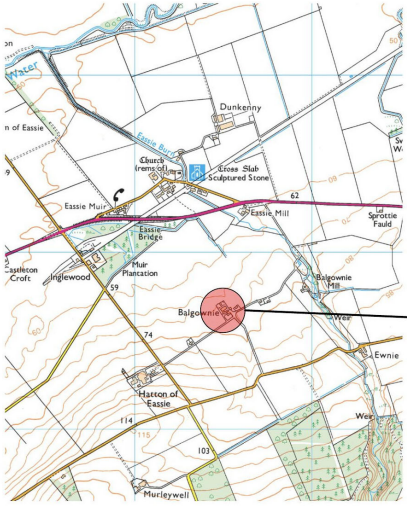
MAY 2021

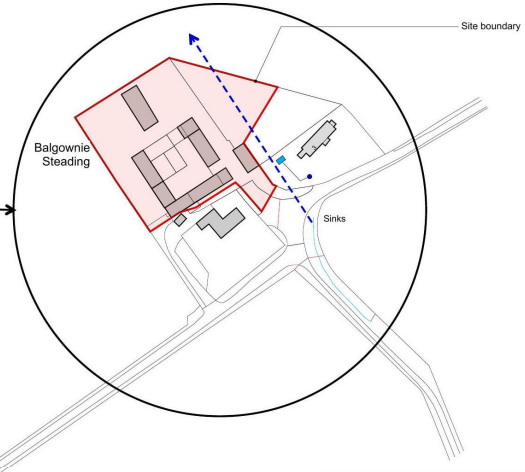
Supplemental information for Planning - Private /Single Domestic Dwelling

Location plan for Balgownie Steading, Eassie (DD8 1SF)

Balgownie Steading is located half a kilometer east of Hatton of Eassie farm and 2.8km west of the town of Glamis.

56°36'27.16"N
3°3'7.91"W





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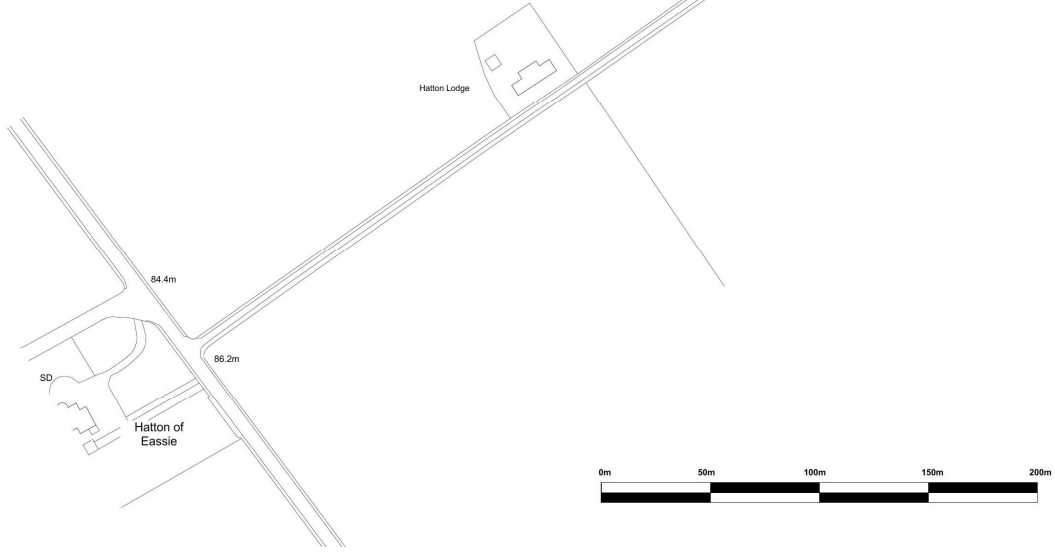


Surface Water Disposal Options for Balgownie Steading, Eassie (DD8 1SF)

Site area of 0.46 ha indicated in red on plan , comprises of a collection of disused farm buildings previously uninhabited and classed as an industrial building. There is no evidence of piped water connection to these buildings.

A culvert lies to the east of the property and this is discharged to a nearby stream.

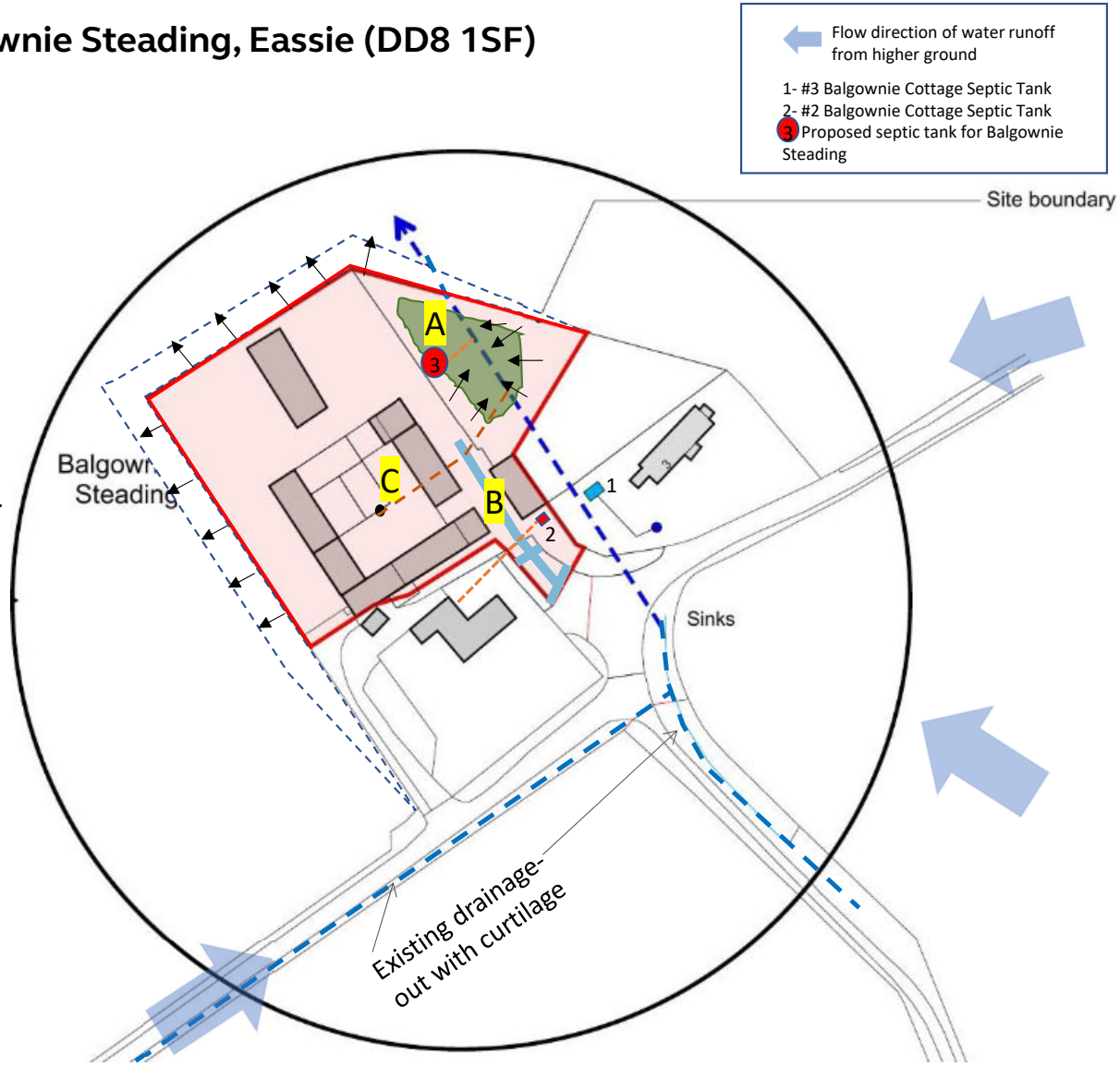
Eassie Burn
Balgownie Mill
Balgownie Steading
56°36'27.16"N
3°3'7.91"W
© 2020 Google

Surface Water Disposal Options for Balgownie Steading, Eassie (DD8 1SF)

Site area of 0.46 ha indicated in red on plan , comprises of a collection of disused farm buildings previously uninhabited and derelict. There is no evidence of piped water connection to these buildings or current water management on site.

An existing culvert lies to the east of the property and this is discharged to a nearby stream. All other contextual water management is taken care of by roadside ditches leading to a buried culvert pipe-under **Hatton of Eassie farm ownership**.

Existing Balgownie Steading site topography provides natural attenuation (indicated as area[A]) in the form of a depressed small woodland .Proposed developed site's attenuation and driveway collection trench is indicated as [B]. Future inner courtyard drain will also lead to attenuation/collection drain(indicated as [C])



Balgownie Steading combined plan , Eassie (DD8 1SF)

PART 2

BALGOWNIE STEADING WATER DISPOSAL OPTIONS REPORT

MAY 2021

Supplemental information for Planning
Private /Single Domestic Dwelling

SEPA - FLOOD HAZARD AND RISK INFORMATION FOR DD8 1SF

Extract taken from SEPA Flood Hazard and Risk information Portal for DD8 1SF

Flood Hazard and Risk Information

Long term flood risk information for the area around:

3 BALGOWNIE COTTAGES, ACCESS FROM ZC16 VIA BALGOWNIE FARM AND COTTAGES TO BALGOWNIE MILL, EASSIE, DD8 1SF

Surface Water

Medium Risk

— What does this mean?

This information gives the likelihood of surface water flooding within a 50 metre radius of this location.

Medium likelihood means that each year this area has a 0.5% chance of flooding.

This does not take into account the effect of any flood defences.

Surface water flooding happens due to heavy rainfall when drains and watercourses are not able to cope with the amount of water run-off from buildings, footpaths and roadways.

Rivers

No Specific Risk

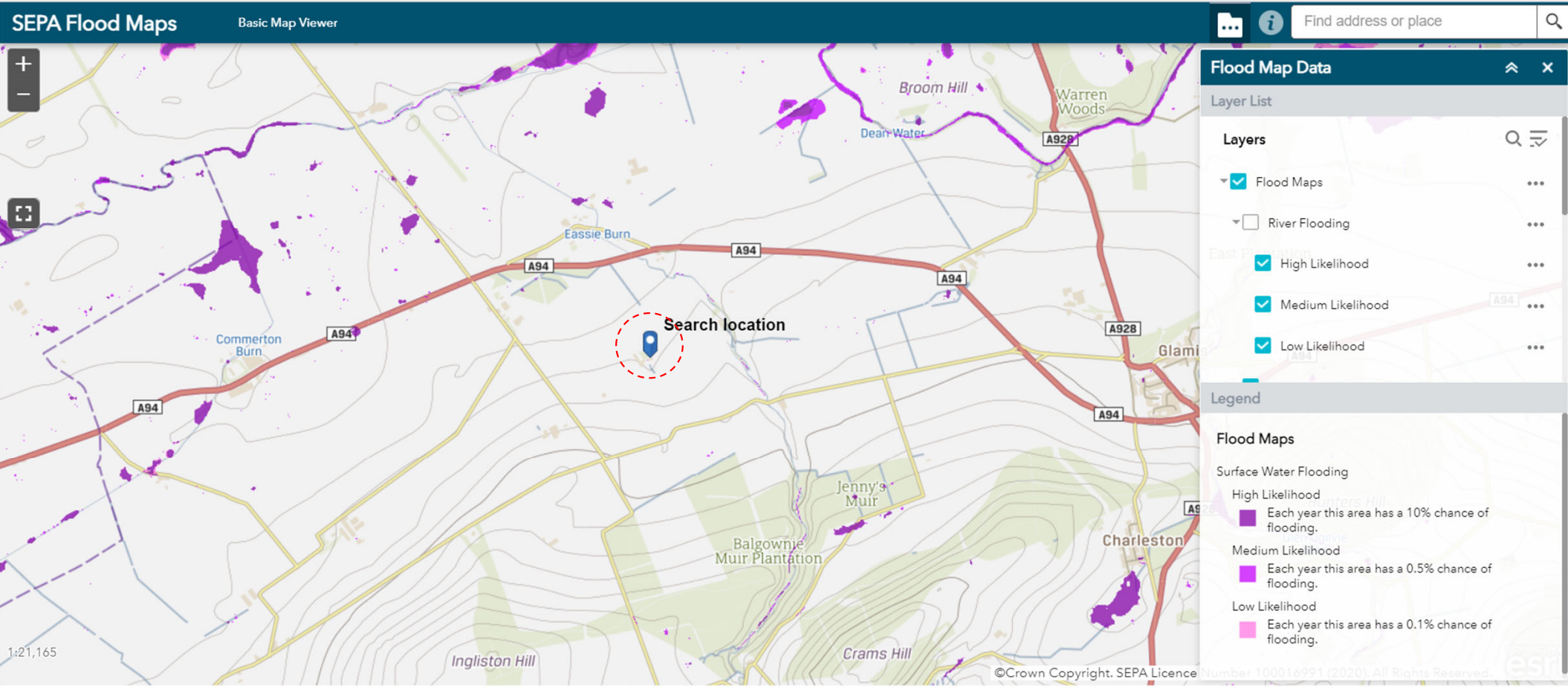
— What does this mean?

This information gives the likelihood of river flooding within a 50 metre radius of this location.

There is no specific likelihood of river flooding identified for this area but there could still be localised effects from flooding in some places.

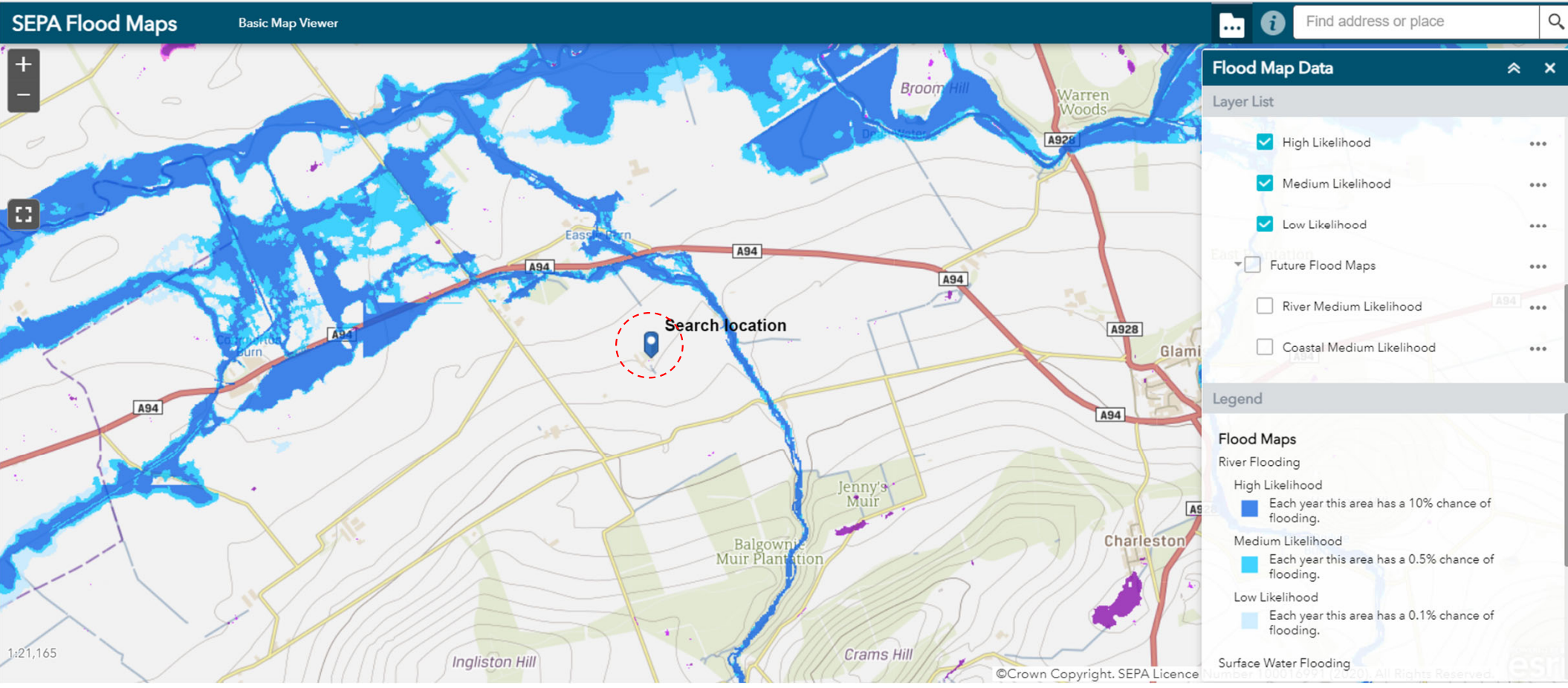
SEPA Flood Hazard and Risk information Portal for DD8 1SF-

SURFACE WATER FLOODING MAP



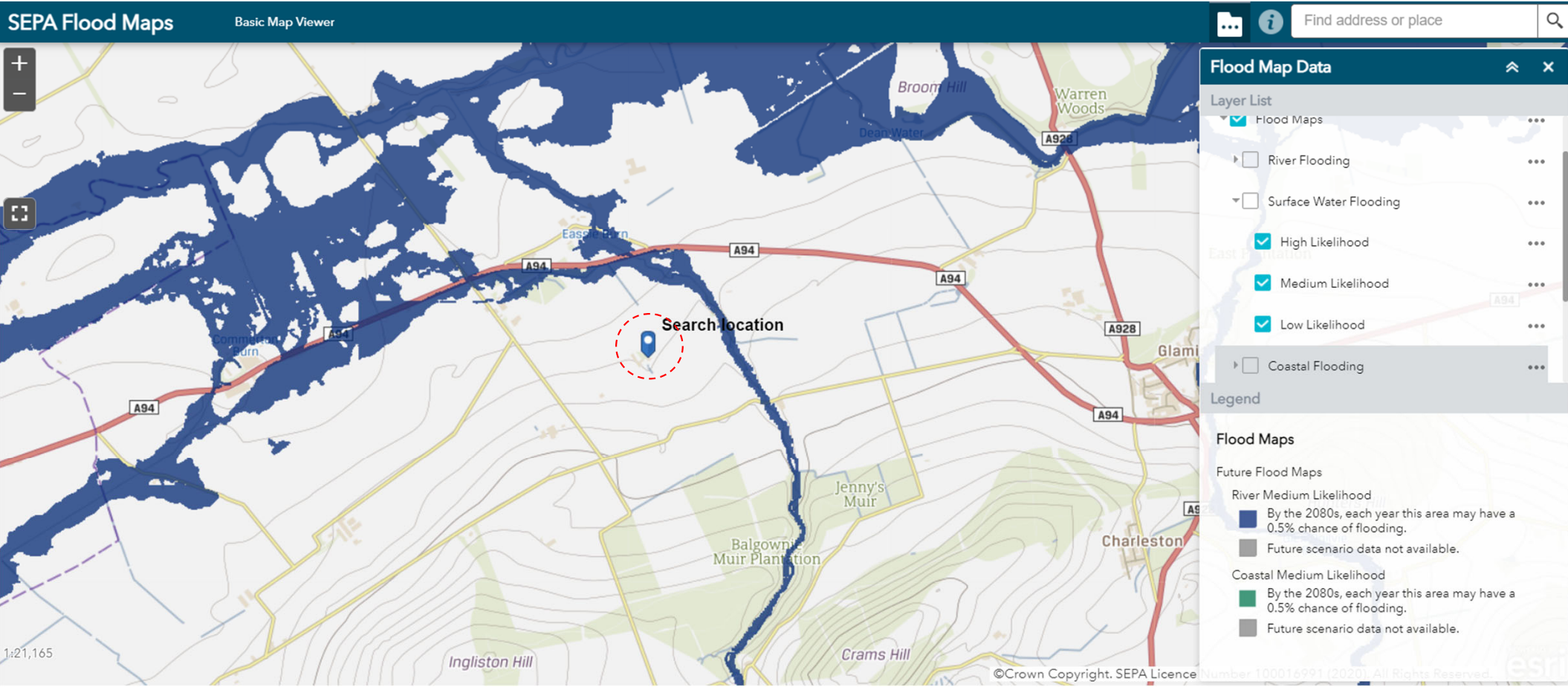
SEPA Flood Hazard and Risk information Portal for DD8 1SF-

RIVER FLOODING MAP



SEPA Flood Hazard and Risk information Portal for DD8 1SF-

FUTURE FLOOD MAP



ITEM 13g

BALGOWNIE STEADING- STEADING RENOVATION
AND NEW BUILD ANNEX

BOUNDARY HEDGE INTERVENTION AND MEASURES

IN SUPPORT OF PLANNING APPLICATION 21/00081/FULL
ANGUS COUNCIL

ISSUE #1 - AUGUST 2022

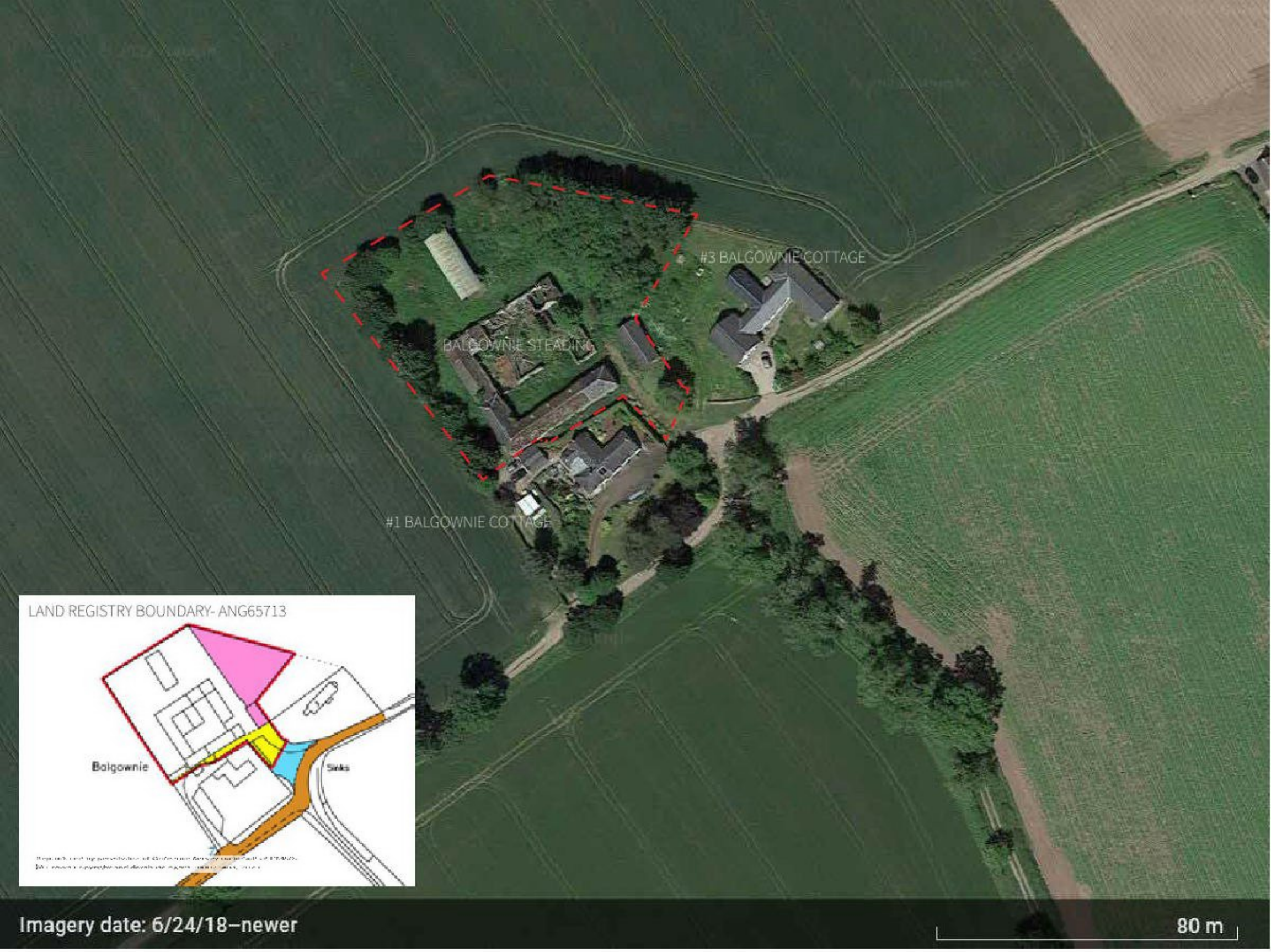


Figure 1: Aerial Photography of Balgownie Steading (property boundary indicatively drawn in red) and showing neighbouring properties- Google Earth 2018

INTRODUCTION

This method statement is being put forward as part of Planning Application (21/00081/FULL) to establish an approach and document the applied method for installation of a new boundary retaining wall beside an existing Leylandii hedge within property boundary of neighboring #1 Balgownie Cottage and future home Balgownie Steading .

The Leylandii hedge that has been planted as privacy screen and boundary treatment by Euan and Beverly Grant of #1 Balgownie Cottage has been planted at close proximity to the boundary of the two properties. This methodology will describe the existing conditions of the boundary and , provide a proposal for inclusion of retaining wall at the Southern boundary in question and the aims to accommodate the hedge.

EXISTING CONDITIONS

The Southern boundary between Balgownie Steading and #1 Balgownie Cottage current condition prior to development looks approximately as shown in the image below(Figure 2)- although the current condition and height of the Leyandii hedge belonging to #1 Balgownie Cottage is unknown however will be assessed and documented prior to any excavations.The Leyandii hedge appears to be planted approximately 0.5- 1m from the plot boundary and varies along its length.

Figure 2: Image of Southern Boundary Condition between Balgownie Steading (on right) and #1 Balgownie Cottage (on left of image). Red arrow indicates proximity of Leyandii hedge at its end near wooden garage 0.5m from Balgownie Steading southern wall

Diagram 1: Boundary types and locations

BOUNDARY PROPOSALS

The new development proposed at Balgownie Steading , to convert the unused derelict farm buildings into a family home, requires formal boundary delineation to indicate it as private property.

The boundary treatment to the future Balgownie Steading will feature several boundary solutions suitable to its immediate context and requirements of the future building and will include:

- **a living beech hedge** kept at a height of approx. 1m with a post and wire fence for establishment around the west,north and east perimeters of the property boundary(see diagram opposite on page 4). This boundary treatment will form an appropriate boundary facing th neighboring farm fields of Hatton of Eassie farm and #3 Balgownie Cottage.
- **combined dry stone wall and gate** for the main entrance and will continue into a **stone faced retaining wall** making up the Southern boundary to the two properties. This is further elaborated on in the next section and Appendix 1.

Figure 3 : Length of Leyandii hedge on Southern Boundary (image credit Google Earth 2018)

Figure 4: Photograph of current boundary conditions between Balgownie steading and #1 Balgownie cottage

The Southern Boundary - Future Building Requirements

The future functionality of the southern part of the steading, where the future back door to the utility room will be, is dependent on excavating and exposing some of the length of buried steading building Southern wall on the Southern elevation. This will allow for access out of the building to a level back area for drying clothes and as one of the fire exits to the future home. In doing so this will require for part of the southern boundary to be retained by a retaining wall which will support the earth between the two properties for a portion of the boundary that features the Leylandii hedge. (see submitted planning drawing- 21_00081_FULL-SECTIONS_OF_SOUTH_ELEVATION-3183071, included in appendix of this methodology denoting the extent and full proposal of the retaining wall).

METHODOLOGY

Recommendations and Mitigation Measures

the suggested methodology for installing the retaining wall with as little damage to the neighboring leylandii hedge would be to follow the following steps:

1. Prior to excavation of the area identified to be reduced in level , at the time of the build, a trench along the boundary will be hand dug to expose roots to their full depth of the excavation trench.

2. Exposed roots to be assessed for pliability and bent /led back along the property boundary or facing back wards or be directed to face down where possible as a first option.

3. Any roots that cannot be bent are to be severed using a sharp tool to avoid fraying the root.

4. A root barrier will be explored as a possible mitigation measure against future root penetration into retaining boundary wall at the detail design stage.

Root Pruning Guidelines

The impact from pruning roots depends on several factors such as height of the tree, soil condition, age of tree, health etc.

Damage typically increases with more cuts, bigger cuts, and cuts made closer to the trunk. Root pruning, trenching, and other construction activities close to the trunk result in more injury on shallow, compacted soils or on soils that drain poorly than on well drained soils. This is due to the shallow roots common on sites with shallow soils or high water table. Trees that are leaning are poor candidates for root pruning. Prune roots only with sharp tools to avoid tearing behind the cuts.

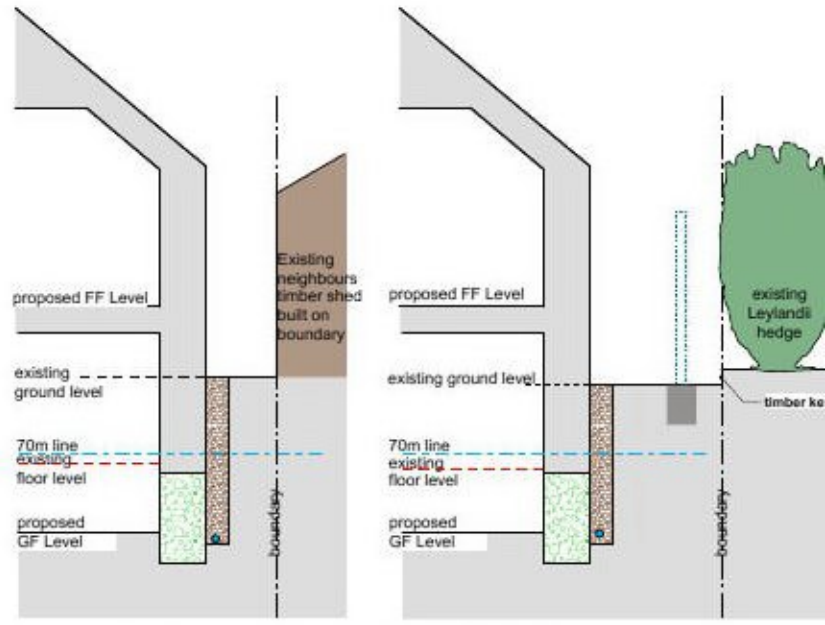
NEXT STEPS

During the installation of the retaining wall and integrated fence the following is proposed to facilitate the building of the retaining wall ,prepare ground and leylandii hedge and minimise and mitigate any damage to both properties:

- Survey of Hedge condition (health, proximity,height etc.)
- Document the outcome from digging excavation trial pits to determine if roots have penetrated beyond the property line.
- Revisit methodology against the gathered data above and root pruning guidelines and apply the most sensitive approach before the retaining wall is installed.

APPENDIX 1

Submitted planning drawing-21_00081_FULL-SECTIONS_OF_SOUTH_ELEVATION-3183071- modified to include proposed integrated privacy fence . This drawing further illustrates the extent and full proposal of the retaining wall - courtesy of Keith Renton Architects.



Section 1

Work sequence at Section 1:

1. Provide "hit and miss" mass concrete underpinning to existing external wall to a depth equal to to 450mm below finished ground floor level as directed by engineer

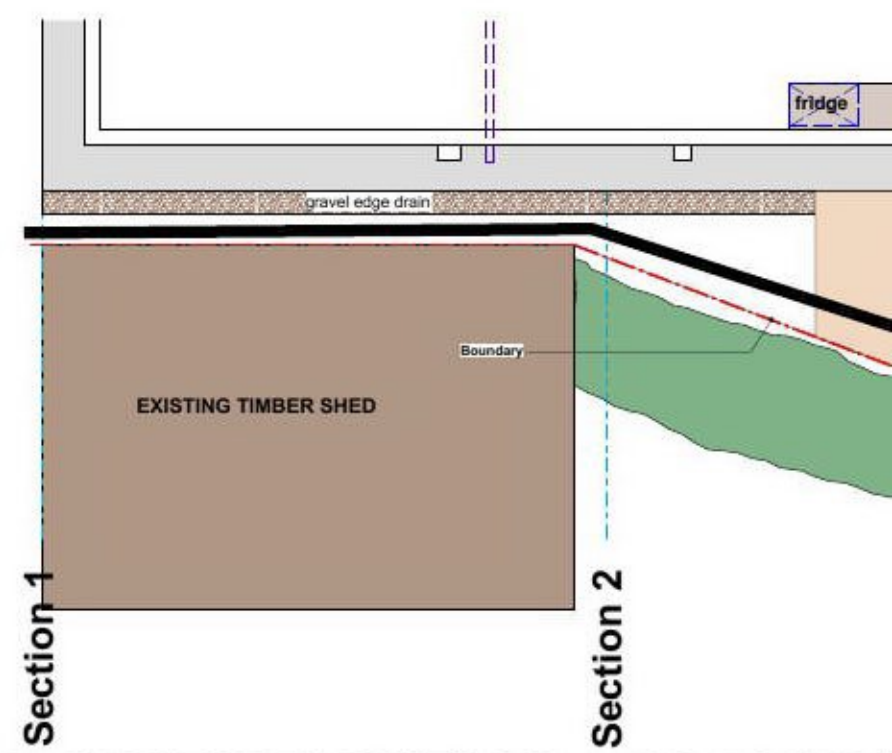
2. Dig narrow trench (300mm with trenching bucket) immediately adjacent to existing external wall to a depth of 150mm below finished floor level, lay perforated drain and back filled with 30- 40mm no fines granular material to ground level

Section 2

Work sequence at Section 2:

1. Provide "hit and miss" mass concrete underpinning to existing external wall to a depth equal to to 450mm below finished ground floor level as directed by engineer

2. Dig narrow trench (300mm with trenching bucket) immediately adjacent to existing external wall to a depth of 150mm below finished floor level, lay perforated drain and back filled with 30- 40mm no fines granular material to ground level



PLAN BETWEEN SOUTH WALL AND BOUNDA

Keith Renton architect
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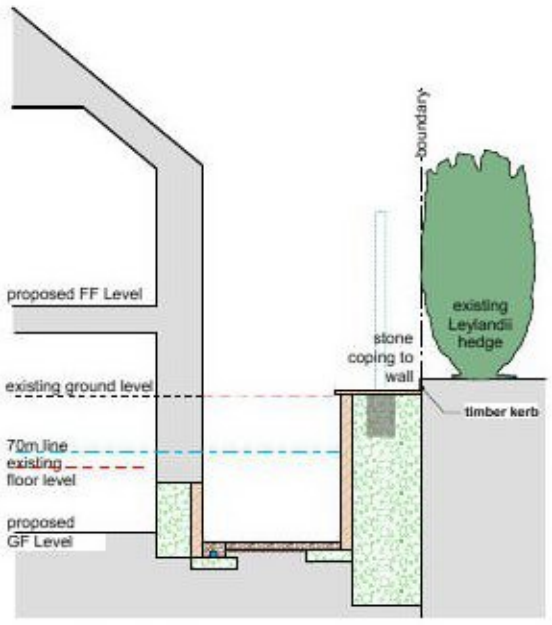


Section 3

Work sequence at Section 3:

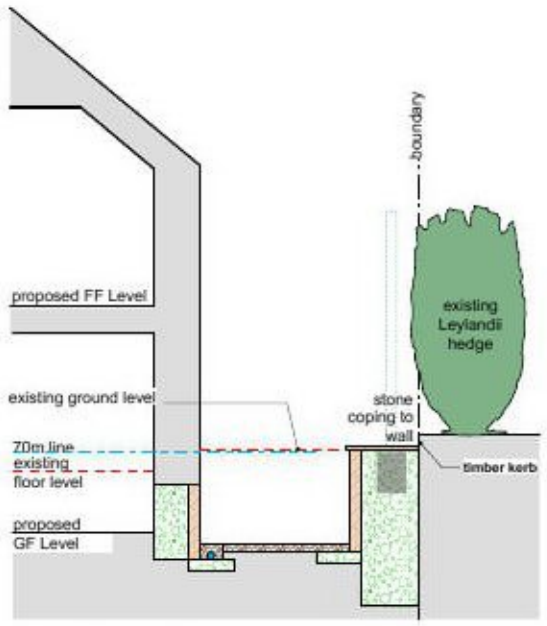
1. Provide "hit and miss" mass concrete underpinning to existing external wall to a depth equal to to 450mm below finished ground floor level as directed by engineer

2. Dig trench adjacent to boundary to depth determined by engineer and trench fill with reinforced concrete to form mass concrete retention.

3. Excavate between external wall and concrete retention to lowered ground level

4. Form strip foundations against underpinning and trench fill. Construct stone face to external wall and concrete retention using stone salvaged elsewhere on site.

5. Finish new ground level with gravel incorporating edge drain



Section 4

Work sequence at Section 3:

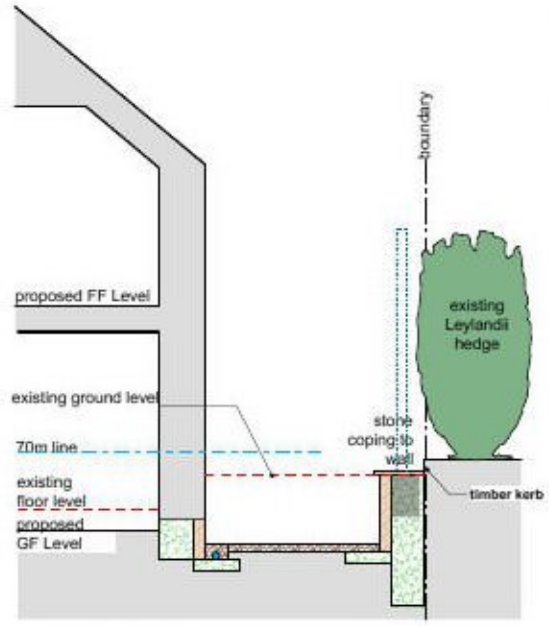
1. Provide "hit and miss" mass concrete underpinning to existing external wall to a depth equal to to 450mm below finished ground floor level as directed by engineer

2. Dig trench adjacent to boundary to depth determined by engineer and trench fill with reinforced concrete to form mass concrete retention.

3. Excavate between external wall and concrete retention to lowered ground level

4. Form strip foundations against underpinning and trench fill. Construct stone face to external wall and concrete retention using stone salvaged elsewhere on site.

5. Finish new ground level with gravel incorporating edge drain



Section 5

Work sequence at Section 5:

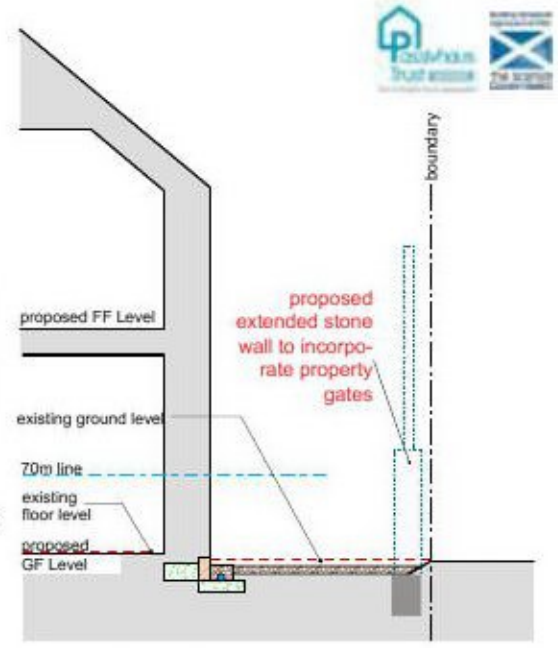
1. Provide "hit and miss" mass concrete underpinning to existing external wall to a depth equal to to 450mm below finished ground floor level as directed by engineer

2. Dig trench adjacent to boundary to depth determined by engineer and trench fill with reinforced concrete to form mass concrete retention.

3. Excavate between external wall and concrete retention to lowered ground level

4. Form strip foundations against underpinning and trench fill. Construct stone face to external wall and concrete retention using stone salvaged elsewhere on site.

5. Finish new ground level with gravel incorporating edge drain



Section 6

Work sequence at Section 6:

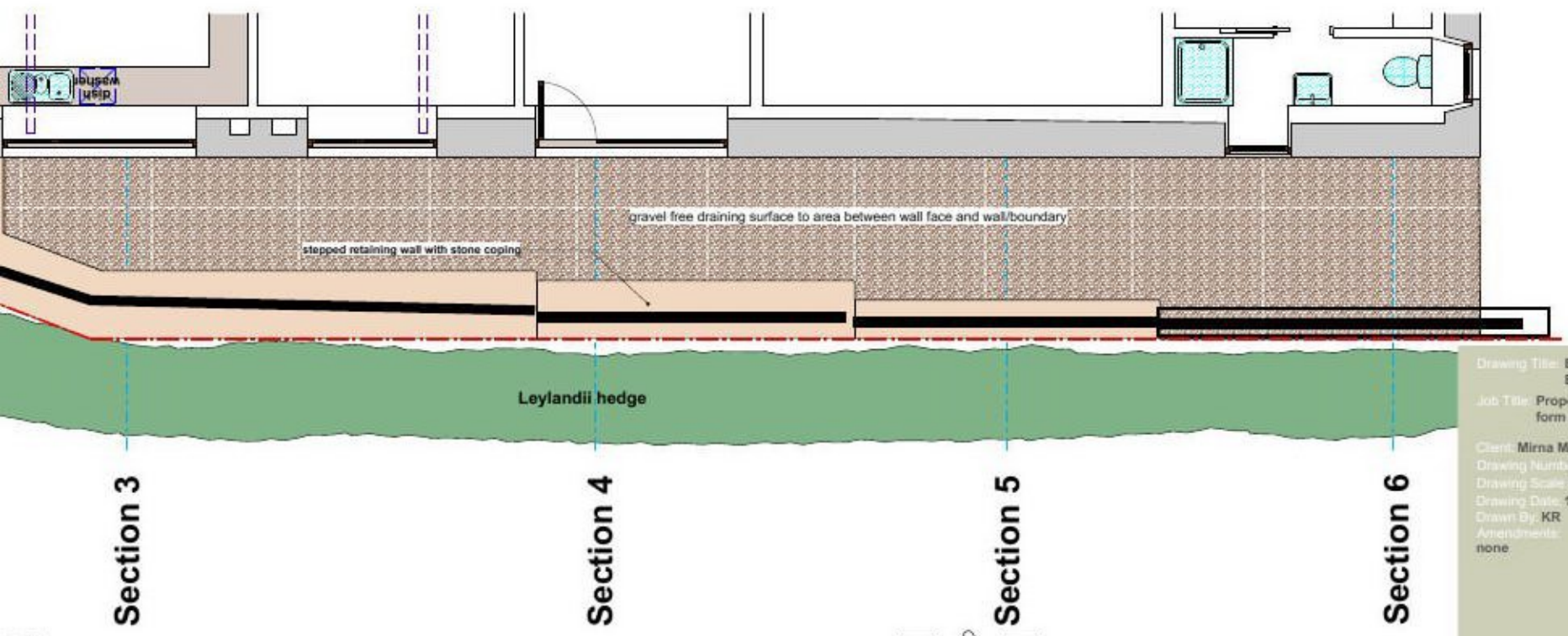
1. Provide "hit and miss" mass concrete underpinning to existing external wall to a depth equal to to 450mm below finished ground floor level as directed by engineer

2. Lower ground level to allow finished ground level 150mm below finished floor level.

3. Make good stone work at external as necessary

4. Grade ground between new ground level and adjacent level at boundary

5. Finish new ground level with gravel incorporating edge drain



Drawing Title: BOUNDARY TREATMENT AND SECTIONS AT SOUTH ELEVATION
Job Title: Proposed Conversion of Existing Steading Building to form new House at Balgownie Steading, Eassie, DD8 1SF
Client: Mirna Melki and Robert Mills
Drawing Number: 811P2-13
Drawing Scale: 1:50
Drawing Date: 12 May 2021
Drawn By: KR
Amendments:
none

Humestanes Studio, Hume Hall Holdings, Greenlaw, Duns, Berwickshire, TD10 6UW

APPENDIX 2

examples of integrated privacy fencing
into retaining or free standing walls

Hinshelwood Arboricultural Consultants

Urban Tree Specialists

BS 5837:2012 Tree Survey
Balgownie Steading.

DD18SF

On Behalf of Mirna Melki

24 May 2021

Executive Summary

On behalf of Mirna Melki (The Client), Hinshelwood Arboricultural Consultants (HAC) carried out a tree survey to BS 5837:2012 'Trees In Relation To Design, Demolition and Construction-Recommendations' in May 2021 at Balgownie Steading, Glamis. The survey records all trees within the site and all those which may be affected by development proposals within the site boundary, recording a number of parameters including species, crown spread and Root Protection Area (RPA). The RPA of any given tree is the area of ground around that tree which should not be disturbed by excavation, compaction, changes in level or other construction/demolition operations.

An arboricultural survey has been carried out and this report prepared to support a full planning application to construct a new detached residential property at Balgownie Steading, Glamis. This report provides information in compliance with British Standard BS 5837:2012, Trees in relation to design, demolition and construction and considers the effect the proposed development has on the local character from a tree perspective. The report's purpose is to allow the local planning authority to assess the tree information as part of the planning submission. Arboricultural advice has been given during the design stage which has helped inform the design. Three individual trees have been assessed in accordance with BS 5837.

Six trees are to be removed directly as a result of the proposal. One early mature birch and five small poorly formed rowans. Eight further trees have been recommended for removal due to condition.

The focus of the report is on the small woodland accommodating the "Treehouse", the spruce at the proposed entrance and the line of trees found adjacent to the west of the steading. Works, although minor, are proposed within the root protection area of some of these trees and specialist methods of design and construction are to be employed to minimise the impact on these trees and to be acceptable to the local planning authority. The proposals have been designed to have a levels above the existing grade and to be supported by foundations positioned to minimise the impact on the trees and soil structure. Hard surfacing will be designed and constructed using a no-dig, porous system, also to have a minimal impact on the tree. The report contains a draft arboricultural method statement heads of terms in accordance with recommendations in Table B1 of BS 5837. It is recommended that a detailed arboricultural method statement is produced in response to a planning condition following planning consent. This will describe in detail how retained trees will be protected from the development and methods of work close to trees. This report contains general details such as tree barriers and ground protection which are common to most developments. If the recommendations made within this report are followed, the development should be achievable in arboricultural terms and should be acceptable to the local planning authority.

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1.0 Introduction

1.1 Purpose and Scope of the Survey

Hinshelwood Arboricultural Consultants was instructed by Mirna Melki (the 'Client') to undertake a Tree Survey to BS 5837:2012 standard. The survey was undertaken at Balgownie Steading, Glamis (hereafter referred to as 'the Site'). The survey was undertaken on 20 May 2021. The Site location and the area surveyed are shown below. The survey was undertaken in order to inform a planning application for the development of the Site for residential use.

The aims of the Tree Survey were to:

- Identify the individual tree species present at the Site by means of visual inspection.
- To define the approximate age, condition and canopy spread of all individual mature trees identified and the value of these within the development.
- To identify any trees that present a risk to existing or proposed foundations or other structures that may be constructed on the Site and recommend actions to remove this risk; and Recommend tree management or mitigation measures where appropriate.

1.2 Site Description

The Site is centred at Balgownie Steading, Glamis. The Site covers an area of approximately 4800m^2 and comprises a disused farm steading with an access track and small early mature woodland. The active construction areas are the creation of the access road, the formation of a "treehouse" in the area of woodland and the raising of the levels on the western boundary. Fences form the boundaries along with scattered trees present along the field margins. The area surveyed comprised the within the redline boundary of the current application.

The Site is surrounded by agricultural fields with two residential dwellings to the west and south of the proposal.

1.3 Proposed Development

It is understood from the drawing provided that the Site is to be developed for a residential property with new access from the existing track into the site on the south. Trees divide the development forming buffers along the boundaries.

Other information included in this report.

1.4 The following information is included in the appendices:

- instruction and brief.
- report limitations.
- background information and design input
- legal constraints, liabilities and planning context.
- site information.
- tree root influence.
- survey methodology.
- reference documents.

1.5 Glossary

1.5.1 Technical jargon has been kept to a minimum but where necessary, explanation of terms, can be found in **Appendix 2**.

2.0 Appraisal

2.1 The Site

2.1.1 The site is located at Balgownie Steading, Glamis. It is a large area of farm buildings long disused and now derelict. The site has individual properties developed on the southern and eastern boundaries.

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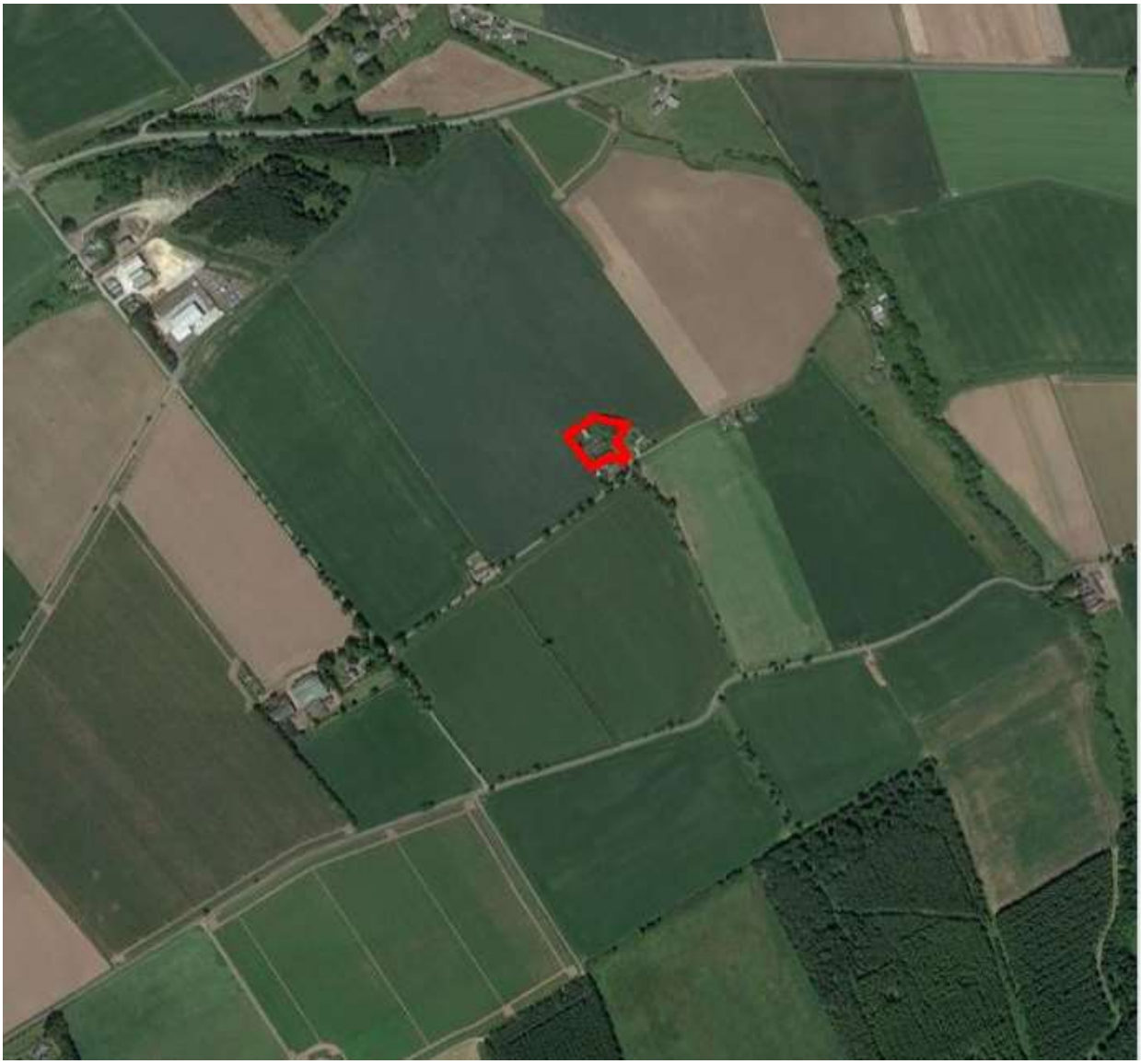
2.2 Trees in the local area and landscape character

2.2.1 The surrounding area is open countryside and commercial woodland with working agricultural holdings, large industrial units and individual properties.



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2.3 The subject trees

2.3.1 Forty-nine trees are the subjects of this report. Details of the trees as found at the time of the survey are in the tree survey sheets at **Appendix 3** and their locations are found on the plan at **Appendix 4**.

2.3.2 The trees are mainly early mature, including the significant spruce close to the position of the access road. This tree is not a major arboricultural constraint to the project. However, it is the focus of much of this report.

2.4 Assessment of tree constraints

2.4.1 A Tree Constraints Plan was produced during the initial design stage to allow for the proper assessment of tree constraints. These can be categorised in two areas as follows:

Below Ground Constraints

- A root protection area (RPA)is a layout design tool indicating the minimum area surrounding the tree that contains sufficient rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority. Clause 4.6.2 of BS 5837 states that the RPA may be changed in shape, taking into account local site factors, species tolerance, condition and root morphology. BS 5837 states that no construction works should be carried out within RPAs except in exceptional circumstances, which may need demonstrating.

Above Ground Constraints

- These are indicated by the crown spread of trees to be retained, including their ultimate spread, along with a shade pattern shown for each tree, where relevant. This is shown as an arc from north-west to due east. This gives an indication of the patterns of shadows created by trees around midday in the summer. This is as recommended by BS 5837 (Section 5.2.2) however actual shade patterns throughout the year will vary widely. Where shading is likely to be a serious constraint, a more detailed analysis of shade pattern using proprietary software may be deemed necessary.

2.5 Methodology

The methodology set out below is a detailed summary of the suggested approach to tree assessment as described in British Standard 5837:2012. This Report has applied the methodology to all significant individual trees or groups of trees present at or near to the Site. Trees below 15 cm trunk diameter were generally excluded from the survey. All floral names follow the nomenclature of Stace (2010).

2.5.1 Trees

Trees have been assessed based on guidance set out within the British Standard BS 5837:2012 Trees in Relation to Design, Development and Construction. This standard provides recommendations and guidance on the principles to be applied to achieve successful integration of development with trees, shrubs and hedgerows. Where development is to occur, the standard provides guidance on the approach needed to decide which trees are appropriate for retention, and the means for protecting these trees during the development (including demolition and construction works) and the means of incorporating trees into the developed landscape.

Trees on or adjacent to the Site have been divided into one of four categories (based on the cascade chart for tree quality assessment). These are classed as A, B, C or U (Section 4 of BS 5837) within Table 1. This gives an indication as to the tree's importance in relation to the Site, the local landscape and, also, the value and quality of the existing trees on-Site. This assists informal decisions concerning which trees should be removed or retained should development occur. For a tree to qualify under any given category it should fall within the scope of that category's definition (see below).

Categories A, B and C cover trees that should be a material consideration in the development process, each with three further sub-categories (i, ii, iii) which are intended to reflect arboricultural, landscape and cultural (nature conservation) values. Category U trees may have no significant landscape value but it is not presumed that there is any overriding need to remove these unless stated otherwise in the description and recommendations. They are for this reason not considered as being significant within the planning process. In assigning trees to the A, B or C categories, the presence of any serious disease or tree–related hazard is taken into account. If the disease is considered fatal and/or irremediable, or likely to require sanitation for the protection of other trees it may be categorised as U with a recommendation for work or even removal, even if they are otherwise of considerable value.

Category (A): Trees whose retention is most desirable and are of high quality and value. These trees are considered to be in such a condition as to be able to make a lasting contribution (a minimum of 40 years) and may comprise:

- Trees which are particularly good examples of their species, especially rare or unusual, or essential components of groups or of formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue).
- Trees, or groups of trees, which provide a definite screening or softening effect to the locality in relation to views into or out of the Site, or those of particular visual importance (e.g. avenues or other arboricultural features assessed as groups); and
- Trees or groups of significant conservation, historical, commemorative or other value (e.g. Veteran).

Category (B): Trees whose retention is considered desirable and are of moderate quality and value. These trees are considered to be in such a condition as to make a significant contribution (a minimum of 20 years) and may comprise:

- Trees that might be included in the high category but because of their numbers or slightly impaired condition (e.g. presence of remediable defects including unsympathetic past management and minor storm damage), are downgraded in favour of the best individuals.
- Trees present in numbers such that they form distinct landscape features and attract a higher collective rating than they would as individuals. Individually these trees are not essential components of formal or semi-formal arboricultural features, or trees situated mainly internally to the Site and have little visual impact beyond the Site; and
- Trees with clearly identifiable conservation or other cultural benefits.

Category (C): Trees that could be retained but are considered to be of low quality and value. These trees are in an adequate condition to remain until new planting could be established (a minimum of ten years) or are young trees with a stem diameter below 150 mm and may comprise:

- Trees not qualifying in higher categories.
- Trees present in groups or woodlands, but without this conferring on them significantly greater landscape value and or trees offering low or only temporary screening benefit; and
- Trees with limited conservation or other cultural benefits.

Category (U): Trees that are considered to have no significant landscape value but it is not presumed that there is any overriding need to remove these unless stated otherwise in the description and recommendations. They are for this reason not considered as being significant within the planning process. These trees will be in such a condition that any existing value would be lost within 10 years and which should in the current context be ignored or removed for reasons of sound arboricultural management. Trees within this category are:

- 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.
- Trees that are dead or are showing signs of significant, immediate or irreversible overall decline; and
- 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.

Species have been recorded by common and scientific name. Height has been estimated in metres and stem diameter measured in centimetres unless impractical, taken at a height of 1.5 m from the base of the tree.

In the assessment particular consideration has been given to:

a) The health, vigour and condition of each tree.

b) The presence of any structural defects in each tree and its life expectancy.

c) The size and form of each tree and its suitability within the context of the proposed scheme; and

d) The location of each tree relative to existing Site features, e.g. its value as a screen or as a skyline feature.

Age class is assessed according to the age class categories referred to in BS 5837.

Y: Young trees age less than 1/3 life expectancy.

SM: Middle age trees 1/3 – 2/3 life expectancy.

M: Mature trees over 2/3 life expectancy; and

OM: Over mature – declining or moribund trees of low vigour.

The overall condition of any individual tree, or group of trees, has been referred to using one of the definitions listed below. A more detailed description of condition has been noted in the Tree Schedule:

G **Good:** A sound tree or trees needing little, if any, attention.

F **Fair:** A tree or trees with minor but rectifiable defects or in the early stages of stress, from which it may recover.

P **Poor:** A tree or trees with major structural and physiological defects or stressed such that it would be expensive and inappropriate to retain; and

D **Dead:** A tree or trees no longer alive. However, this could also apply to those trees that are dying and will be unlikely to recover, or are becoming, or have become dangerous.

Major defects or diseases and relevant observations have also been recorded. Dead wood has been defined as the following:

Twigs and small branch material	-	Up to 5 cm in diameter.
Minor dead wood	-	5 cm to 10 cm in diameter.
Major dead wood	-	10 cm in diameter and above.

The survey was completed from ground level only. Aerial inspections were not undertaken. Evaluations of tree conditions given within this assessment apply to the date of survey and cannot be assumed to remain unchanged, and it may be necessary to review these within 24 months, in accordance with good arboricultural practice.

Balgownie Steading, Glamis
24 May 2021

Birch to be removed.

Rowans to be removed with birch to the right of shot. Woodshed to rear

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Spruce at site entrance to be retained

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3.0 Arboricultural impact assessment

3.1 **Trees to be removed.**

Table 1

BS 5837 category, tree number & species	Reason for removal	Impact
A (high quality)		
None	-	-
B (moderate quality)		
T859 "Birch (Betula sp.)" T884 "Rowan x5 (Sorbus aucuparia)"	**To facilitate development** **To facilitate development**	**No impact** **No impact**
C (low quality)		
None	-	-
U (unsuitable for retention)		
T901 "Poplar (Populus sp.)" T903 "Birch (Betula sp.)" T906 "Cypress x6 (Chamaecyparis sp.)"	**Tree Condition** **Tree Condition** **Tree Condition**	**No impact** **No impact** **No Impact**

3.2 **Trees requiring tree surgery works.**

Table 2

BS 5837 category, tree number & species	Work requirements
A (high quality)	
T858 "Spruce (Picea sp.)"	**Crown lift to 3 metres for pedestrian access**
B (moderate quality)	
T877 "Ash (Fraxinus sp.)" T879 "Ash (Fraxinus sp.)" T880 "Ash (Fraxinus sp.)"	**"Crown lift to 3 metres for pedestrian access. Dead wood (major greater than 25mm)."** **"Crown lift to 3 metres for pedestrian access. Dead wood (major greater than 25mm)."** **"Crown lift to 3 metres for pedestrian access. Dead wood (major greater than 25mm)."**

T882 "Ash (Fraxinus sp.)"	**"Crown lift to 3 metres for pedestrian access. Dead wood (major greater than 25mm)."**
T883 "Ash (Fraxinus sp.)"	**"Crown lift to 3 metres for pedestrian access. Dead wood (major greater than 25mm)."**
T890 "Ash (Fraxinus sp.)"	**"Crown lift to 3 metres for pedestrian access. Dead wood (major greater than 25mm)."**
T878 "Ash (Fraxinus sp.)"	**Dead wood (major greater than 25mm).**
T881 "Ash (Fraxinus sp.)"	**Dead wood (major greater than 25mm).**
T885 "Ash (Fraxinus sp.)"	**Dead wood (major greater than 25mm).**
C (low quality)	
None	-

3.2.1 Tree surgery works to be undertaken in accordance with BS 3998:2010 Recommendations for tree works, or industry best practice.

3.2.2 Where appropriate, the arisings from tree felling and pruning should be retained on site as ecological features. The advice of the project ecologist should be sought.

3.2.3 The Tree Protection Plan – Demolition stage, indicates those trees to be removed and those requiring tree surgery works. It can be found in **Appendix 4**.

3.3 Root protection area incursions

3.3.1 Compaction of compressible soils is probably the single most common cause of death or damage to retained trees on development sites. Soil compaction reduces soil pore space, which in turn reduces soil air, the passage of water and available nutrients. These anaerobic conditions prevent root growth and the proliferation of soil microbes essential to tree health. Symptoms in trees will include crown die-back, sparse, and small foliage, poor extension growth etc., however these may not be evident until well after the occurrence of compaction. Even one pass of a vehicle in wet conditions can cause irreparable soil compaction.

3.3.2 Any proposed incursions into RPAs have taken account of the recommendations set out in 5.3 of BS 5837 (reproduced courtesy of BSI below).

5.3 Proximity of structures to trees

5.3.1 The default position should be that the structures (see 3.10) are located out with the RPAs of trees. However, where there is an overriding justification for construction in the RPA, technical solutions might be available that prevent damage to the trees (see Clause 7). If operations within the RPA are proposed, the project arboriculturist should:

a) demonstrate that the trees can remain viable and that the area lost to encroachment can be compensated for elsewhere, contiguous with its RPA

b) propose a series of mitigation measures to improve the soil environment that is used by the tree for growth.

5.3.2 The cumulative effects of incursions into the RPA, e.g., from excavation for utility apparatus are damaging and should be avoided. Where there is evidence that a tree has been previously subjected to damage by construction activity, this should be taken into account when considering the acceptability of further activity within the RPA.

3.3.3 The RPA of the spruce extends to the driveway area; therefore, any proposed building works will be within the RPA. Given that there is no other space to utilise for the proposed driveway, a technical solution has been developed to ensure that the tree can remain viable following the development. Given the existing site levels, this will allow the creation of the driveway to be above existing grade level avoiding excavation within the RPA.

3.3.4 Although the exact location of services is often difficult to establish until construction is in progress, services are likely to come from the existing building and should have a minimal impact if carefully planned. Trenchless installation should be the preferred option where within RPAs, but if that is not feasible, any excavation must be carried out by hand or using a compressed air lance under arboricultural supervision or by following the methodology in **Section 4**.

3.3.5 Details of work methodology close to trees can be found in **Section 4** of this report. Certain works will need describing in full in a detailed arboricultural method statement conditioned following planning consent.

3.3.6 On some sites, there may be a requirement to excavate soil as part of investigation or remediation works not directly connected to the development, such as archaeological investigations, contaminated soil or Japanese knotweed control etc. This has the potential to be very damaging to trees which must be considered in any proposals and the project arboriculturist should be consulted on any excavation within RPAs.

3.4 Existing and proposed finished levels.

3.4.1 During design, consideration should be given to changes in ground levels. This should be dealt with in the detailed AMS; however, it is important at the planning stage to recognise any significant changes. Even where this occurs outside the RPA of a retained tree it still can impact on the tree and methods of dealing with the change in levels such as retaining walls, slopes etc. should be achievable without incursion into the RPA.

Table 3 Trees affected by RPA incursions.

BS 5837 category, tree number & species	RPA incursion, precautions & specialised methodology required
A (high quality)	
T858 "Spruce (Picea sp.)"	May require minor excavation and soil moving within the RPA. Conventional construction methods have the potential to damage tree roots and soil structure. Works must be designed to minimise damage and may entail hand excavation to work around significant roots, bridging significant roots, the use of porous materials etc. See **Section 4** for further details. • minimise impact on tree roots – hand-dug exploratory holes to determine location drain connection. • Soil structure to be preserved throughout – mats and ground protection to be used at all stages. • New hard surfacing to be porous and utilising a minimal or no-dig cellular confinement system (CCS). • All works within RPA to be carried out under arboricultural supervision. • See **Section 4** for further details.
B (moderate quality)	
NONE	.
C (low quality)	
NONE	

3.5 Impact on public amenity to the local landscape

3.5.1 The protection of the retained trees and the specialist methods of construction to be employed, means the existing trees will continue to provide their current level of visual amenity.

3.6 Protection of retained trees.

3.6.1 Protection measures, usually a combination of barriers and ground protection must be in place before any works, including site clearance or demolition, begin, and stay in place for as long as a risk of damage remains. The protection of trees must take account of the buildability of the proposal, including services, and ensure that all activities such as storage of materials, parking and the use of plant and vehicles can be accommodated outside of RPAs. Care and planning are necessary for the operation of excavators, lifting machinery and cranes to ensure all vehicle movements and lifting operations will not impact on retained trees.

3.6.2 Details of tree protection barriers and ground protection can be found in the draft arboricultural method statement in **Section 4** of this report.

3.6.3 The position of the barriers should be confirmed by the project arboriculturist following the first site monitoring visit.

3.6.4 The trunk of the spruce will be protected by a box of plywood, details of which can be found in **Section 4** of this report. Signs fixed to the box will make it clear to site operatives that the RPA of this tree extends to include the ground protection and not just the boxed section. See **Section 4** of this report.

3.7 Contractors' compound and car parking

3.7.1 Space will be limited on site, so it is important that space is allocated during the design stage for temporary welfare buildings, site storage, car parking etc. all vehicles, plant, materials etc. will need to be out with the RPA. In addition to adequate ground protection great care will be needed to ensure no spillage or run-off of fuel, cement etc. can occur.

3.8 Post-development pressures

3.8.1 The crown of the T858 Spruce will be close to the proposed drainage provision and the main access. The design of the civil engineering works has taken account of this and the tree will add to the setting of the building. It is recommended that the tree be regularly inspected by a competent arboriculturist and provided normal maintenance of the tree is carried out the tree and building will be able to coexist successfully. Normal maintenance may include the removal of deadwood and crown-lifting the lower branches where they impact on the use of the site.

3.9 New planting

3.9.1 Planting locations should be determined at the planning stage and protected during the development to preserve soil structure.

4.0 Arboricultural Method Statement – Heads of Terms

4.1 Heads of terms arboricultural method statement

4.1.1 An arboricultural method statement (AMS) describes how operations which may affect trees will be carried out to minimise any adverse effect on them. Details of site management, detailed construction methods, materials etc. can only be finalised once the post-consent detailed design begins. For that reason, at this stage in the process, only a list of heads of terms summary is given and this will need more detailed consideration once consent is issued. This is as recommended in Table B1 of BS 5837 (reproduced courtesy of BSI below).

Table B1 Delivering tree related information into the planning system

Stage of process	Minimum detail	Additional information
Pre application	Tree Survey	Tree retention/removal plan (Draft)
Planning application	Tree survey (in the absence of pre application discussions) Tree retention/removal plan (finalised) Retained trees and RPAs shown on proposed layout. Strategic soft and hard landscape design, including species and locations of new planting. Arboricultural impact assessment	Existing and proposed finished levels. Tree Protection Plan Arboricultural method statement – heads of terms Details for all special engineering within the RPA and other relevant construction details

Reserved matters/planning conditions	Alignment of utility apparatus (including drainage), where outside the RPA or where outside installed using a trenchless method. Dimensioned tree protection plan Arboricultural method statement – detailed Schedule of work to retained trees e.g., access fluctuation pruning. Detailed hard and soft landscape design.	Arboricultural site monitoring schedule Tree and landscape management plan Post construction remedial works Landscape maintenance schedule

4.1.2 Generic tree protection information such as tree barriers and ground protection can be found in **Appendix 6**. This enables consideration to be given to this at an early stage. The preliminary location of tree protection barriers and any ground protection can be found on the tree protection plan in **Appendix 5**.

Table 4 Heads of terms arboricultural method statement

Heads of terms	Outline of appropriate protective measures. Greater detail post-consent will be required in response to a planning condition
Areas to be protected	The draft tree protection plan shows all areas where protective measures are required. Tree protection is shown as barriers and/or ground protection defining the Tree Protection Zone (TPZ)1. Where necessary, areas outside the TPZ but still within the RPA are indicated. Any works within these areas will require arboricultural supervision and likely to require specialist techniques.
Tree works	Tree pruning and tree removal close to trees to be retained must be carried out by bona fide tree surgeons undertaken in accordance with BS 3998:2010 Recommendations for tree works, or industry best practice.
Protective barriers	Tree protection barriers must be fit for the purpose of excluding site personnel and machinery. The default specification detailed within Section 6 of BS 5837 is to be used unless a different specification has been agreed with the LPA.
Ground protection	Where the full extent of the RPA cannot be protected with barriers alone, ground protection is to be used (see Appendix 4). This could, for example, be for access by pedestrians or machinery across RPAs and ground protection will be fit for the purpose of preventing compaction of the soil structure and damage to roots.

Site set-up, clearance, grading of soil and changes in ground levels	Tree protection MUST be in place before site set-up or clearance is undertaken. If necessary, localised vegetation clearance to install the protection is to be undertaken using hand tools only (including chainsaws, brushcutters etc.) but without the use of tracked or wheeled plant and machinery. Where site hoarding, signs etc. are within RPAs, it will be necessary to show that account has been taken of retained trees in respect to positioning and installation methodology, such as avoiding important roots and lining post holes to avoid the caustic effect of wet concrete on tree roots. Details of proposed soil level changes, whether lowering or raising and mounding and removal of spoil will be required. Soil level changes should not occur within RPAs, however even when outside RPAs significant soil level changes can alter soil hydrology and have other consequences for retained trees.
Site investigation and remediation works	Soil and archaeological investigations, contaminated soil removal, Japanese knotweed control and other works not strictly part of the development often require extensive excavation. This has the potential to damage trees if within RPAs and therefore any proposals will need to be reviewed as part of the detailed AMS
Demolition and removal of existing structures and hard surfaces	Specialist methods will be required to minimise impact on trees, roots and soil structure. Buildings within or adjacent to RPAs must be demolished by pulling inwards, away from the tree. Removal of foundations within RPAs must be undertaken from within the footprint of the building, away from the tree, with excavation on the tree side of the foundation kept to the strict minimum required to effect removal. This operation should be supervised by the appointed arboriculturist. If trenches left by removal of foundations are not to be reused as part of the development, they must be backfilled with topsoil suitable for root growth, where within RPAs. The use of conventional tracked and wheeled machinery causes damage to soil structure from compaction and damage to roots from excavation and must not be used within the RPA. All areas of hard surfacing requiring removal within an RPA will be broken up using a handheld pneumatic drill or mounted hydraulic breaker attached to a digger located outside the RPA. The broken rubble will then be removed by hand. The only exception to this is where the hard surface is of such a size as not to be reachable from outside the RPA. In this situation, a rubber tracked mini digger will be used. The maximum working height of the machine must be less than the lowest branch of any overhanging trees. Removal of fences, sheds, garden structures, low walls etc., must be undertaken by hand where within RPAs.
New structures within RPAs	During the design stage, every effort must be made to keep all new structures and services outside RPAs. Any excavations within RPAs will require supervision by the project arboriculturist. Foundation design that minimises the impact on soil structure and roots is acceptable. It may also be necessary to direct rainfall beneath the slab depending on the percentage of the RPA affected and existing ground conditions.
New hard surfaces within RPAs	Any proposal for new surfacing within RPAs must be able to demonstrate a minimal impact on soil structure and roots and this includes the ability for movement of water and air in and out of the soil. The use of no-dig (a maximum of 50mm of vegetation debris can be removed), cellular

	confinement systems using porous sub-base and finished surface materials can be acceptable in some circumstances. This has implications for finished levels. Various companies supply CCS and the following link is given by way of example. www.geosyn.co.uk/cellweb.
New and existing services	The location and direction of new underground services should be designed to allow services to be routed away from RPAs of retained trees. When existing services within RPAs require upgrading or it is unavoidable for new services to be installed in RPAs, conventional excavation techniques are usually unacceptable. Trenchless installation should be the preferred option but if that is not feasible, any excavation is likely to have to be carried out by hand or using a compressed air lance under arboricultural supervision. The methodology used must comply with NJUG Volume 4: Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees. Overhead services such as lighting, electricity, telecoms etc., should be routed outside the present and future canopy spread of retained trees. This is especially important with CCTV cameras to avoid the need for regular pruning in the future.
Removal of protection	Barriers and other protection must remain in place until all construction activity is complete and there is no realistic risk of damage to soil surfaces.
Landscaping	Landscape operations have the potential to damage trees if not carried out appropriately; in addition, the removal of protective barriers to carry out landscape operations may allow other contractors into previously protected areas. The method statement will need to detail methods to protect RPAs, installation of hard surfaces, fences, topsoil, planting and any other operations within RPAs.
Other risks to trees	Piling rigs, cranes and other high and wide plant and machinery have the potential to damage trees and site operations must be planned to take account of retained trees in advance of any potential conflict. Proposed locations and routes on and off the site should be supplied to the project arboriculturist. 4.1.4 Accidental spillage of any materials which could cause damage to a tree even if outside of an RPA, including dust. Fires must be avoided where heat could affect foliage or branches.

Other information required within a detailed AMS	
Order of work	It is not the project arboriculturist's role to determine the timing and implementation of works on site, however, an input into the process can avoid issues once work is underway.
Responsibility and site management	It is the responsibility of the main contractor or assigned agent to ensure that details regarding tree protection are understood and followed by all site personnel and should be incorporated into site inductions.
Contacts	Contact details of: • Site manager or another person on site responsible for ensuring tree protection is complied with. • The LPA tree officer and/or case officer. • The project arboriculturist. • Any other relevant party.
Auditable system of arboricultural site monitoring and supervision	A project arboriculturist shall be appointed to advise on tree protection and to attend an initial pre-commencement site meeting before works start and regular site visits to monitor compliance with tree protection and/or to supervise works which could affect trees. The frequency of such visits will be determined during the detailed design stage and will be guided by the LPA and the likely risk to trees (at least fortnightly during the construction phase is recommended). Site monitoring/supervision reports should be issued as an audit trail for the client and LPA.
Contractor areas/site facilities	The location of site facilities, areas for loading, unloading, and storage of materials and plant, temporary services, car parking etc. must be sited to ensure minimal impact on retained trees. No discharge of potential contaminants should occur within 10m of a retained tree, or where there is a risk of run-off into an RPA.
Movement of plant and machinery	Haul routes and other means of movement of plant and machinery around the site.
Post construction damage and amelioration	How post-construction damage such as compaction will be ameliorated.

5.0 Conclusions

- The site was inspected on 20 May 2021.
- Six trees are to be removed as a direct result of the development. Eight will be removed for reasons of good husbandry.
- The focus in tree terms is the spruce to the new access and the small woodland. The proposed driveway will be within the RPA of these trees and considerable thought has been given to minimising the impact on it by hand digging the trenches and the use of cellular confinement systems to construct the access. For the treehouse, the support pads and positions have been carefully selected as to have a zero impact on the woodland.
- The finished floor level of the dwelling will be above the existing grade level. Any new foundations will be positioned on the existing to minimise any impact.
- The correct execution of the proposed works will be critical in achieving the aim of having minimal impact on the retained trees. A detailed arboricultural method statement produced post planning consent, along with a thorough understanding of the issues by the main contractor and monitoring by the project arboriculturist, will enable the development to be achieved and the trees to continue contributing into the future.
- Provided tree protection and methods of work close to trees outlined in this report are followed, the impact of the development on trees will be minimal
- In consideration of the development there is no reason why the local planning authority can offer any objections towards the proposal with regards to tree loss and impact on the local setting.
- This proposal should be a positive opportunity to redevelop the site while creating a landscape fit for purpose that will relate to the character of the adjacent spaces and streetscape

6.0 Recommendations

- That post planning consent a detailed arboricultural method statement is produced with the design team to ensure all works proposed within root protection areas can be achieved with minimum impact on retained trees. This should cover all works and in particular the foundations.
- During construction, the arboricultural method statement should be followed by all site personnel and supervised at key stages by the project arboriculturist. A copy of it and associated plans should be kept on site and be part of the site induction where applicable. Supervision/monitoring reports to be issued after each inspection as a record of compliance and audit trail for the local authority.
- The routes of proposed services should be assessed by the project arboriculturist and be part of the detailed arboricultural method statement produced in conjunction with the services engineer and contractor if services are to be routed within root protection areas.
- Tree protection barriers and any ground protection must be in place before any works begin.
- That the project arboriculturist reviews proposals for archaeological investigations, contaminated soil remediation or Japanese knotweed control, to assess any impact on retained trees and if there is a conflict, advise on mutually acceptable solutions.
- Foundation design should take into account trees to be retained, trees to be removed and new trees to be planted.

APPENDICES

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Appendix 1 - Further information

1 Instruction and brief

1.1 Hinshelwood Arboricultural Consultants was instructed in May 2021 by Mirna Melki to survey trees and to produce an Arboricultural Impact Assessment for a proposed conversion of a farm steading to residential at Balgownie Steading. Glamis.

2 Documents and information provided.

2.1 Topographical drawing.

2.2 Proposed layout

3 Copyright

3.1 Copyright is retained by Hinshelwood Arboricultural Consultants. The report is for the sole use of the client. Any other person relies upon the report entirely at their own risk. Neither the whole nor any part of the report may be reproduced or included in any published document without the prior written approval of Hinshelwood Arboricultural Consultants.

4 Report limitations

4.1 Trees are dynamic living organisms and their condition can change rapidly and therefore this report is valid for a period of 12 months. This period may be reduced if significant changes occur to the trees or the ground conditions close to them.

4.2 A ground level only survey was undertaken. No specialist decay detection equipment was used with simply basic sounding and probing tools used where necessary. No soil samples or investigations were carried out.

4.3 The report covers arboricultural issues, however, non-arboricultural matters may be referred to such as soils, ecology, construction methods etc. This should be viewed as provisional and the appropriate expert should be consulted where required.

4.4 The survey and this report is not a safety assessment of trees. Any obvious faults, hazards or health issues will be commented on; however, this must not be relied on to ensure the tree owner's Duty of Care has been fulfilled.

4.5 The suggested ultimate height of trees is based on physiological and site conditions and may differ from industry tables. Its purpose is to inform shading, visual aspects and post-development pressures and not necessarily foundation design.

5 Background information & design input

5.1 An Arboricultural Site Appraisal was carried out in May 2021.

6 Legal & planning constraints

6.1 It is not known if any of the subject trees are protected by a tree preservation order (TPO).

6.2 If the site is within a conservation area. This means six weeks written notice must be given to the LPA of the intention to carry out works to trees. The LPA then has the option to allow the works or to place a TPO on the tree/s to manage the works. Tree work agreed as part of planning consent overrides the need to notify separately.

6.3 The tree protection status is correct at the time of report production but can be subject to change. It is, therefore, the responsibility of any persons undertaking tree works operations to the trees which are the subject of this report and in accordance with our recommendations, to undertake their own statutory tree protection checks with the local planning authority, to include TPO, conservation area, and planning conditions prior to works commencing. Tree work agreed as part of full planning consent overrides the need to apply separately although pre-commencement planning conditions may need to be discharged first.

6.4 The following is a brief description of legal constraints as they apply to trees. Please note the information is for guidance only and is not a definitive interpretation of the law as it affects trees.

- **Tree preservation orders**: A tree preservation order gives statutory protection to trees and makes it a criminal offence to carry out most work to them without written permission from the local planning authority. Tree work necessary to implement full planning consent overrides the need to apply separately. Please note there may be a need to discharge pre-commencement conditions before tree works can be undertaken.
- **Conservation areas**: If trees are within a conservation area, a minimum of six weeks' written notice must be given to the LPA of the intention to carry out works to trees. The LPA then has the option to allow the works or to place a TPO on the tree/s to manage the works. Tree work necessary to implement full planning consent overrides the need to notify separately. Please note there may be a need to discharge pre-commencement conditions before tree works can be undertaken.
- **Trees and the planning system**: LPAs have a statutory duty to consider the protection and planting of trees when granting planning permission. The potential effect of development on trees is a material consideration, whether statutorily protected (e.g. by a TPO or by being within a CA) or not.
- **Other legal restrictions:** Restrictive covenants and existing planning conditions sometimes restrict works to trees. Sites within or adjacent to Sites of Special Scientific Interest, Ancient Semi-Natural Woodland, nature reserves and other land designations, restrict some works to trees. Legal advice may be required in some of these cases.
- **Common Law:** This enables pruning back of the crown and roots of trees on adjacent land where they overhang neighbouring property, providing the work is reasonable and does not cause harm. This right does not override TPO and CA legislation.

- **Ecological constraints:** The Wildlife and Countryside Act 1981, as amended, The Conservation of Habitats and Species Regulations 2010 and the Countryside and Rights of Way Act 2000, provide statutory protection to species of flora and fauna including birds, bats and other species that are associated with trees. These could impose significant constraints on the use and timing of access to the site. It is the responsibility of the main contractor and tree surgery contractor to ensure that no protected species are harmed whilst carrying out site clearance or tree surgery works. Unless competent to do so, the advice of an ecologist must be sought.

7 References

- British Standards Institution (2012) BS 5837: Trees in relation to design, demolition and construction – Recommendations.
- British Standards Institute (2010) BS 3998: Tree work – Recommendations.
- National Joint Utilities Group (2007) Volume 4, Issue 2: Guidelines for the planning, installation and maintenance of utility apparatus in proximity to trees.
- DTLR (2001) Principles of Tree Hazard Assessment and Management - David Lonsdale.

8 Site visit

8.1 A site visit was undertaken on 20 May 2021 by Graham Hinshelwood. The weather was clear and dry and visibility was not impeded.

9 Survey method

9.1 All trees with a trunk diameter of 75mm or above were surveyed, as recommended in BS 5837. Obvious hedges and shrub masses were identified where appropriate. Information collected is in accordance with recommendations in subsection 4.4.2.5 of BS 5837 and includes species, height diameter, branch spread, crown clearance, age class, physiological condition, structural condition, and remaining contribution. Each tree was then allocated one of four categories (U, A, B or C) to reflect its suitability as a material constraint on development.

9.2 The trees were surveyed from ground level without detailed investigations.

9.3 The height of approximately one in ten trees were measured using a clinometer and this height was used to estimate the height of trees nearby.

9.4 The stem diameters were measured in millimetres at 1.5m above ground level and otherwise in accordance with Annex C of BS 5837 unless indicated otherwise.

9.5 Crown spreads were measured using a laser measurer or tape, or estimated where access was difficult.,

Appendix 2 - Key to tree survey sheets & glossary

Table 5 - Key to survey sheets

Tree number	T: Tree G: Group – trees which form cohesive arboricultural features. W: Woodland H: Hedge – regularly maintained domestic hedges just species and height noted. – hedgerows and substantial internal hedges are specified in the tree schedule S: Shrub mass – just species and height noted
Age class	NP: Newly planted Y: Young - an establishing tree that could be easily transplanted. SM: Semi-mature - an established tree still to reach its ultimate height and spread and with considerable growth potential. EM: Early mature - a tree reaching its ultimate height and whose growth is slowing, however, it will still increase considerably in stem diameter and crown spread. M: Mature - a tree with limited potential for further significant increase in size although likely to have a considerable safe useful life expectancy. LM: Late mature - a senescent tree, in decline, although may still have a useful life expectancy. V: Veteran – has features associated with advanced age for its species but not necessarily very old chronologically. A: Ancient - a tree older than typical for the species and of great ecological, cultural or aesthetic value.
Dia.	The diameter of the stem in millimetres at 1.5m above ground level for single-stemmed trees or in accordance with Annex C of BS 5837 for multi-stemmed trees or trees with low forks or irregular stems. If trees were inaccessible for any reason the diameter is estimated. This is shown with an (e) after the entry.
Stems	Numbers of stems or M/S = multi-stemmed.
Ht. Ult. ht.	Height in metres. Usually estimated. Approximately one in ten tree heights is measured with a clinometer for accuracy with other tree heights taken from the known heights. Ultimate height likely to be achieved for this tree in this location. The suggested ultimate height of trees within this report is based on physiological and site conditions and may differ from industry tables. Its purpose is to inform shading, visual aspects and post-development pressures and not necessarily foundation design.
Cr.ht. 1 Cr.ht. 2	The height of canopy above ground level. Estimated. The height of canopy above ground level. Estimated.
NESW	Crown spread at the four cardinal points. Paced or measured where critical. If estimated, this is indicated with an (e) after the entry.
BS cat.	U: Unsuitable for retention. Existing condition is such that they cannot be realistically retained as living trees in the context of the current land use

	for longer than 10 years. Note, category U trees can have existing or potential conservation value which it might be desirable to preserve. A: High quality and value (non-fiscal) with at least 40 years remaining life expectancy. B: Moderate quality and value with at least 20 years remaining life expectancy. C: Low quality and value with at least 10 years remaining life expectancy, or young trees with a stem diameter below 150 mm. A, B and C category trees are additionally graded into 1) Mainly arboricultural values; 2) Mainly landscape values; 3) Mainly cultural values including conservation.
Cond.	Physiological & structural condition. G = good; F = fair; P = poor; D = dead.
Life exp.	Estimated remaining useful contribution in years. This is not necessarily the ultimate life expectancy of the tree as trees can often exist in a collapsed, decayed form for many years, however, this may not be appropriate in the site context.
RPR	Root protection radius in metres based on stem diameter.
Preliminary recommendations	Preliminary recommendations for tree surgery found within the tree survey sheets are based on findings at the time of the tree survey and are not based on any development proposal and are usually works for safety or sound arboricultural reasons and are irrespective of any change in land use.

Glossary

- **Cellular confinement system** – Geosynthetic systems with an open, usually honeycomb-like construction, filled with aggregate to give a three-dimensional structure, to provide a load bearing, no-dig surface.
- **Crown lifting** - The removal or shortening of the branches that form the lower part of the crown of a tree.
- **Deadwood** – In the growth and development of a tree, branches compete and weaker branches are eventually suppressed and die. The dead branches, collectively called deadwood, are then liable to fall, particularly if lacking in durable heartwood. Deadwood begins to develop naturally, largely in the inner and lower crown, in all trees that are mature and unmanaged. It develops relatively quickly if vigour is low. Deadwood in the outer crown of a mature tree signifies a decline that might either be progressive or due to some prejudicial episode in the past (root damage, summer drought, pest or disease etc.) from which the tree has since recovered. Deadwood is a vital component of a properly functioning woodland or forest ecosystem. It plays an important role in sustaining biodiversity and in delivering ecosystem services such as soil formation and nutrient cycling. In the UK, up to a fifth of woodland species depend on dead or dying trees for all or part of their life cycle and many of these species are rare or threatened.
- **Deadwood removal** – The removal of only that proportion of deadwood present in a tree that poses a significant risk to person or property, retaining all stable dead material, reducing longer branches by cutting them back as necessary to assure adequate safety

margins. • Dieback - The death of part of a plant, usually starting from a distal point and often progressing proximally in stages.

- **Epicormic** - Pertaining to shoots or roots which are initiated on mature woody stems; shoots can form in this way from dormant buds or they can be adventitious.
- **No-dig hard surface** – A surface built largely on top of the ground, usually using a cellular confinement system to spread the load. Used to provide a hard surface with minimal damage to soil structure and roots beneath.
- **Pollard** - A term for a pollarded tree
- **Pollarding** - The complete or partial removal of the crown of a young tree to encourage the development of numerous branches; also, further cutting to maintaining this growth pattern.
- **Vitality** - In tree assessment, an overall appraisal of physiological and biomechanical processes, in which high vitality equates with near-optimal function, in which high vitality equates with healthy function.

Appendix 3 - Survey sheets

Table 6

Ref	Species	Full Structure	Measurements	Spread	General Observations	Retention Category	RPA	Comments	Measurements2	Recommendations
T858	Spruce (Picea sp.)	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 5N, 5E, 5S, 5W Crown Clearance (m): 3 Lowest Branch (m): 2(N) Life Stage: Mature Rem. Contrib.: 10+ Years	N:5 E:5 S:5 W:5	Good overall Physiological and Structural condition.	A2	Radius: 7.2m. Area: 165 sq. m.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Good Bat Habitat: None	Preconstruction: Crown lift to 3 metres for pedestrian access During construction: Manual Excavation for ground drainage Ground protection for construction traffic Post construction: No action required.
T859	Birch (Betula sp.)	Tree	Height (m): 7 Stem Diam (mm): 400 Spread (m): 3N, 3E, 3S, 3W Crown Clearance (m): 2 Lowest Branch (m): 2(S) Life Stage: Early Mature Rem. Contrib.: 10+ Years	N:3 E:3 S:3 W:3	Good overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 81 sq. m.	These trees will have to be removed to facilitate a proposed future development.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Good Bat Habitat: Low	Preconstruction: Remove tree. During construction: No action required. Post construction: No action required.

T860	Sycamore (Acer pseudoplatanus)	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 3N, 1E, 3S, 2W Crown Clearance (m): 4 Lowest Branch (m): 3 Life Stage: Mature Rem. Contrib.: 10+ Years	N:3 E:1 S:3 W:2	Good/Fair/Poor overall Physiological and Structural condition.	B2	Radius: 7.2m. Area: 181 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T861	Sycamore (Acer pseudoplatanus)	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 3N, 1E, 3S, 2W Crown Clearance (m): 4 Lowest Branch (m): 3 Life Stage: Mature Rem. Contrib.: 10+ Years	N:3 E:1 S:3 W:2	Good/Fair/Poor overall Physiological and Structural condition.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T862	Sycamore (Acer pseudoplatanus)	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 3N, 1E, 3S, 2W Crown Clearance (m): 4 Lowest Branch (m): 3 Life Stage: Mature Rem. Contrib.: 10+ Years	N:3 E:1 S:3 W:2	Good/Fair/Poor overall Physiological and Structural condition.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.

T863	Sycamore (Acer pseudoplatanus)	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 3N, 1E, 3S, 2W Crown Clearance (m): 4 Lowest Branch (m): 3 Life Stage: Mature Rem. Contrib.: 10+ Years	N:3 E:1 S:3 W:2	Good/Fair/Poor overall Physiological and Structural condition.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T864	Sycamore (Acer pseudoplatanus)	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 3N, 1E, 3S, 2W Crown Clearance (m): 4 Lowest Branch (m): 3 Life Stage: Mature Rem. Contrib.: 10+ Years	N:3 E:1 S:3 W:2	Good/Fair/Poor overall Physiological and Structural condition.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T865	Sycamore (Acer pseudoplatanus)	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 3N, 1E, 3S, 2W Crown Clearance (m): 4 Lowest Branch (m): 3 Life Stage: Mature Rem. Contrib.: 10+ Years	N:3 E:1 S:3 W:2	Good/Fair/Poor overall Physiological and Structural condition.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.

T866	Sycamore (Acer pseudoplatanus)	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 3N, 1E, 3S, 2W Crown Clearance (m): 4 Lowest Branch (m): 3 Life Stage: Mature Rem. Contrib.: 10+ Years	N:3 E:1 S:3 W:2	Good/Fair/Poor overall Physiological and Structural condition.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T867	Sycamore (Acer pseudoplatanus)	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 3N, 1E, 3S, 2W Crown Clearance (m): 4 Lowest Branch (m): 3 Life Stage: Mature Rem. Contrib.: 10+ Years	N:3 E:1 S:3 W:2	Good/Fair/Poor overall Physiological and Structural condition.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T868	Sycamore (Acer pseudoplatanus)	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 3N, 1E, 3S, 2W Crown Clearance (m): 4 Lowest Branch (m): 3 Life Stage: Mature Rem. Contrib.: 10+ Years	N:3 E:1 S:3 W:2	Good/Fair/Poor overall Physiological and Structural condition.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.

T869	Cherry (Prunus sp. (Cherries))	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 3N, 1E, 3S, 2W Crown Clearance (m): 4 Lowest Branch (m): 3 Life Stage: Mature Rem. Contrib.: 10+ Years	N:3 E:1 S:3 W:2	Good/Fair/Poor overall Physiological and Structural condition.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T870	Sycamore (Acer pseudoplatanus)	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 3N, 1E, 3S, 2W Crown Clearance (m): 4 Lowest Branch (m): 3 Life Stage: Mature Rem. Contrib.: 10+ Years	N:3 E:1 S:3 W:2	Good/Fair/Poor overall Physiological and Structural condition.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T871	Sycamore (Acer pseudoplatanus)	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 3N, 1E, 3S, 2W Crown Clearance (m): 4 Lowest Branch (m): 3 Life Stage: Mature Rem. Contrib.: 10+ Years	N:3 E:1 S:3 W:2	Good/Fair/Poor overall Physiological and Structural condition.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.

T872	Sycamore (Acer pseudoplatanus)	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 3N, 1E, 3S, 2W Crown Clearance (m): 4 Lowest Branch (m): 3 Life Stage: Mature Rem. Contrib.: 10+ Years	N:3 E:1 S:3 W:2	Good/Fair/Poor overall Physiological and Structural condition.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T873	Sycamore (Acer pseudoplatanus)	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 3N, 1E, 3S, 2W Crown Clearance (m): 4 Lowest Branch (m): 3 Life Stage: Mature Rem. Contrib.: 10+ Years	N:3 E:1 S:3 W:2	Good/Fair/Poor overall Physiological and Structural condition.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T874	Sycamore (Acer pseudoplatanus)	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 3N, 1E, 3S, 2W Crown Clearance (m): 4 Lowest Branch (m): 3 Life Stage: Mature Rem. Contrib.: 10+ Years	N:3 E:1 S:3 W:2	Good/Fair/Poor overall Physiological and Structural condition.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.

T875	Sycamore (Acer pseudoplatanus)	Tree	Height (m): 8 Stem Diam (mm): 600 Spread (m): 3N, 1E, 3S, 2W Crown Clearance (m): 4 Lowest Branch (m): 3 Life Stage: Mature Rem. Contrib.: 10+ Years	N:3 E:1 S:3 W:2	Good/Fair/Poor overall Physiological and Structural condition.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T876	Birch (Betula sp.)	Tree	Height (m): 6 Stem Diam (mm): 400 Spread (m): 2N, 2E, 2S, 2W Crown Clearance (m): 2 Lowest Branch (m): 2 Life Stage: Mature Rem. Contrib.: 10+ Years	N:2 E:2 S:2 W:2	Fair overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 72 sq. m.	This tree will form the constraint to the XXXX side of the site. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T877	Ash (Fraxinus sp.)	Tree	Height (m): 9 Stem Diam (mm): 500 Spread (m): 3N, 2E, 4S, 3W Crown Clearance (m): 1 Lowest Branch (m): 1(S) Life Stage: Mature Rem. Contrib.: <10 years	N:3 E:2 S:4 W:3	Poor overall Physiological and Structural condition. Dieback - poor foliage. Dead wood.	B2	Radius: 6.0m. Area: 126 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. The RPA does not include ... These trees will have to be removed to facilitate a proposed future development.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Poor Structural Cond: Collapsing Bat Habitat: Low	Preconstruction: Crown lift to 3 metres for pedestrian access. Dead wood (major greater than 25mm). During construction: No action required. Post construction: No action required.

T878	Ash (Fraxinus sp.)	Tree	Height (m): 9 Stem Diam (mm): 600 Spread (m): 2N, 3E, 4S, 3W Crown Clearance (m): 3 Lowest Branch (m): 3 Rem. Contrib.: 10+ Years	N:2 E:3 S:4 W:3	Good/Fair/Poor overall Physiological and Structural condition. Dieback - poor foliage.	B2	Radius: 7.2m. Area: 181 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. The RPA includes ... This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Medium	Preconstruction: Dead wood (major greater than 25mm). During construction: No action required. Post construction: No action required.
T879	Ash (Fraxinus sp.)	Tree	Height (m): 9 Stem Diam (mm): 500 Spread (m): 3N, 2E, 4S, 3W Crown Clearance (m): 1 Lowest Branch (m): 1(S) Life Stage: Mature Rem. Contrib.: <10 years	N:3 E:2 S:4 W:3	Poor overall Physiological and Structural condition. Dieback - poor foliage. Dead wood.	B2	Radius: 6.0m. Area: 113 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. The RPA does not include ... These trees will have to be removed to facilitate a proposed future development.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Poor Structural Cond: Collapsing Bat Habitat: Low	Preconstruction: Crown lift to 3 metres for pedestrian access. Dead wood (major greater than 25mm). During construction: No action required. Post construction: No action required.
T880	Ash (Fraxinus sp.)	Tree	Height (m): 9 Stem Diam (mm): 500 Spread (m): 3N, 2E, 4S, 3W Crown Clearance (m): 1 Lowest Branch (m): 1(S) Life Stage: Mature Rem. Contrib.: <10 years	N:3 E:2 S:4 W:3	Poor overall Physiological and Structural condition. Dieback - poor foliage. Dead wood.	B2	Radius: 6.0m. Area: 113 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. The RPA does not include ... These trees will have to be removed to facilitate a proposed future development.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Poor Structural Cond: Collapsing Bat Habitat: Low	Preconstruction: Crown lift to 3 metres for pedestrian access. Dead wood (major greater than 25mm). During construction: No action required. Post construction: No action required.

T881	Ash (Fraxinus sp.)	Tree	Height (m): 9 Stem Diam (mm): 600 Spread (m): 2N, 3E, 4S, 3W Crown Clearance (m): 3 Lowest Branch (m): 3 Rem. Contrib.: 10+ Years	N:2 E:3 S:4 W:3	Good/Fair/Poor overall Physiological and Structural condition. Dieback - poor foliage.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. The RPA includes ... This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Medium	Preconstruction: Dead wood (major greater than 25mm). During construction: No action required. Post construction: No action required.
T882	Ash (Fraxinus sp.)	Tree	Height (m): 9 Stem Diam (mm): 500 Spread (m): 3N, 2E, 4S, 3W Crown Clearance (m): 1 Lowest Branch (m): 1(S) Life Stage: Mature Rem. Contrib.: <10 years	N:3 E:2 S:4 W:3	Poor overall Physiological and Structural condition. Dieback - poor foliage. Dead wood.	B2	Radius: 6.0m. Area: 113 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. The RPA does not include ... These trees will have to be removed to facilitate a proposed future development.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Poor Structural Cond: Collapsing Bat Habitat: Low	Preconstruction: Crown lift to 3 metres for pedestrian access. Dead wood (major greater than 25mm). During construction: No action required. Post construction: No action required.
T883	Ash (Fraxinus sp.)	Tree	Height (m): 9 Stem Diam (mm): 500 Spread (m): 3N, 2E, 4S, 3W Crown Clearance (m): 1 Lowest Branch (m): 1(S) Life Stage: Mature Rem. Contrib.: <10 years	N:3 E:2 S:4 W:3	Poor overall Physiological and Structural condition. Dieback - poor foliage. Dead wood.	B2	Radius: 6.0m. Area: 113 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. The RPA does not include ... These trees will have to be removed to facilitate a proposed future development.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Poor Structural Cond: Collapsing Bat Habitat: Low	Preconstruction: Crown lift to 3 metres for pedestrian access. Dead wood (major greater than 25mm). During construction: No action required. Post construction: No action required.

T884	Rowan x5 (Sorbus aucuparia)	Group 5 trees	Height (m): 5 5 stems, avg.(mm): 200 Spread (m): 1N, 1E, 1S, 1W Crown Clearance (m): 1 Lowest Branch (m): 1 Life Stage: Early Mature Rem. Contrib.: 10+ Years	N:1 E:1 S:1 W:1	Poor overall Physiological and Structural condition. Stem/limb decay. Target cankers. Dieback - poor foliage.	U	Area: 272 sq. m.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Decaying Bat Habitat: Low	Preconstruction: Remove trees. During construction: No action required. Post construction: No action required.
T885	Ash (Fraxinus sp.)	Tree	Height (m): 9 Stem Diam (mm): 600 Spread (m): 2N, 3E, 4S, 3W Crown Clearance (m): 3 Lowest Branch (m): 3 Rem. Contrib.: 10+ Years	N:2 E:3 S:4 W:3	Poor overall Physiological and Structural condition. Dieback - poor foliage.	B2	Radius: 7.2m. Area: 163 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. The RPA includes ... This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Medium	Remove tree.
T886	Ash (Fraxinus sp.)	Tree	Height (m): 6 Stem Diam (mm): 400 Spread (m): 2N, 2E, 2S, 2W Crown Clearance (m): 2 Lowest Branch (m): 2 Life Stage: Mature Rem. Contrib.: 10+ Years	N:2 E:2 S:2 W:2	Fair overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 72 sq. m.	This tree will form the constraint to the XXXX side of the site. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	
T887	Birch (Betula sp.)	Tree	Height (m): 6 Stem Diam (mm): 400 Spread (m): 2N, 2E, 2S, 2W Crown	N:2 E:2 S:2 W:2	Fair overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 72 sq. m.	This tree will form the constraint to the XXXX side of the site. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural	During construction:

			Clearance (m): 2 Lowest Branch (m): 2 Life Stage: Mature Rem. Contrib.: 10+ Years						Cond: Fair Bat Habitat: Low	
T888	Birch (Betula sp.)	Tree	Height (m): 6 Stem Diam (mm): 400 Spread (m): 2N, 2E, 2S, 2W Crown Clearance (m): 2 Lowest Branch (m): 2 Life Stage: Mature Rem. Contrib.: 10+ Years	N:2 E:2 S:2 W:2	Fair overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 72 sq. m.	This tree will form the constraint to the XXXX side of the site. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	No action required.
T889	Alder (Alnus sp.)	Tree	Height (m): 6 Stem Diam (mm): 400 Spread (m): 2N, 2E, 2S, 2W Crown Clearance (m): 2 Lowest Branch (m): 2 Life Stage: Mature Rem. Contrib.: 10+ Years	N:2 E:2 S:2 W:2	Fair overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 72 sq. m.	This tree will form the constraint to the XXXX side of the site. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	
T890	Ash (Fraxinus sp.)	Tree	Height (m): 9 Stem Diam (mm): 500 Spread (m): 3N, 2E, 4S, 3W Crown Clearance (m): 1 Lowest Branch (m): 1(S) Life Stage: Mature Rem.	N:3 E:2 S:4 W:3	Poor overall Physiological and Structural condition. Dieback - poor foliage. Dead wood.	B2	Radius: 6.0m. Area: 113 sq. m.	The surfacing and levels in the RPA should not be altered as long as the tree is being retained. The RPA does not include ... These trees will have to be removed to facilitate a proposed future development.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Poor Structural Cond: Collapsing Bat Habitat: Low	Post construction:

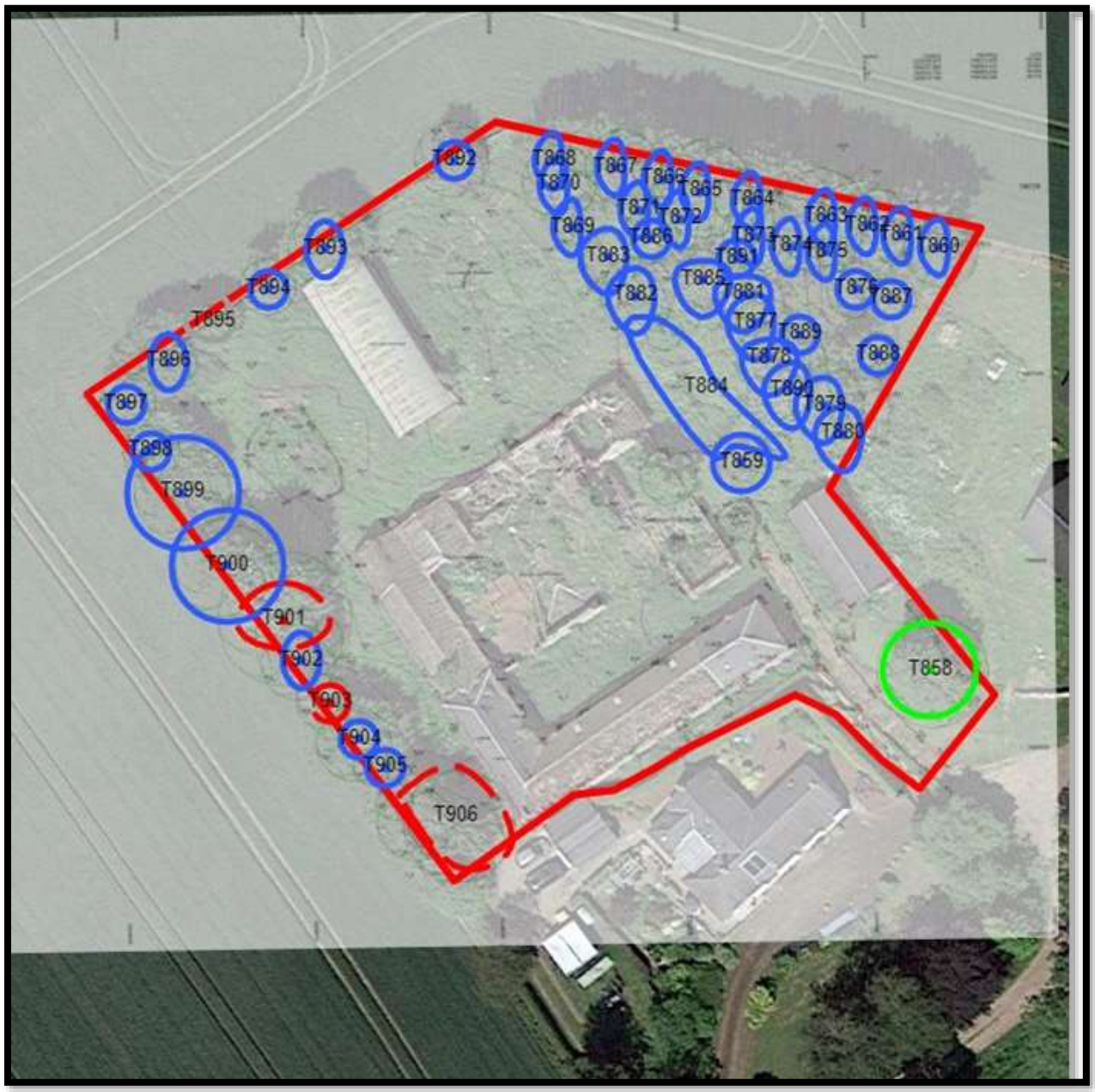
			Contrib.: <10 years							
T891	Alder (Alnus sp.)	Tree	Height (m): 6 Stem Diam (mm): 400 Spread (m): 2N, 2E, 2S, 2W Crown Clearance (m): 2 Lowest Branch (m): 2 Life Stage: Mature Rem. Contrib.: 10+ Years	N:2 E:2 S:2 W:2	Fair overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 72 sq. m.	This tree will form the constraint to the XXXX side of the site. This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	No action required.
T892	Hawthorn (Crataegus sp.)	Tree	Height (m): 6 Stem Diam (mm): 200 Spread (m): 2N, 2E, 2S, 2W	N:2 E:2 S:2 W:2	Good overall Physiological and Structural condition.	B2	Radius: 2.4m. Area: 20 sq. m.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Good Structural Cond: Good Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T893	Oak (Quercus sp.)	Tree	Height (m): 8 Stem Diam (mm): 400 Spread (m): 3N, 2E, 3S, 2W Life Stage: Early Mature Rem. Contrib.: 10+ Years	N:3 E:2 S:3 W:2	Fair overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 81 sq. m.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Medium	Preconstruction: No action required. During construction: No action required. No action required.
T894	Lime (Tilia sp.)	Tree	Height (m): 5 Stem Diam (mm): 400 Spread (m): 2N, 2E, 2S, 2W Life Stage: Early	N:2 E:2 S:2 W:2	Fair overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 81 sq. m.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair	Preconstruction: No action required. During construction: No action required. Post construction: No action required.

			Mature Rem. Contrib.: 10+ Years						Bat Habitat: Low	
T895	Field Maple (Acer campestre)	Tree	Height (m): 6 Stem Diam (mm): 400 Spread (m): 3N, 2E, 2S, 3W Life Stage: Early Mature Rem. Contrib.: 10+ Years	N:3 E:2 S:2 W:3	Fair overall Physiological and Structural condition.	C2	Radius: 4.8m. Area: 81 sq. m.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Poor Structural Cond: Fair Bat Habitat: Medium	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T896	Oak (Quercus sp.)	Tree	Height (m): 8 Stem Diam (mm): 400 Spread (m): 3N, 2E, 3S, 2W Life Stage: Early Mature Rem. Contrib.: 10+ Years	N:3 E:2 S:3 W:2	Fair overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 72 sq. m.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Medium	Preconstruction: No action required. During construction: No action required. No action required.
T897	Lime (Tilia sp.)	Tree	Height (m): 5 Stem Diam (mm): 400 Spread (m): 2N, 2E, 2S, 2W Life Stage: Early Mature Rem. Contrib.: 10+ Years	N:2 E:2 S:2 W:2	Fair overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 72 sq. m.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T898	Field Maple (Acer campestre)	Tree	Height (m): 5 Stem Diam (mm): 400 Spread (m): 2N, 2E, 2S, 2W Life Stage: Early Mature Rem.	N:2 E:2 S:2 W:2	Fair overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 72 sq. m.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.

			Contrib.: 10+ Years							
T899	Field Maple (Acer campestre)	Tree	Height (m): 5 Stem Diam (mm): 400 Spread (m): 6N, 6E, 6S, 6W Life Stage: Early Mature Rem. Contrib.: 10+ Years	N:6 E:6 S:6 W:6	Fair overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 72 sq. m.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T900	Field Maple (Acer campestre)	Tree	Height (m): 5 Stem Diam (mm): 400 Spread (m): 6N, 6E, 6S, 6W Life Stage: Early Mature Rem. Contrib.: 10+ Years	N:6 E:6 S:6 W:6	Fair overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 72 sq. m.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T901	Poplar (Populus sp.)	Tree	Height (m): 10 Stem Diam (mm): 700 Spread (m): 4N, 5E, 3S, 5W Life Stage: Mature Rem. Contrib.: <10 years	N:4 E:5 S:3 W:5	Poor overall Physiological and Structural condition.	U	None - due to Retention Category of U.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Collapsing Bat Habitat: Medium	Preconstruction: Remove tree. During construction: No action required. Post construction: No action required.
T902	Oak (Quercus sp.)	Tree	Height (m): 8 Stem Diam (mm): 400 Spread (m): 3N, 2E, 3S, 2W Life Stage: Early Mature Rem. Contrib.: 10+ Years	N:3 E:2 S:3 W:2	Fair overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 72 sq. m.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Medium	Preconstruction: No action required. During construction: No action required. No action required.

T903	Birch (Betula sp.)	Tree	Height (m): 5 Stem Diam (mm): 300 Spread (m): 2N, 2E, 2S, 2W Life Stage: Early Mature Rem. Contrib.: <10 years	N:2 E:2 S:2 W:2	Poor overall Physiological and Structural condition.	U	None - due to Retention Category of U.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Poor Structural Cond: Poor Bat Habitat: Low	Preconstruction: Remove tree. During construction: No action required. Post construction: No action required.
T904	Field Maple (Acer campestre)	Tree	Height (m): 5 Stem Diam (mm): 400 Spread (m): 2N, 2E, 2S, 2W Life Stage: Early Mature Rem. Contrib.: 10+ Years	N:2 E:2 S:2 W:2	Fair overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 72 sq. m.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T905	Lime (Tilia sp.)	Tree	Height (m): 5 Stem Diam (mm): 400 Spread (m): 2N, 2E, 2S, 2W Life Stage: Early Mature Rem. Contrib.: 10+ Years	N:2 E:2 S:2 W:2	Fair overall Physiological and Structural condition.	B2	Radius: 4.8m. Area: 72 sq. m.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Fair Structural Cond: Fair Bat Habitat: Low	Preconstruction: No action required. During construction: No action required. Post construction: No action required.
T906	Cypress x6 (Chamaecyparis sp.)	Group 6 trees	Height (m): 8 6 stems, avg.(mm): 500 Life Stage: Early Mature Rem. Contrib.: <10 years		Poor overall Physiological and Structural condition.	U	None - due to Retention Category of U.	This tree does not form a constraint to the redevelopment of the site.	Other Reference: Distance1: Distance2: Custom Number 3: Physiological Cond: Poor Structural Cond: Poor Bat Habitat: Medium	Preconstruction: Remove tree. During construction: No action required. Post construction: No action required.

Appendix 4 - Tree Location Plan



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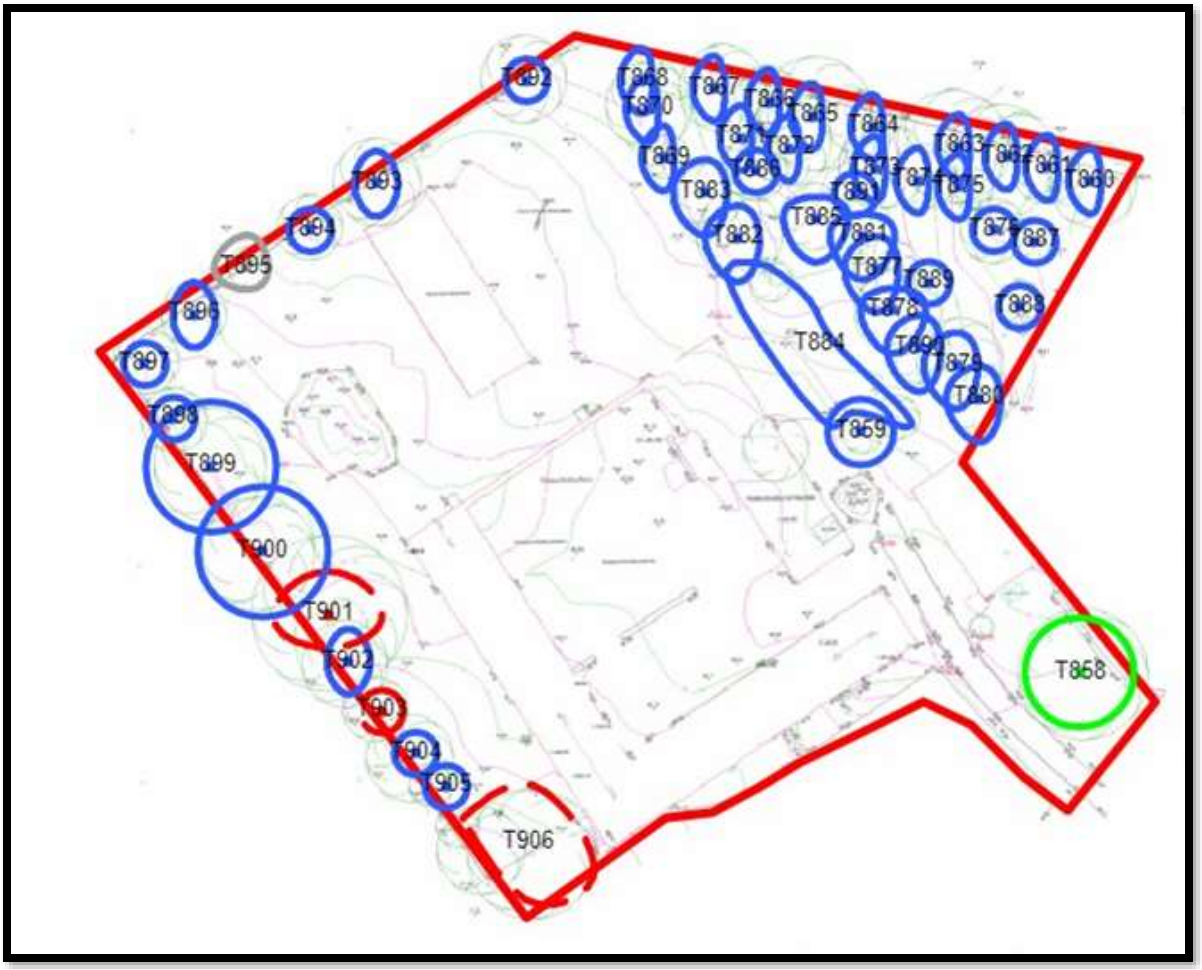

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Layout proposed

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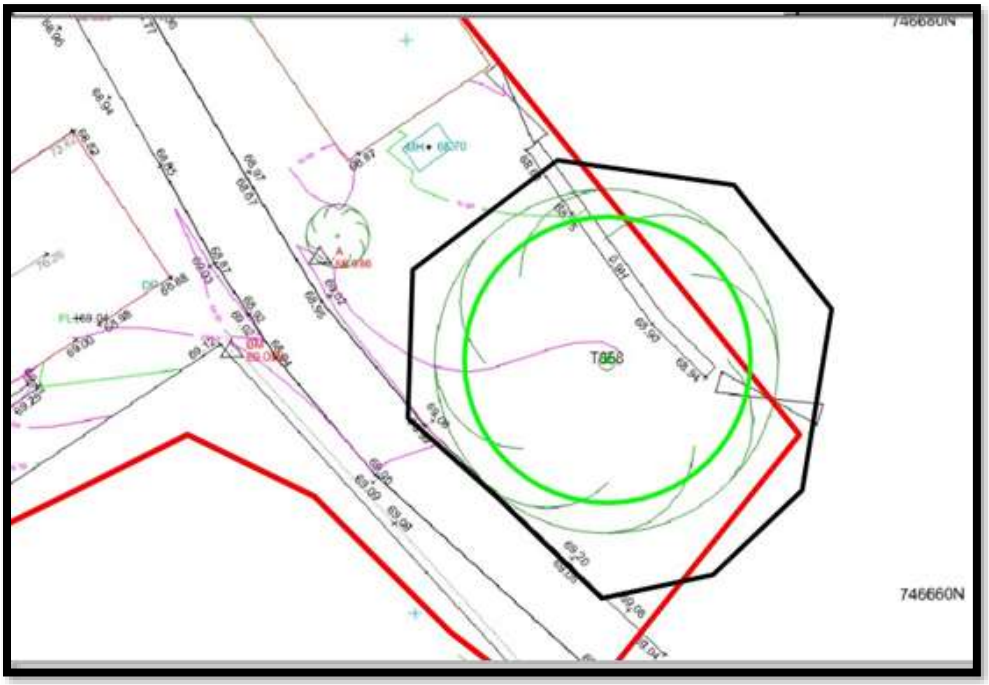
Appendix 5 – Estimated RPA (in black)



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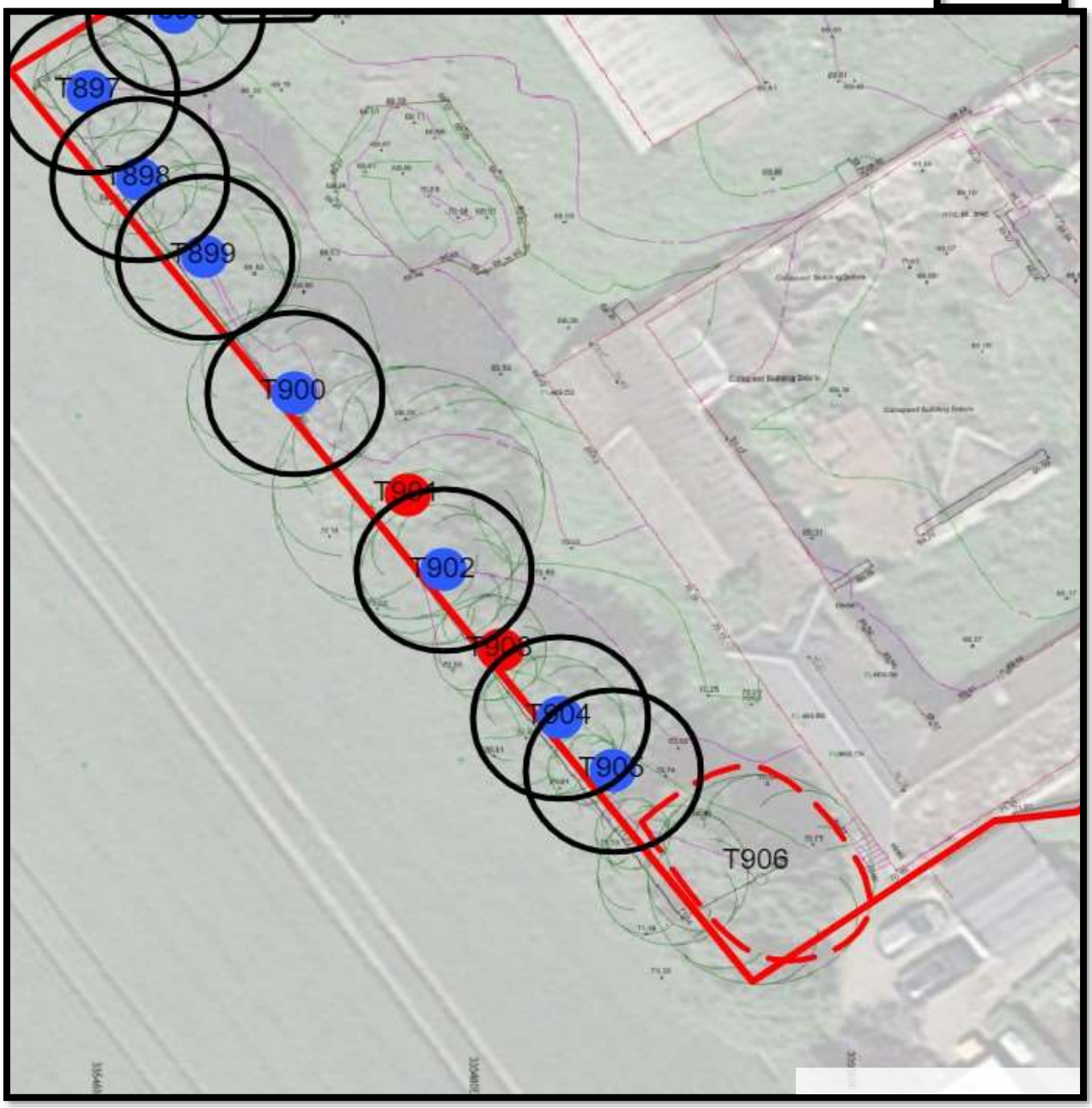

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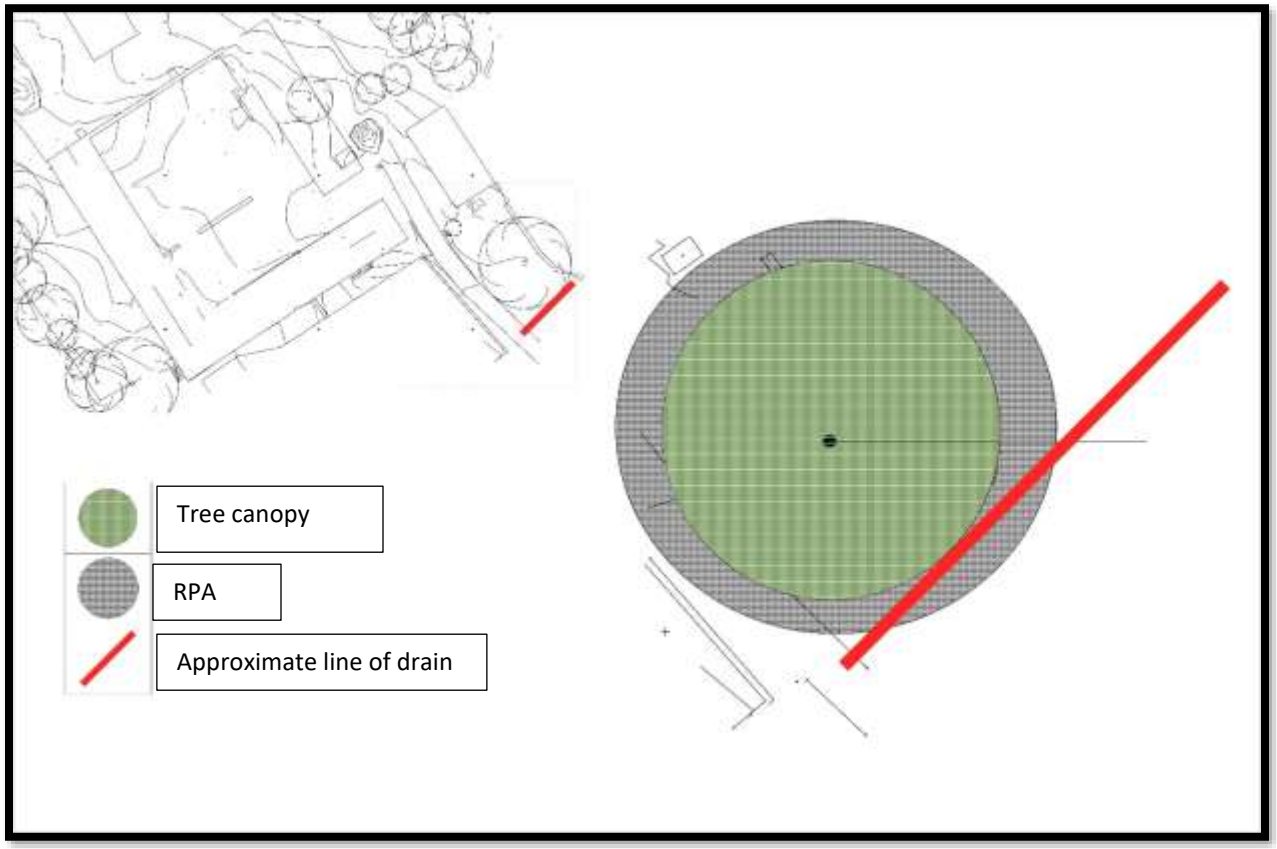
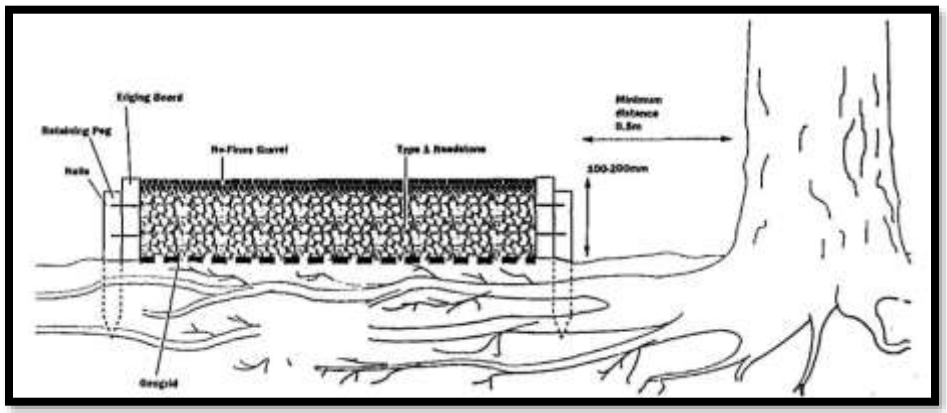
Drainage proposal



Example of road make up



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Formation of tree house and position of support pads

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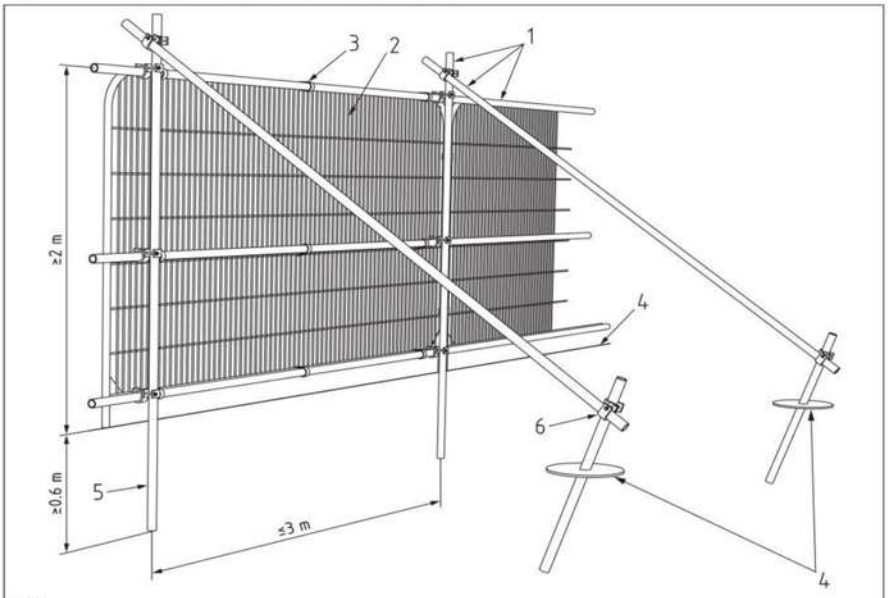
Appendix 6 - Tree protection barriers & ground protection

- Design of welded mesh, Heras type tree protection barrier
- Barriers should be fit for the purpose of excluding construction activity and appropriate to the degree and proximity of work taking place. The default specification should be in accordance with 6.2.2.2 of BS 5837, as set out below.
- **Specifications**: Barrier shall be a minimum 2 m high. It shall consist of a vertical and horizontal scaffold framework, well braced to resist impacts, as illustrated below. The vertical tubes should be spaced at a minimum interval of 3 m and driven securely into the ground. Onto this framework, welded mesh panels should be securely fixed.
- Where site circumstances and associated risk of damaging incursions into the RPA do not necessitate the default level of protection, an alternative specification may be used if agreed with the local authority. An example would be 'Heras' type welded mesh panels on rubber or concrete feet. The panels should be joined together using a minimum of two anti-tamper couplers, installed so that they can only be removed from inside the fence. The panels should be supported on the inner side by stabiliser struts. All-weather notices should be attached to the barrier with words such as 'TREE PROTECTION ZONE - NO ACCESS.
- **Location**: Barriers shall be positioned on the perimeter of the Root Protection Area to define the Tree Protection Zone or as specified in the Tree Protection Plan.
- **Shown on the Tree Protection Plan by a solid black line**.

Example of welded mesh barriers in use

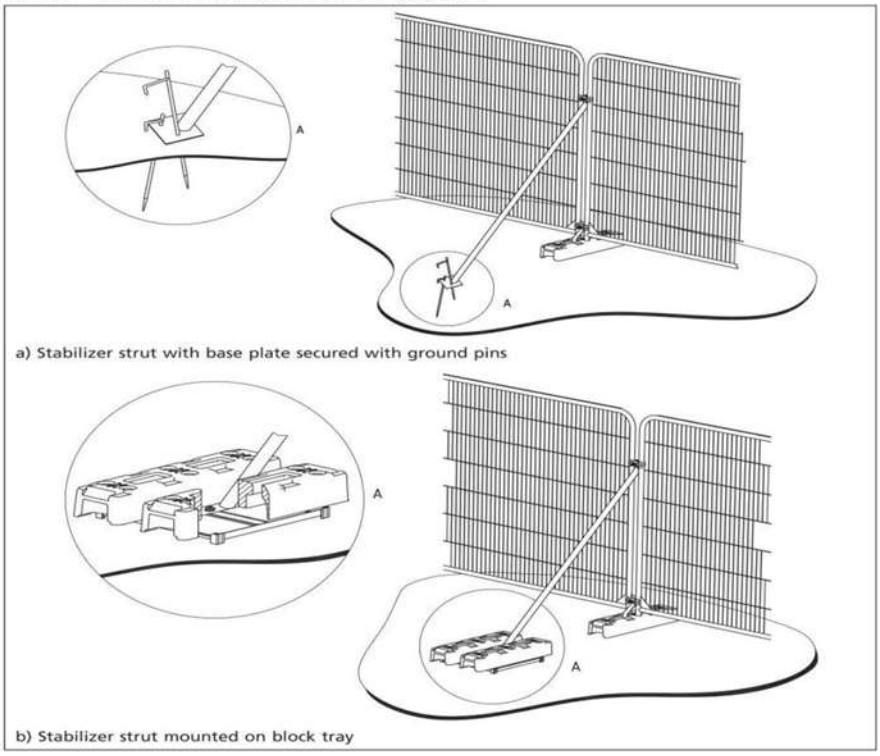
Figure 2 **Default specification for protective barrier**



Key

1 Standard scaffold poles
2 Heavy gauge 2 m tall galvanized tube and welded mesh infill panels
3 Panels secured to uprights and cross-members with wire ties
4 Ground level
5 Uprights driven into the ground until secure (minimum depth 0.6 m)
6 Standard scaffold clamps

Figure 3 **Examples of above-ground stabilizing systems**



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Design of box protection for tree trunks

Tree protection boxes must not be fixed directly to the tree stem as damage could occur either as a direct fixing or by means of transmitting forces to the tree if the box sustains a collision. The box must be self-supporting and ideally anchored to the ground. There must be a minimum of 150mm between the tree stem and any part of the box. The materials used must be robust and durable enough to be fit for the purpose of preventing damage to the trunk and last the lifetime of the development. Usually, 18mm exterior ply fixed to 50mm x 50mm battens is sufficient.

Signs should be fixed to the boxes stating that they are for tree protection and not to be removed.

Annotated on the tree protection plan where specified.

Example of trunk protection box in use

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Suggested protective fencing warning sign format.

Ground protection

In areas where it is not possible to erect protective fencing, ground protection must be used to protect the TPZ of trees. Where it has been agreed during the design stage, and as shown on the tree protection plan, that vehicular or pedestrian access for the construction operation may take place within the TPZ, the possible effects of construction activity should be addressed by a combination of barriers and ground protection. The position of the barrier may be within the TPZ at the edge of the agreed working zone but the soil structure beyond the barrier to the edge of the TPZ should be protected with ground protection. **This must be installed before any site activity, by tracked or wheeled plant or machinery, takes place, to protect soil structure and tree roots.**

Ground protection must be fit for the purpose of supporting any traffic entering or using the site without being distorted or causing compaction of underlying soil. It might comprise one of the following:

- for pedestrian movements or the erection of scaffolding within the RPA the installation of ground protection in the form of a single thickness of scaffold boards either on top of a driven scaffold frame, so as to form a suspended walkway, or on top of a compression-resistant layer (e.g. 100 mm depth of woodchip laid onto a geotextile.
- for pedestrian-operated plant up to a gross weight of 2t, proprietary, inter-linked ground protection boards or panels placed on top of a compression-resistant layer (e.g. 150 mm depth of woodchip), laid onto a geotextile membrane; or
- for wheeled or tracked construction traffic exceeding 2 t gross weight, an alternative system (e.g. proprietary systems or pre-cast reinforced concrete slabs) to an engineering specification designed in conjunction with arboricultural advice, to accommodate the likely loading to which it will be subjected.
- Cellular confinement no-dig systems can also be used.

Examples of proprietary ground protection panels

Appendix 7 - No-dig, cellular confinement systems

Installation of no-dig, cellular confinement systems (CCS)

1. **Prepare the Surface.**

- Remove the surface vegetation using appropriate handheld tools or herbicide (see Note 1).
- Remove any surface rocks, debris and organic material.
- Create a level surface by filling any hollows with clean angular stone or sharp sand.
- Do not level off high spots or compact the soil through rolling.

2. **Lay out the Non-Woven Geotextile such as Treetex™**

- Lay out the geotextile over the prepared area, overlaying the edges of the required area by 300mm.
- Overlap any joins by 300mm minimum or more, depending on soil structure (see Note 2).

3. **Lay out the Cellular Confinement System such as Cellweb® TRP.**

- Lay out the collapsed CCS on top of the geotextile.
- Place a metal J-pin or similar into the centre cell at the end of the panel and secure into the ground.
- Pull out the CCS to its full length and secure its length with another J pin.
- Now pull out to its full width and secure in each of the corners with the J-pins.
- Use sufficient J pins to secure the panel.
- Each cell must be fully extended and under tension.
- Staple adjacent panels together at each cell (see Note 3).
- If a curved path or shape is required, this should be cut when the CCS panel is pinned out ensuring complete cells remain. Do not try to curve or bend the CCS panels into place.
- All cells must be fully opened to the required diameter.

4. **Infill with Clean Angular Stone**

- The infill material must be a clean angular stone, Type 4/20mm or Type 20/40mm (see Note 4).
- Do not use M.O.T type 1 or crushed stone with fines for tree root protection.
- Infill the CCS cells with the clean angular stone, working towards the tree and using the infilled panels as a platform.
- Minimum 25mm overfill of clean angular stone when used in conjunction with a hard surface.
- No compaction is required of the infill. Do not use a whacker plate or other means of compaction.

- Encourage settlement of the stone with the use of a light roller or with 2-3 passes of the construction plant used for installation.
- If the clean angular stone is being used as the final surface; regular maintenance will be required to ensure a minimum overfill of 50mm.

5. Edge restraints

- Excavations for kerbs and edgings should be avoided within the RPAs.
- Where edging is required for footpath and light structures, a peg and treated timber board edging is acceptable.
- Other options include wooden sleepers, kerb edging constructed on top of the CCS system, plastic and metal edging etc.

6. Surface options

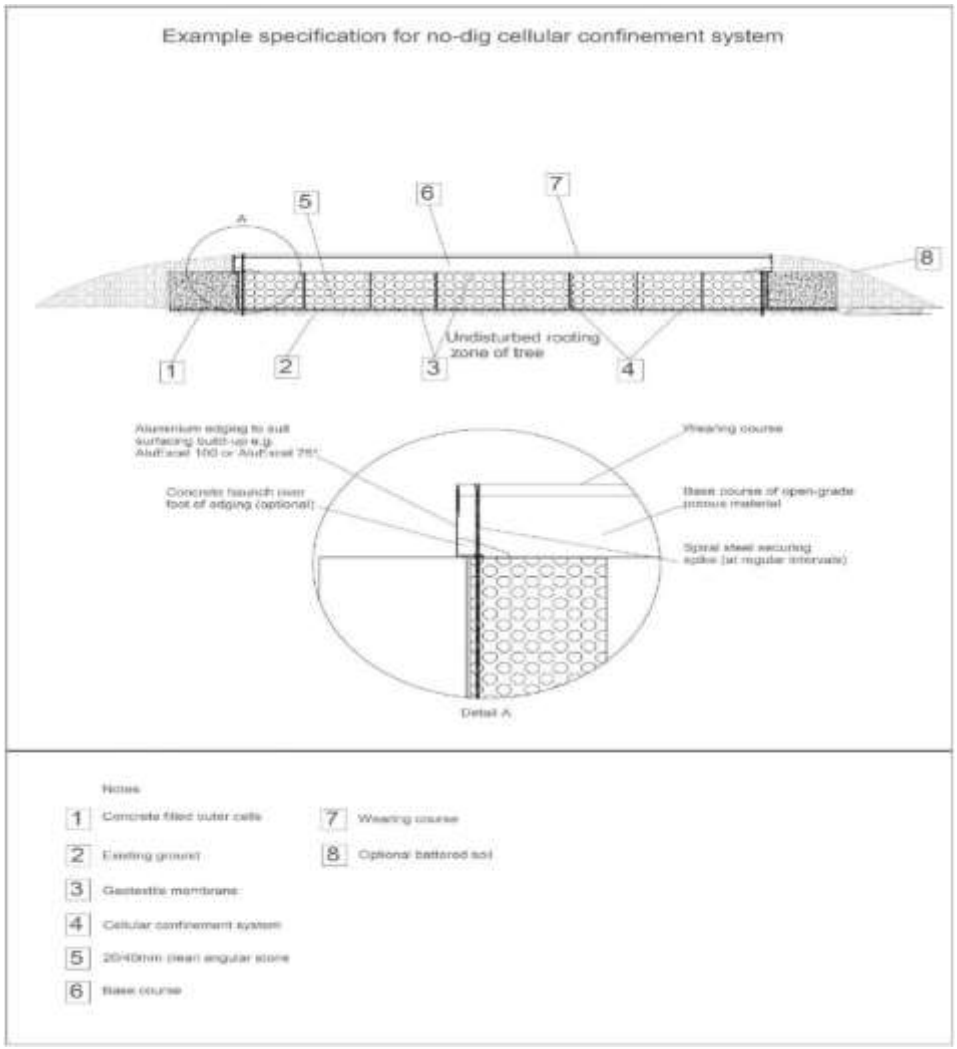
- All surfaces in Root Protection Areas must be porous. Surfaces can include block paving, asphalt, loose gravel, grass and gravel retention systems (e.g. Golpla), resin bound gravel, concrete etc.

NOTES

- **Herbicide**: According to BS5837:2012 “The use of herbicides in the vicinity of existing trees should be appropriate for the type of vegetation to be killed, and all instructions, warnings and other relevant information from the manufacturers should be strictly observed and followed. Care should be taken to avoid any damaging effects upon existing plants and trees to be retained, species to be introduced, and existing sensitive habitats, particularly those associated with aquatic or drainage features.”
- **Geotextile**: We recommend the installation of Treetex™ membrane under the Cellweb® TRP, or under the sub-base if installed. The overlapping between adjacent rolls of Geotextile should be: CBR > 3%: 300mm minimum, CBR between 1% and 3%: 500mm minimum. CBR ≤ 1%: 750mm minimum.
- **Staples**: Number of staples per join: 200mm: 5 staples. 150mm: 4 staples. 100mm: 3 staples. 75mm: 3 staples.
- **Granular Fill**: Open graded sub-base, clean angular stone Type 4/20 or Type 20/40. Please refer to BS7533-13:2009 and to the Design Manual for Roads and Bridges (DMRB), Volume 4 Geotechnics and Drainage, Section 1 Earthworks, HA44/91, Volume 7 – IAN 73/06 Design Guidance for road pavement foundations and Manual of Contract Documents for Highway Works (MCHW), Volume 1 Specification for Highway Works for the construction and maintenance of the fill material.

Various products are available including rigid and flexible systems. Various companies supply suitable products including:

- Geosynthetics – Cellweb www.geosyn.co.uk/cellweb
- InfraGreen Solutions – Infraweb TRP & ArborRaft www.infragreen-solutions.com



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Appendix 8 - Tree surgery schedule

- All works to be undertaken in accordance with BS 3998:2010 Recommendations for tree works, or industry best practice.
- Where appropriate, arisings from tree works should be retained on site as ecological features.
- The project ecologist will be able to advise further. The Tree Removals & Tree Surgery

Ref	Species	Measurements	Recommendation	Retention Category	RPA
T858	Spruce (Picea sp.)	Height (m): 8 Stem Diam (mm): 600 Spread (m): 5N, 5E, 5S, 5W Crown Clearance (m): 3 Lowest Branch (m): 2(N) Life Stage: Mature Rem. Contrib.: 10+ Years	Crown lift to 3 metres for pedestrian access	A2	Radius: 7.2m. Area: 165 sq. m.
T859	Birch (Betula sp.)	Height (m): 7 Stem Diam (mm): 400 Spread (m): 3N, 3E, 3S, 3W Crown Clearance (m): 2 Lowest Branch (m): 2(S) Life Stage: Early Mature Rem. Contrib.: 10+ Years	Dead wood (minor less than 25mm). Remove tree.	B2	Radius: 4.8m. Area: 81 sq. m.
T877	Ash (Fraxinus sp.)	Height (m): 9 Stem Diam (mm): 500 Spread (m): 3N, 2E, 4S, 3W Crown Clearance (m): 1 Lowest Branch (m): 1(S) Life Stage: Mature Rem. Contrib.: <10 years	Crown lift to 3 metres for pedestrian access. Dead wood (major greater than 25mm).	B2	Radius: 6.0m. Area: 126 sq. m.
T878	Ash (Fraxinus sp.)	Height (m): 9 Stem Diam (mm): 600 Spread (m): 2N, 3E, 4S, 3W Crown Clearance (m): 3 Lowest Branch (m): 3 Rem. Contrib.: 10+ Years	Dead wood (major greater than 25mm).	B2	Radius: 7.2m. Area: 181 sq. m.
T879	Ash (Fraxinus sp.)	Height (m): 9 Stem Diam (mm): 500 Spread (m): 3N, 2E, 4S, 3W Crown Clearance (m): 1 Lowest Branch (m): 1(S) Life Stage: Mature Rem. Contrib.: <10 years	Crown lift to 3 metres for pedestrian access. Dead wood (major greater than 25mm).	B2	Radius: 6.0m. Area: 113 sq. m.

T880	Ash (Fraxinus sp.)	Height (m): 9 Stem Diam (mm): 500 Spread (m): 3N, 2E, 4S, 3W Crown Clearance (m): 1 Lowest Branch (m): 1(S) Life Stage: Mature Rem. Contrib.: <10 years	Crown lift to 3 metres for pedestrian access. Dead wood (major greater than 25mm).	B2	Radius: 6.0m. Area: 113 sq. m.
T881	Ash (Fraxinus sp.)	Height (m): 9 Stem Diam (mm): 600 Spread (m): 2N, 3E, 4S, 3W Crown Clearance (m): 3 Lowest Branch (m): 3 Rem. Contrib.: 10+ Years	Dead wood (major greater than 25mm).	B2	Radius: 7.2m. Area: 163 sq. m.
T882	Ash (Fraxinus sp.)	Height (m): 9 Stem Diam (mm): 500 Spread (m): 3N, 2E, 4S, 3W Crown Clearance (m): 1 Lowest Branch (m): 1(S) Life Stage: Mature Rem. Contrib.: <10 years	Crown lift to 3 metres for pedestrian access. Dead wood (major greater than 25mm).	B2	Radius: 6.0m. Area: 113 sq. m.
T885	Ash (Fraxinus sp.)	Height (m): 9 Stem Diam (mm): 600 Spread (m): 2N, 3E, 4S, 3W Crown Clearance (m): 3 Lowest Branch (m): 3 Rem. Contrib.: 10+ Years	Dead wood (major greater than 25mm).	B2	Radius: 7.2m. Area: 163 sq. m.
T890	Ash (Fraxinus sp.)	Height (m): 9 Stem Diam (mm): 500 Spread (m): 3N, 2E, 4S, 3W Crown Clearance (m): 1 Lowest Branch (m): 1(S) Life Stage: Mature Rem. Contrib.: <10 years	Crown lift to 3 metres for pedestrian access. Dead wood (major greater than 25mm).	B2	Radius: 6.0m. Area: 113 sq. m.
T901	Poplar (Populus sp.)	Height (m): 10 Stem Diam (mm): 700 Spread (m): 4N, 5E, 3S, 5W Life Stage: Mature Rem. Contrib.: <10 years	Remove tree.	U	None - due to Retention Category of U.
T903	Birch (Betula sp.)	Height (m): 5 Stem Diam (mm): 300 Spread (m): 2N, 2E, 2S, 2W Life Stage: Early Mature Rem. Contrib.: <10 years	Remove tree.	U	None - due to Retention Category of U.
T906	Cypress x6 (Chamaecyparis sp.)	Height (m): 8 6 stems, avg.(mm): 500 Life Stage: Early Mature Rem. Contrib.: <10 years	Remove tree.	U	None - due to Retention Category of U.

Photographs

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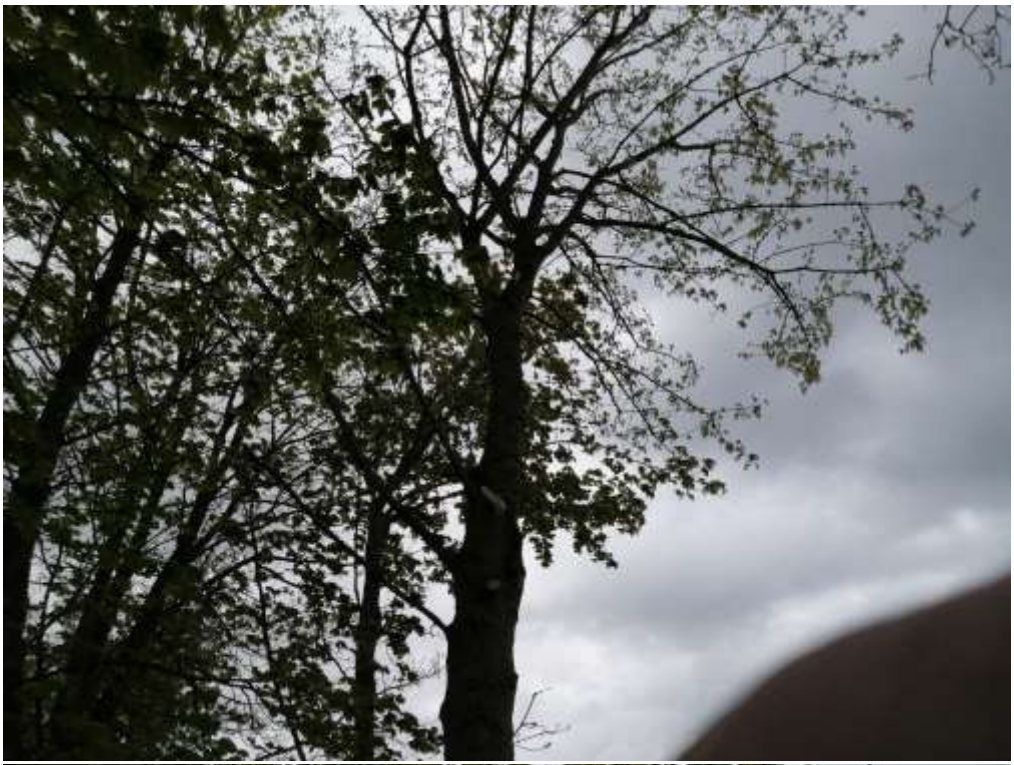

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Ecological Mitigation for Balgownie Steading, Angus
Additional information as requested 11th May 2021.

Bats

As per my previous report a licence from NatureScot will need to be applied for before any works can be carried out on the building.

Bat boxes need to be erected before any works start. We have already identified the boxes on the link below. Four to six of these 'wood crete' bat boxes will need to be fixed on the trees as per fitting instructions.
2F Schwegler Bat Box (General Purpose) | NHBS Practical Conservation Equipment

In addition, two to four 'bat bricks' will need to be added to the plans for the walls. These are permanent bricks, and two of which must be within 1-2 meters of the original roost site.
Integrated Eco Bat Box, Cavity (wildcare.co.uk)

Breeding birds

If any vegetation clearance is to be carried out between March and mid Sept a breeding bird survey will have to be carried out before this work commences. Please see attached document.

I would suggest in mitigation 1 -2 house sparrow terraces are erected on the building as per fitting instructions.

1SP Schwegler Sparrow Terrace | NHBS Practical Conservation Equipment

Also 4-6 Swallow nest cups which need to be fitted under a gutter near a down pipe.

Swallow Nests (gardenature.co.uk)

However, at all times we would recommend that all people working on the site and especially the site foreman is made aware of the accepted standard procedures of working with bats. See Bats in Buildings leaflet (3NB) 250311 which is available from ww.bats.org.uk **If bats were to be found work must stop and a suitably qualified person or Naturescot are contacted to discuss how to proceed.**

Any questions please email or call

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Species Protection Plan for breeding birds

Any removal of trees and scrub between Oct and end of February will not need a breeding bird survey or plan

The plan laid out below is to check the Trees shrubs and ground cover or structures that have been marked for removal demolition or refurbishment during the breeding bird season which is 1st March till 30th September depending on species of bird

Area for removal is to be surveyed using fix point survey to observe any territorial signs from male birds and or any feeding signs where food is being taken into the cover or structure, if nothing is recorded a destructive search will take place and then.

If none are found the works can procced

If an active nest is found it should be clearly marked and protected (this depends on the breed of bird and where the nest is) so no works get carried out in the vicinity which could disturb the breeding birds

The nest will have to be checked to find out at what stage the breeding is at, then a time scale can be put in place to make sure no disturbance is caused, the nest will them be checked at said time to see if the young have fledged if they have and no other birds have started breeding, if this is the case the works can commence/ carry on

These surveys need to be carried out by somebody with suitable experience not necessarily a member of a professional organisation

BB 03/02/21

BAT AND NESTING BIRD SURVEY REPORT

BALGOWNIE FARM STEADING

FORFAR

21.06.2023 Version 1.1

PREFACE

This document is a report for ecological services to be carried out by the company.

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REVISION AND SIGN OFF

ISSUE DATE	AUTHORS	CHECKED BY	SIGNED OFF	VERSION	CHANGE REFERENCE
21.06.2023	Kiera Hamilton Eilidh McNab Beccy Osborn	Beccy Osborn	Beccy Osborn	1	

EXECUTIVE SUMMARY

Direct Ecology Ltd. was commissioned by Mirna Melki to carry out an update bird and bat day assessment and bat activity surveys of steading buildings which are planned to be converted into a new house at Balgownie Steading, Eassie, DD8 1SF. As works could impact upon any bat roosts or nesting birds present, this survey was commissioned to determine the suitability of the buildings for roosting bats and nesting birds, and to ensure compliance with current guidance and legislation.

Previous ecological survey work undertaken by Stone's Wildlife Management identified a small maternity roost of 34 soprano pipistrelle bats in 2020. A maternity roost was also present in the location in 2016 according to the 2020 report. Planners required bat survey and an update day survey and one nocturnal bat survey was considered to be sufficient update survey effort, undertaken in June 2023. Not of all of the buildings could be surveyed internally due to access and health and safety constraints.

The day survey confirmed numerous potential ingress and roosting opportunities for bats including numerous cracks in the wall, dislodged and missing roof slates, lifted metal flashing; and gaps at the window lintels and doors.

The update nocturnal bat survey confirmed the presence of a Natterer's bat roost within the building, with two bats recorded, as well as single common pipistrelle roost, and an unknown pipistrelle roost. The maternity roost was not recorded as present on the night of the survey.

As the presence of roosting bats has been confirmed, it will be necessary to carry out works under a NatureScot derogation licence. As a maternity roost was identified in 2020 and a Natterer's bat roost was identified in the current survey effort, the works to this building will need to be undertaken using a full site specific European Protected Species Licence from NatureScot and the timings of some of the works will be restricted.

The following recommendations have been made to follow best practice guidance and ensure legal obligations are fulfilled:

- 8 quality bat boxes (at least half woodcrete) should be installed on suitable trees within 100-200 metres of the buildings, prior to the commencement of works.
- Integral roost provision must be built into the renovated steading. The details must be included for the licence application and agreed with a licensed bat worker. Integral boxes should be incorporated into masonry. Access crevices within the roof should be incorporated through the installation of bat access slates. These can be used to provide bats access into the roof itself, or to only form a crevice between the 'slate' and the internal sarking, which is suitable for use by crevice-dwelling bats such as common pipistrelles and soprano pipistrelles. Natterer's bats will require a bat loft area.
- Gaps should be left or created in the mortar to give bats access to small crevices at the wall heads, if the gaps extend through to the internal of the building these can either be sealed internally or boxed in or allow bats access into any loft spaces.
- There should be no breathable membrane used in the area of the access slates/gaps. A traditional Type 1F Bitumen Felt or a certified bat safe membrane may be used if necessary.
- Where lighting is proposed this should be of low intensity, and where possible should be on a motion sensor. It should be positioned near any bat mitigation (bat boxes, access points etc).

- All workers should receive a 'toolbox' talk prior to any works – including asbestos removal – being carried out. During this talk, contractors should be informed of any potential issues regarding protected species or site (including bats and nesting birds) and including the emergency procedure. An emergency procedure should be in place should for example a bat or active bird nest be encountered during operations. All work should cease in the area immediately and a suitably experienced ecologist will be consulted to determine any mitigation requirements i.e., suitable set backs or buffer zones, and consultation with statutory bodies or licence applications if required.
- The bat worker should supervise initial works within 5 m of known roosting sites, as well as within all high potential bat roost areas, until they have determined that in all likelihood, no bats are present. The bat worker should highlight areas that should be dismantled by hand if (e.g., slates removed) and inspect other areas (e.g., cavities at the walls). The supervision will need to be carried out by a licensed bat ecologist and may require scaffolding or a Mobile Elevated Working Platform (MEWP).
- No works to the maternity roost area can be carried out between the start of May and the end of September (inclusive). An update nocturnal survey could be undertaken during this period immediately prior to works, and if the maternity roost was present then it may be possible to carry out works in this area before September.
- Barn owl pellets, and active bird nests, including a wrens nest and a house martins nest were found during the day survey. A recommendation regarding the installation of bird boxes has been made including integral nest provision for barn owl and other bird species.
- If the works commence more than 18 months from these surveys, update surveys should be undertaken.

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1 PROJECT INFORMATION

1.1 SCOPE

This report presents the results of a daytime bat and bird survey and an update bat activity survey undertaken at Balgownie Steading, Eassie, DD8 1SF. It is understood that the current steading building is proposed to be converted to form two new residences (Planning Application 21/00081/FULL, currently with Angus Council). Previous bat survey was undertaken by Stone's Wildlife Management and confirmed a small soprano pipistrelle maternity roost. To ensure compliance with relevant guidance and legislation, the following surveys were undertaken to ascertain the likely currnt impact of the works upon any bat roosts (or nesting birds) present:

- An update bat roost assessment;
- Nesting bird survey;
- Update bat activity survey; and
- Reporting and impact assessment.

1.2 SITE LOCATION AND DESCRIPTION

The site is located, 2.5km east of the village of Eassie, with the main road the A94 found 500metres north of the site. The site is centred around OSGR (Ordnance survey grid reference) NO 35519 46669. The Dean Water River is situated 1.6km north of the site, with the Balgownie Muir Plantation and Ingliston Hill found 720metres south of the site.

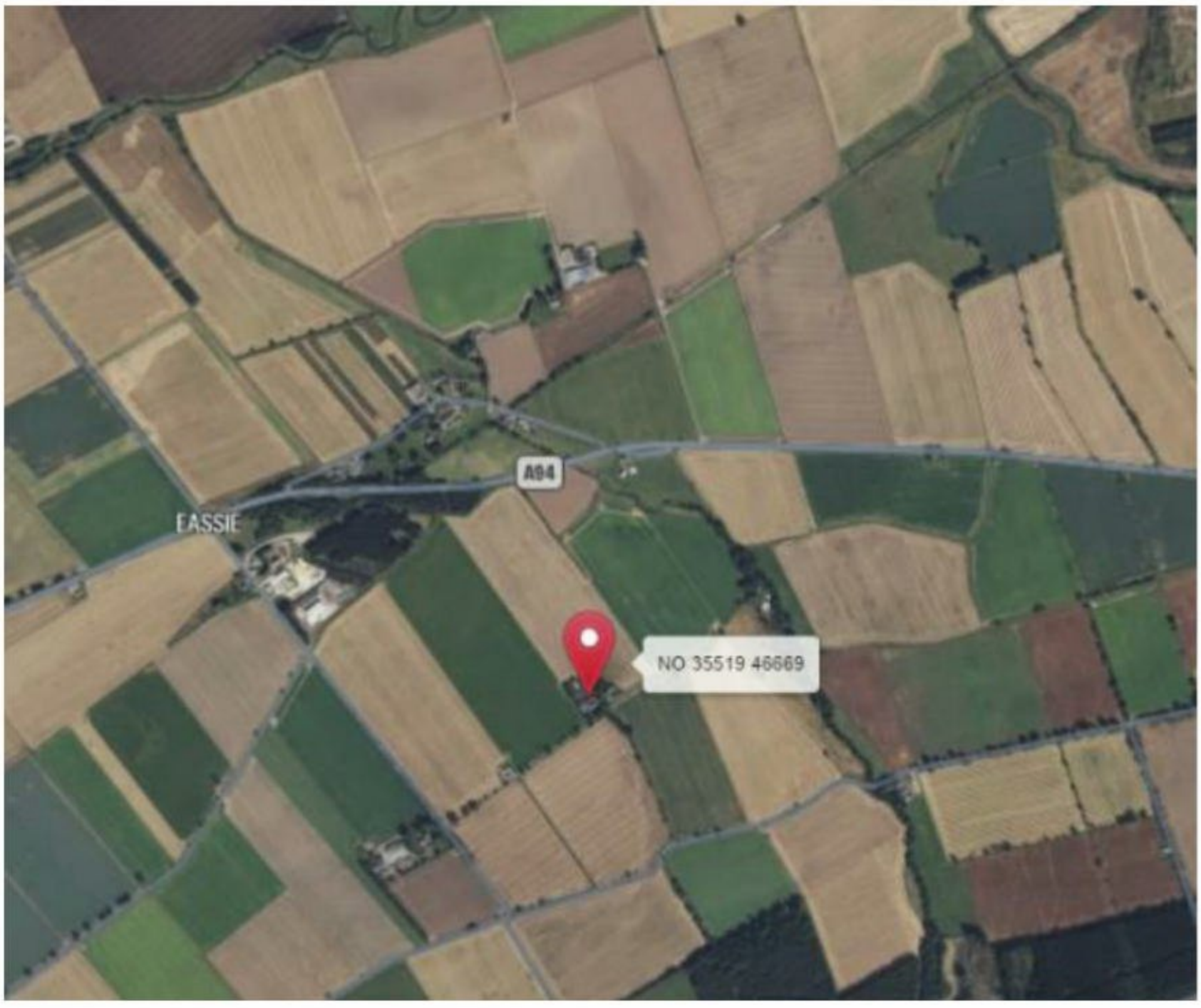


Figure 1: Location plan

1.3 RELEVANT LEGISLATION

Bats and the places they use for shelter or protection (i.e. roosts) receive protection under The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). This protection means that bats, and the places they use for shelter or protection, are capable of being a material consideration in the planning process. Details of this legislation and the subsequent protection afforded to bat species can be found in Appendix 1.

2 SURVEY METHODS

2.1 DESK STUDY

With regards to protected species, only records commercially available records from within 2km of the site and within the last 10 years have been included. The following online sources were consulted:

- *National Biodiversity Network (NBN) Atlas* (NBN, 2016)
- *Scottish Biodiversity List (SBL)* (Scottish Government, 2012)
- *Previous bat survey undertaken by Stone's Wildlife Management*

2.2 GENERAL SURVEY METHODS

The survey methods used were based on best practice guidelines including the Bat Conservation Trust (BCT) *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (Collins, 2016). The survey methods, along with the survey limitations, are described below.

2.3 UPDATE ROOST ASSESSMENT

In line with guidance from NatureScot and the Bat Conservation Trust (BCT) (Collins, 2016), a detailed external and survey of the building was conducted, where safe to do so. During the assessment, surveyors searched the buildings for potential or actual bat roosting sites including gaps in the walls, gaps behind metal flashing, and missing roof tiles. Where accessible, all suitable bat ingress and roosting features were subject to a detailed inspection using a ladder, a high-powered torch and an endoscope. Any bats, or evidence of bat activity present (such as droppings, urine staining, grease marks, scratch marks or feeding remains), were recorded. Any features that were considered beyond the safe reach of a ladder were assessed using binoculars, where possible. This information allowed the buildings to be classified as High, Moderate, Low or Negligible in terms of suitability for roosting bats (Collins, 2016).

Table 1: BCT Categories of Roosting Habitats and Commuting and Foraging Habitats.

BCT Categories	Roosting habitats	Commuting and foraging habitats
Negligible	Negligible habitat features on site likely to be used by roosting bats	Negligible habitat features on site likely to be used by commuting or foraging bats
Low	A structure with one or more potential roost sites that could be used by the individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e., unlikely to be suitable for maternity or hibernation). A tree of sufficient size and age to contain potential roost features (PRFs) but with none seen from the ground or features seen with only very limited roosting potential.	Habitat that could be used by small numbers of commuting bats such as gappy hedgerow or unvegetated stream, but isolated, i.e., not very well connected to the surrounding landscape by other habitat. Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub.
Moderate	A structure or tree with one or more potential roost sites that could be used by	Continuous habitat connected to the wider landscape that could be

BCT Categories	Roosting habitats	Commuting and foraging habitats
	bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only – the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).	used by bats for commuting, such as lines of trees and scrub or linked back gardens. Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.
High	A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat.	Continuous, high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by commuting bats such as river valleys, streams, hedgerows, lines of trees and woodland edge. High-quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined watercourses and grazed parkland. Site is close to and connected to known roosts.

2.4 NOCTURNAL BAT ACTIVITY SURVEYS

The buildings were watched once as an update survey to the previous surveys in 2020. Surveyor and weather details can be found in Table 3. Radio contact by surveyors was maintained throughout the surveys to confirm whether bats had flown over the building or emerged from the building itself. It is presumed that any bats that emerged or entered the building during the surveys will have been identified.

For the dusk watch, surveyors were in position at least 30 minutes before sunset and continued surveying until approximately 90 minutes after sunset. All bat surveys were undertaken using full spectrum detectors. Recordings were made on to memory card and later analysed to confirm species identification. Night vision aids were used to aid the survey effort.

2.5 EVALUATION

Based on the site survey and desk study an evaluation has been undertaken to identify important ecological features within the survey area. A detailed assessment has not been undertaken of other features that for example are sufficiently widespread, unthreatened and resilient to project impacts. However, recommendations are made to safeguard biodiversity as emphasised in the *Scottish Biodiversity Strategy* (Scottish Government, 2022). Consideration when assessing importance is given to designated sites, Tayside Biodiversity Action Plan species, red-listed bird species (as given in Stanbury *et al.* 2021) and legally protected species. Table 2 is used as a guide when identifying important ecological features.

Table 2: Guidance nature value levels

Level of Value	Examples (not definitive and often dependent on professional judgement)
International	Internationally designated or proposed sites (such as SACs) meeting the criteria for international designation; or non-designated sites meeting the criteria for international designation. A significant area of a habitat type listed in *Annex I of the Habitats Directive*. Sites supporting populations of internationally important numbers of species/assemblages.
National	Nationally designated sites (such as SSSIs, National Nature Reserves, Marine Nature Reserves, Nature Conservation Review Grade 1 sites); or non-designated sites meeting SSSI selection criteria. Sites supporting populations of nationally important numbers, and/or supplying critical elements of their habitat requirements. A site supporting 1 % or more of a national population.
Regional	Sites containing viable areas of threatened habitats of importance within a regional context. A significant area of habitat type listed on the *Scottish Biodiversity List* (SBL). Sites supporting viable breeding populations of nationally scarce species on account of their rarity or supplying critical elements of their habitat requirements. Any regularly occurring population of a nationally important species that is threatened or rare in the region (e.g. >1 % of the regional population).
Local	Sites meeting the criteria for council area designation (such as Site of Importance for Nature Conservation (SINC)) which may include amenity and educational criteria in urban areas. Designated Local Nature Reserves. Sites containing significant areas of any priority habitat listed on the *LBAP*. Sites supporting significant populations of species known to be council rarities or included on the *LBAP*, and/or supplying critical elements of their habitat requirements. A site supporting 1 % or more of a county population.
Site	Undesignated sites, or features or species considered to appreciably enrich the resource within the context of the local area (i.e. 5 km radius from the site area). Examples include species-rich hedgerows and ponds. Individual or small numbers of protected species common to the area. Small areas of *LBAP* habitat or other habitats of note.
Negligible	Low-grade and widespread habitats or species. A widespread species with minimal use of an area that does not form a significant element of its habitat requirements.

2.6 SURVEY PERSONNEL

All survey work and reporting was overseen by Beccy Osborn, Principal Ecologist and Company Director. She is an experienced Ecologist and a full member of the Chartered Institute of Ecology and Environmental Management (MCIEEM) with over 21 years' ecological consultancy experience. She has a NatureScot bat licence and badger development licence. The Update Roost Assessment and Dusk Survey was carried out by Kiera Hamilton (Assistant Senior Ecologist and Licensed Bat Worker), Emma Castle-Smith (sub-contractor, licensed bat worker) and Kirsty Duncan (Ecologist).

Table 3: Survey details.

Date	Surveyor	Survey Type	Start/Finish Time	Sunset	Weather
14.06.2023	Kiera Hamilton (KH) Kirsty Duncan (KD) Emma Castle-Smith (ECS)	Dusk and Update Roost Assessment Survey	Dusk Survey 21:34 – 23:34	22:04	Temp: 14 / 11 WS: 0 / 0 CC: 0 / 0 Rain: 0 / 0
Key: Temp = Temperature (°C); WS = Wind speed – 0 (calm) 12 (hurricane); CC = Cloud cover (in eighths); Rain = 0-4 (0 = dry)					

2.7 SURVEY LIMITATIONS

Due to the unstable nature of parts of the steading, a full inspection using an endoscope from ladders was not possible of the structure.

Non breeding bat roosts can be transitional and although they may not be present at the time of survey, then the presence of a bat roost cannot be completely ruled out and therefore precautionary recommendations are made.

3 RESULTS

3.1 DESK STUDY

Within this area of Scotland, the following bat species are known to be present (Richardson, 2000; Osborn, pers. Obs.; Crawley *et al.,* 2020):

- Common pipistrelle *Pipistrellus pipistrellus*
- Soprano pipistrelle *Pipistrellus pygmaeus*
- Nathusius' pipistrelle *Pipistrellus nathusii* (rarely)
- Daubenton's bat *Myotis daubentonii*
- Natterer's bat *Myotis nattereri*
- Whiskered bat *Myotis mystacinus* (rarely)
- Brown long-eared bat *Plecotus auritus*
- Leisler's bat *Nyctalus leisleri* (rarely)
- Noctule bat *Nyctaulus noctula* (rarely)

It is thought possible that any of the regularly occurring species could be present on site or within the surrounding landscape. All species listed above (except for Leisler's bat) are *Scottish Biodiversity List (SBL)* species (Scottish Government, 2012).

Previous ecological survey work undertaken by Stone's Wildlife Management identified a small maternity roost of 34 soprano pipistrelle bats in 2020, with emergence points shown in Photo1 below and on Figure 3). A maternity roost was also present in the location in 2016 according to the report (total number not given in 2020 update report).

Table 4 provides a summary of protected and notable species records within 2km of the survey area. Only records from the past 10 years are included in the table, and those which are licensed for commercial use. The absence of records should not be taken as confirmation that a species is absent from the search area.

Table 4: Summary of protected species records within 2km of the site.

Species	No. of records	Most recent	Legislation / conservation status
BIRDS			
House Martin *Delichon urbicum*	5	2018	Red
House Sparrow *Passer domesticus*	18	2019	Red, SBL
Peregrine falcon *Falco peregrinus*	7	2018	SCH 1, Annex 1, SBL
Tawny Owl *Strix aluco*	2	2018	Amber

Key:
Annex I: Annex I of the EU Birds Directive 2009/147/EC: species requiring designation of SPAs
Red, Amber, Green BoCC: Birds of Conservation Concern, as given in Stansbury *et al*. (2021)
ECH 2: Annex II of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora
ECH 4: Annex IV of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora.
HR: Conservation Natural Habitats & C Regulations 1994 as amended.
SBL: Scottish Biodiversity List species
SCH 1: WCA Schedule 1 (Part I) Birds which are protected by species penalties at all times

Datasets: National Mammal Atlas, BCT records, BTO/JNCC/RSPB partnership records

3.2 UPDATE BAT ROOST ASSESSMENT

Previous ecological survey work undertaken by Stone's Wildlife Management identified a small maternity roost of 34 soprano pipistrelle bats in 2020, with emergence points shown in Photo1 below. A maternity roost was also present in the location in 2016 according to the report (total number not given in 2020 update report).

The timber woodshed to the east of the site is fully collapsed, and it was not possible to inspect internally (Photo 2). The timber woodshed is made from slate roofing, and metallic ridgelines, with collapsed wooden beam internal structure. No bat droppings were seen on any of the slates. A disused nest, likely from a passerine was found on the edges of the internal timber frame on the woodshed found in the east (Photo 3).

The partially roofed former barns are constructed from sandstone and mortar walls; with roof coverings a mixture of slates and metal corrugated sheeting roofing materials. Internally the structures are supported by triangular timber frames (Photo 4), some in a poor state of repair. A full internal survey could not be done in all places, due to the structurally unsafe condition of the roof. There are many areas for bats to gain access into the barns or to use for roosting opportunities such as the loose roof slates, under the lifted metallic ridgeline or at the wall head where there are gaps in the stonework. There are gaps, suitable for transitory bats at the window lintels and around the doorways (Photo 5). There were some butterfly wings found in a small group, near a door entrance in the barn / mill structure (Photo 7), a possible indicator of bat feeding (although could be from a bird such as a swallow feeding).

The collapsed sheds, and unroofed partially collapsed barns were not safe to enter due to asbestos sheeting on the ground, overgrown vegetation and collapsing structures. The lack of roofing material would mean those structures would be susceptible to weather elements and more limited in the their bat roost potential.

Photo 1: Soprano pipistrelle roost emergence points 2020 (taken from Stone Wildlife Management 2020 report for the site) at south- east end of steading

Photo 2: Collapsed timber woodshed in east of the site.

Photo 3: Disused nest, made from moss found on edge of internal timbers on woodshed, likely a wren.

Photo 4: Internal view of roofed barn / mill.

Photo 5: Gaps at the window lintels

Photo 6: Woodpigeon carcass found in barn

Photo 7: Group of butterfly wings, likely from a bat or bird feeding.

Photo 8: Single white egg, likely a woodpigeon found in partially collapsed roof barn in the west.

Photo 9: 50-60 barn owl pellets, and feeding remain bones in the partially collapsed barn in the west.

3.3 HABITAT ASSESSMENT

The immediate surrounding habitat on site, is of moderate suitability for bats. There are a strip of mixed coniferous and broadleaved trees surrounding the border of the site, providing commuting and foraging opportunities. Small, wooded areas and lines of trees surround the buildings and provide connectivity into the wider landscape. Broadleaved woodland and scrub in the surrounding area provide good foraging habitat for bats. The Ewnie Burn is found 490metres to the east of the site, running through to the Balgnowie Muir Plantation in the south. The Dean Water River is found 1.8km to the north and provides foraging and commuting habitat for species such as soprano pipistrelle and Daubenton's bat. Hunters Hill and mixed plantation is found 4.9km to the east.

3.4 BAT ACTIVITY SURVEYS

Details of the bat activity survey results are provided in Tables 6-11 in Appendix 3. Surveyor locations are shown in Figure 2 in Appendix 2. Roost locations and descriptions are shown in Photos 10 and 11 below and on the site plan in Appendix 4.

Three species of bats were confirmed during the dusk survey on 14.06.23; Natterer's bat, soprano pipistrelle and common pipistrelle. It is probable that all three species are roosting within the steading structure. No maternity roosts were recorded during the survey; the roost of 34 soprano pipistrelles recorded by Stone's Wildlife Management in 2020 was not present in the building at the time of the survey. However, it could be in a nearby building (off site) and still return to the steading. Maternity roosts can move location for example in relation to ambient conditions. The survey undertaken, is only a snapshot on that day.

A common pipistrelle was recorded exiting a roost in a hole at the wallhead on the north side of the south wing of the building at 23:04 (Roost 1, photo 10). A pipistrelle bat (call not recorded, may not have been echolocating) emerged from underneath the apex lead flashing in the centre of the west wing at 22:56 (Roost 2, Photo 11).

Two Natterer's bats were recorded constantly foraging inside the steading building from 22:40 onwards (Roost 3). As these bats were recorded within 40 minutes of sunset (which was 22:04), the median emergence time of the species is 75 minutes (Jones and Rydell, 1994), and they were not seen by any surveyor to have entered the building from outside, it is considered that these individuals were roosting inside the steading, as well as using the sheltered area internally for foraging.

Multiple soprano pipistrelle calls were recorded from 22:07 onwards by a remote detector placed inside the southwest section of the steading. Again, due to the proximity to sunset (the first call only 3 minutes after sunset) it is likely that the bat(s) emerged from a roost inside the steading building.

A total of 24 calls were recorded, likely from a small number of bats (i.e., not a maternity roost, where many more calls would be expected).

Additionally, both soprano and common pipistrelle were recorded using the site for foraging and commuting throughout the dusk survey, particularly along the treelines and within the courtyard and inside the steading building, which provides an excellent sheltered area for foraging purposes.

Photo 10: Roost 1 location

Photo 11: Roost 2 location

3.5 EVALUATION

Three species of bats are likely roosting within the steading building; Natterer's bat, common pipistrelle and soprano pipistrelle. The maternity roost of soprano pipistrelles recorded in 2016 and 2020 was not present during the 2023 survey (although it must be noted that the building is still classified as a soprano pipistrelle maternity roost for the purposes of licensing). There was no evidence of brown long-eared bats, but there is suitable habitat and potential roosting for this species.

Small numbers of Natterer's bats, soprano pipistrelle and common pipistrelle were all confirmed or were considered likely to have emerged from roosts inside the steading building. A common pipistrelle exited a roost at the wallhead on the north side of the south wing, and a pipistrelle specie bat exited a roost at the roof apex of the west wing. Both common and soprano pipistrelles are generally widespread and common throughout much of mainland Scotland. Their population statuses are favourable (JNCC, 2019a, b).

Two Natterer's bats likely exited a roost somewhere internally to the west wing of the steading. Again, Natterer's bats are found throughout mainland Scotland, but in smaller numbers than pipistrelles. Their population status is currently believed to be favourable but estimates of population size and change are unreliable (JNCC 2019c).

A remote bat detector in the southwest corner of the steading recorded several soprano pipistrelle calls from 22:07, before any surveyors external to the building had recorded any bat calls. This suggests that (as with the Natterer's bats) these individuals emerged from a roost internally.

The buildings are considered to provide moderate bat roost potential. The buildings good be used for hibernation for low numbers of bats, where they could hibernate within deeper crevices within the stonework.

The surrounding habitat also provides good foraging and commuting potential for bats.

3.6 BIRDS

Table 5 lists all bird species recorded on or close to the site during the survey, as well as their conservation status (red, amber or green, as given in Stanbury *et al*. (2021)). Red-listed species are given in bold. Birds were recorded nesting in the buildings. A dead carcass from a woodpigeon (Photo 6), and likely a pheasant was also found in the barn / mill section. It was not clear what had killed them. It could be a cat, fox or pine marten (although there were no signs of the latter). Barn owl pellets were found throughout this section of the barn, but only in small numbers. An active swallow's nest and wrens' nest was found on the wall head, under the metal roofing sheets on the same easter aspect as the crack formerly noted to contain the maternity bat roost. A single white egg, likely from a woodpigeon was found on the ground in the partially roofed barn, found in the west of the structure (Photo 8). Approximately 50-60 barn owl pellets, and mice and vole bones were found in the partially roofed barn to the north (Photo 9). This volume of pellets, and feeding remains indicates repeated and long-term use of this structure for barn owl feeding and could indicate use of the site for breeding.

Table 6: Bird species observed on site.

Species	Conservation Status (BoCC)/ Legislation	Notes
Barn owl *Tyto alba*	Sch 1, SBL	Pellets seen, throughout the barns. Two feathers found, and multiple reports of barn owl roosting in the barns by neighbours. Likely used for nesting.
Blackbird *Turdus merula*	Green	Multiple individuals seen perched on barn roofs. One male heard singing throughout the nocturnal survey. Could be nesting.
Blue Tit *Cyanistes caeruleus*	Green	Heard calling during the day survey. Could be nesting.
Buzzard *Buteo buteo*	Green	Seen flying overheard during the nocturnal survey, heading north.
Carrion Crow *Corvus corone*	Green	Seen flying overheard during the nocturnal survey, heading north.
Chaffinch *Fringilla coelebs*	Green	Heard singing during the day survey.
Collard Dove *Steptopelia decaocto*	Green	Seen perched on the roof of one of the barns during the day survey.
Jackdaw *Corvus monedula*	Green	Seen flying overheard during the nocturnal survey, heading east. Likely old nest present.
Pheasant *Phasianus colchicus*	Green	Carcass found inside the barn / mill.
Robin *Erithacus rubecula*	Green	Heard singing during the day survey.
Starling *Sturnus vulgaris*	**Red, SBL**	**Heard singing during the day survey.**
Swallow *Hirundo rustica*		**Nesting. Active nest, seen on the wall head ledge, on the eastern aspect of the barn above the suspected bat roost crack. Individuals seen entering and leaving the area with food.**
Tree sparrow *Passer montanus*	**Red, SBL**	**Seen perched in the trees next to the barns.**
Woodpigeon Columba palumbus	Amber	Carcass found inside the barn / mill, and a single abandoned egg found during the day survey.
Wren Troglodytes troglodytes	Amber	Heard singing during the day survey.

4 IMPACTS AND LICENSING

4.1 INTRODUCTION

This section aims to ascertain the likely impact of the works upon bats (and birds) and makes recommendations to reduce any foreseeable impacts to bats on site as a result of the proposed works. There are plans to convert the steading into two residences (Planning Application 21/00081/FULL and see Appendix 4).

4.2 PREDICTED IMPACTS

With no suitable mitigation or compensation measures in place, the proposed development will lead to the loss of non-breeding Natterer's bat, common pipistrelle and soprano pipistrelle roosts, as well as a maternity roost of soprano pipistrelle. Recommendations outlines in the Bat Protection Plan (Section 5 below) aim to reduce any impacts to an acceptable level for all species.

4.3 LICENCE APPLICATION

All UK bat species are protected under the 'Conservation (Natural Habitats, &c.) Regulations (1994)' which make it an offence to damage, destroy or disturb a breeding site or resting place of any such animal (a summary of this legislation is given in Appendix 1).

As bat roosts have been identified within the buildings a European Protected Species Licence as discussed below, will be required prior to any works commencing.

For a licence application to be successful (and a licence granted) the following three conditions must be satisfied:

- The development is preserving public health or public safety or there are other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment
- That there is no satisfactory alternative; and
- That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Prior to obtaining this licence, no work will be undertaken which will contravene the legislation outlined. Examples of work which could breach this legislation include:

- Demolition;
- Removal of metal flashing;
- Removal of roof slates;
- Works to the roof; and
- Works to any walls of the steading.

N.B. This is not an exhaustive list and a bat worker must be consulted to determine if any works are likely to breach the legislation.

European Protected Species Licence (EPS)

An EPS licence can be applied for from NatureScot in relation to any bat roost that will be disturbed, damage, or destroyed, this needs to be in place before any works can go ahead. An EPS licence application can take 40 working days to be assessed.

An EPS licence must be in place before works to the buildings with the bat roosts can proceed.

5 BAT SPECIES PROTECTION PLAN

5.1 INTRODUCTION

The mitigation strategy for the proposed works outlined below will ensure that bats are not harmed and that the bat roosts lost by the redevelopment of the steading are adequately compensated for. Additionally, roosting opportunities will be made available to bats at all times during the work. The mitigation measures are appropriate for roosts of pipistrelle bats and Natterer's bats.

The strategy includes:

- Installation of at least 10 woodcrete (or at least half woodcrete and half good quality wooden boxes) on suitable trees or other buildings within the site prior to the commencement of works;
- No work that could impact the known maternity roost area should be undertaken between the start of May and the end of September (inclusive) unless a licensed bat worker has confirmed that there is no maternity roost present;
- A pre-works nocturnal survey may be undertaken during this period, and if no maternity roost was confirmed then it may be possible to carry out works in this area during the breeding season;
- A pre-works 'toolbox' talk with site operatives;
- A pre-works check and supervision of the works around the confirmed and high potential roosting areas (under roof slates, in gaps in stonework, etc);
- Hand removal of confirmed roosts that will be demolished (i.e., hand removal of roof slates where safe to do so and metal flashing, hand removal of stonework where bats have been recorded or one way flaps excluding roosts in gaps within stonework, etc);
- Retention/integration of roosting features where possible; and
- Integral boxes incorporated into the refurbished buildings.
- Bat roosting provision in the loft of the renovated buildings.

5.2 TIMING OF WORKS

As a maternity roost of soprano pipistrelles has been previously identified, works that could disturb (or damage) this roost would have to be undertaken out with the bat breeding period (which is approximately May to the end of September inclusive). A nocturnal survey could be carried out in this period to confirm the presence of an active maternity colony. If no maternity colony was present, it may then be possible to undertake works in this area within the maternity season.

Roost areas where it is believed that breeding is not taking place may be subject to works at any time of year.

If the works are carried out between November and February (inclusive) or at other times with low (<5^{0}C) temperatures, then any bats found will be quickly transferred into one of the bat boxes near to site. This handling will be done by a licensed bat worker who will wear thick gloves to minimise heat transfer to the bat. The woodcrete bat boxes proposed for the site are suitable for hibernating bats.

5.3 BAT BOXES

Prior to the commencement of works 8 quality bat boxes should be installed on a suitable trees within c. 100m of the building prior to works. BCT guidelines (Collins, 2016) recommend that any bat boxes are positioned 3m or higher from the ground, so that the roosts cannot be easily interfered with.

Woodcrete bat boxes are recommended due to the construction from a mixture of wood sawdust, concrete and clay, and their ready use by bats including common pipistrelle, soprano pipistrelle and Daubenton's bats. They are breathable and maintain a suitable temperature due to their insulating properties. They are waterproof and rot proof with a life expectancy of 25 years without any maintenance requirements (i.e. waterproofing).

The bat boxes will ensure roosting opportunities for all species of bat present on site and will be available at all times during the works.

5.4 TOOLBOX TALK

A 'ToolBox' talk must be held with any site workers before any works – including asbestos removal – are undertaken. This should ensure that the contractors are aware of the bat issues and specific mitigation requirements associated with the buildings. This would also cover the adoption of appropriate methodologies to remove the features around the structure to ensure that no harm to bats occurs during works.

If a bat is found at any stage of the works that is not covered by a current licence, all work must halt in that area and advice be sought from a licensed bat worker and NatureSpot. If a bat is found when a licensed bat worker is not present, works will stop in that area and the bat worker will attend site.

5.5 SUPERVISION

A bat worker must supervise initial works within 30m of known and potential roosting sites, as well as within all high potential bat roost areas, until they have determined that no bats are present. The bat worker will highlight areas that will be dismantled by hand (e.g., stonework, roof tiles and metal flashing) and inspect other areas. The supervision will need to be carried out by a licensed bat worker and likely from scaffolding or a Mobile Elevated Working Platform (MEWP) where suitable.

In the event that a bat is encountered during the works, the bat should be relocated to one of the boxes on site. In the unlikely event that a bat becomes injured, the bats will be immediately taken into care (as directed by Bat Workers Manual, 2004). Details of a local experienced bat carer are known.

Where deep crevices within the walls need to be filled and these cannot be fully inspected, they may be necessary to install one-way traps to exclude the bats from these areas. In other areas, pre-works checks may be sufficient.

Although endoscope inspection of such features will be carried out, in areas where the crevices are covered in very dense cobwebs and debris, and no bats or evidence of bat activity is found, then the potential roosting areas can be blocked. Where droppings are found, and/or the features cannot be fully inspected by an endoscope (due to the convoluted nature of the crevices), one way exclusion traps will be installed. The exclusion mechanisms utilised will be proportional to the size and nature of the features and will include:

- Sections of 32mm diameter polytubes protruding c. 250mm from the entrance, placed at a 45 degrees downwards angle; and
- Plastic sleeves, open at the bottom and the top.

These devices will allow any bats present to leave the roost but will prevent them from re-entering. The devices will be left in place for a minimum of seven days (or longer if weather conditions are poor (i.e. under 10°C and/or rain) even if during the seven day period.

5.6 INTEGRAL ROOST PROVISION

Integral roost provision must be built into the renovated steading. The details must be included for the licence application and agreed with a licensed bat worker.

5.6.1 Gaps

Gaps should be left or created in the mortar to give bats access to small crevices at the wall heads, if the gaps extend through to the internal of the building these can either be sealed internally or boxed in or allow bats access into any loft spaces.

5.6.2 Integrated boxes

The following (or boxes of a similar quality/type) could be used to integrate bat roosting features into the walls of the steading during renovation (depending on the proposed finish):

- Bat box brick fronted - https://www.birdbrickhouses.co.uk/brick-nesting-boxes/bat-box/
- Vivara Pro Build-in WoodStone Bat Box - https://www.nhbs.com/vivara-pro-build-in-woodstone-bat-box
- Bat Block - https://www.nhbs.com/bat-block
- Ibstock integral bat box https://www.ibstockbrick.co.uk/kevington/eco-products/
- Habibat Integral Bat box http://www.habibat.co.uk/category/bat-boxes

5.6.3 BAT ACCESS

Access crevices within the roof should be incorporated through the installation of bat access slates. These can be used to provide bats access into the roof itself, or to only form a crevice between the 'slate' and the internal sarking, which is suitable for use by crevice-dwelling bats such as common pipistrelles and soprano pipistrelles. Natterer's bats will require a bat loft area.

The following designs could be used:

- http://www.nhbs.com/title/192461/habibat-bat-access-slate; or
- https://www.slate.uk.com/product/bat-access-slate-natural/

Alternatively, the roofers could make up 'Morris Slates' which are adapted raised pieces of lead flashing. See web link http://www.mammals-in-ireland.ie/docs/bats/fitting-a-morris-batslate.pdf?sfvrsn=4 for design ideas. The photos below (Photos 27 and 28) show an alternative bat access 'slate' design.

There should be no breathable membrane used in the area of the access slates/gaps. A traditional Type 1F Bitumen Felt or a certified bat safe membrane may be used if necessary. The Bitumen Felt or bat friendly membrane should encompass an area of >0.5m around any access points and roosting locations to ensure that bats do not come in contact with the breathable membrane elsewhere. Breathable membranes are known to pose a threat to bats as a result of entanglement in the fibre weave (Waring, 2013). NatureScot states that no breathable membrane should be used where bats could come into contact with it

Bat access slates should incorporated into the roof design and the bat worker should agree their positions. There should be at least one bat loft for use by Natterer's bats. The loft space should also incorporate some crevice features internally to provide a variety of microclimates to encouraging roosting by a number of bat species, including pipistrelles and Natterer's bats

Photo 21: Alternative bat access 'slate' design.

Photo 22: Bat access slate in situ.

Photo 23: example of Bat Access Slates in situ

Photo 24: Access for bats created at eaves (during a building redevelopment) – bat access would be c. 50mm x 20mm

Photo 25: Example of bat box internally inside a loft space to create microclimates

Photo 26: Example of crevice unit prior to fitting between rafters within the roof void. Layer of bitumastic felt covered ply-board (green arrow) and rough-sawn sarking boards (blue arrow) separated by 25mm batons to form an additional roosting area for bats.

Photo 27: example woodcrete boxes

5.7 LIGHTING

Lighting has been proven to cause disturbance to roosting and foraging bats and can affect the survivability of bats as well as make them vulnerable to predation. The use of specialist bollard or low-level downward lighting should be utilised, and the use of a warm white spectrum (ideally <2700Kelvin) should be adopted to reduce the blue-light component. Luminaires should feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats. Where lighting is proposed this should be of low intensity, and where possible should be on a motion sensor. It should be positioned near any bat mitigation (bat boxes, access points etc). More information is provided in the BCT guidance document "*Bats and artificial lighting in the UK*" (Miles *et al*, 2018).

5.8 BIRDS

The demolition of the building and any clearance of vegetation within the nesting season could disturb or destroy nesting bird sites.

5.8.1 RECOMMENDATIONS

To ensure compliance with the Wildlife and Countryside Act 1981 (as amended), demolition works and the clearance of areas which may support nesting birds will be undertaken outside the bird nesting season (which is weather dependent but generally extends between March/April and August/September inclusive, dependant on species).

If works are carried out during the bird breeding period, a nesting bird check will be carried out by a suitably experienced ecologist immediately prior to the works taking place. If a nest is identified, works around that nest would not be able to commence until chicks have fledged and left the nest.

If an active bird nest is found during works, it may be possible to attain a licence from NatureScot to remove the active nest on the grounds of health and safety only. However, this is not guaranteed.

Works that could cause disturbance to nesting barn owls would have to be delayed. Should works be proposed for during the nesting bird season a disturbance licence for barn owl may be obtainable

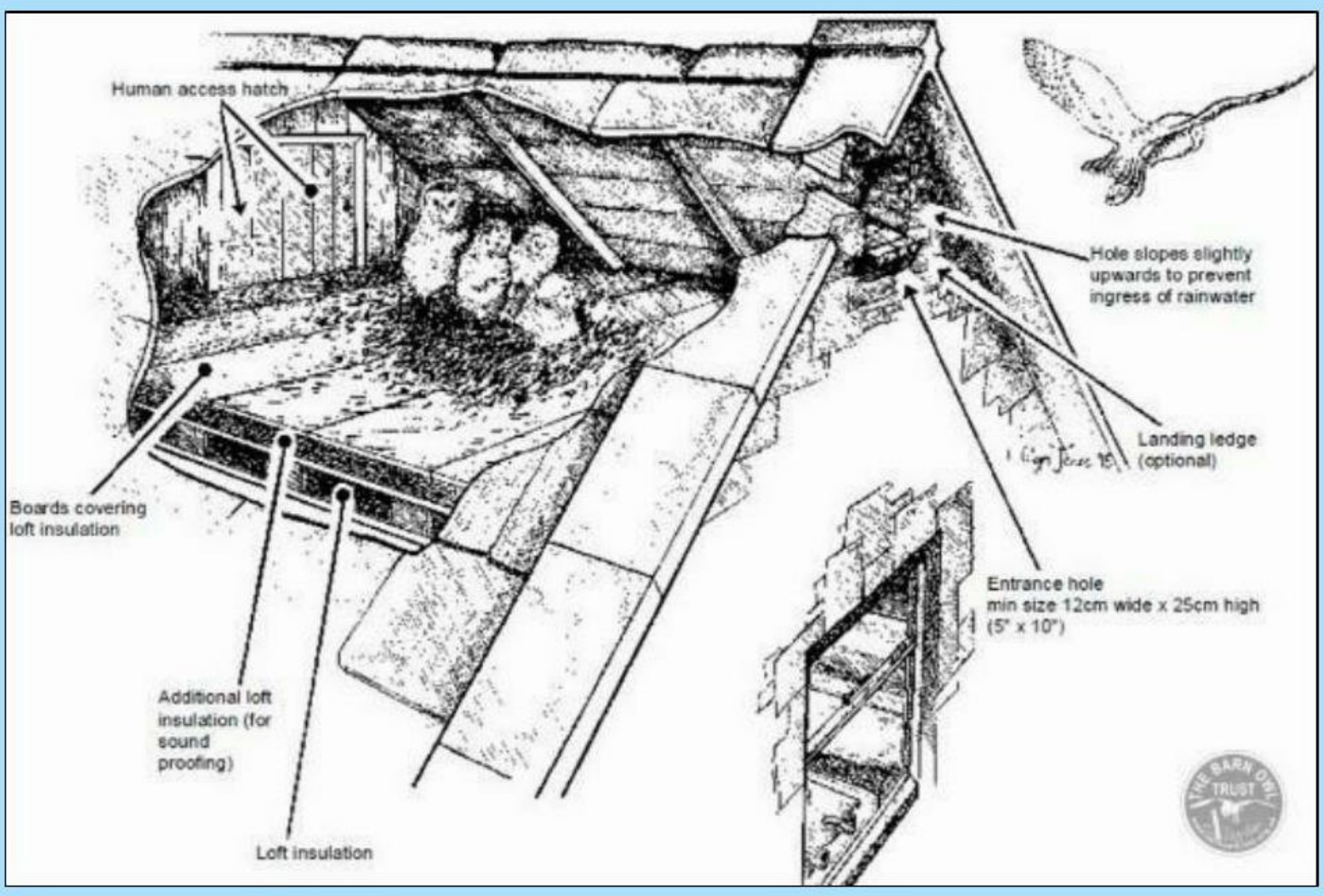
(but only on grounds of urgent health and safety) from NatureScot prior to works commencing (if nesting in the year of works).

Barn owl are also likely to use the site at other times of year and therefore may be harmed by any works which involve the removal of stonework prior to re-construction. Therefore, checks for barn owls should be incorporated into the pre-works survey proposed as part of the mitigation for bats onsite.

In addition, a barn owl roost provision should be incorporated into the redevelopment. This should include an integral box (preferred) or a tree box if a suitable tree is available. Trees used for barn owl boxes should be large mature trees able to support a large box. An isolated tree or tree on the edge of a group would be best, it should have an elevated crown with a clear trunk so that the hole of the box will remain visible even when the tree is in full leaf. The box should be a minimum of three metres from the ground, facing an easterly direction towards open ground

Barn owl tree box from barnowltrust.org.u

Example barn owl box



Example of an integrated Barn Owl Roost (Barn Owl Trust, 2015a).

To mitigate for the loss of actual and potential bird nesting/roosting areas for other species on site, bird boxes could be incorporated into the building/trees on site and nest provision for species such as swallow (that require to lest under a ledge or overhang).

- Bird Brick Houses integral bird boxes - a variety of designs suitable for different species including house sparrow, starling and blue, coal and great tit
- Vivara Pro starling nest box
  Vivara Pro WoodStone Starling Nest Box | NHBS Practical Conservation Equipment
- Vivara Pro house martin nest
  https://www.nhbs.com/house-martin-nests
- Woodstone house martin nester https://www.wildcare.co.uk/10678-woodstone-house-martin-nester.html. Nest cups for house martins will ideally be at least 3 m high underneath a horizontal overhang.
- Jackdaw suitable nest box
  https://www.nestbox.co.uk/products/large-bird-box

5.9 GENERAL MITIGATION

- All workers will receive a 'toolbox' talk during which contractors will be informed of any potential issues regarding protected species on site (including bats, nesting birds etc.). This will ensure that all site workers are inducted in relation to the ecological requirements on the site.
- An emergency procedure will be in place will any protected species or their resting site (e.g., active bird nest, roosting bat, signs of a bat roost not previously identified) be encountered during operations. All work will cease in the area immediately and a suitably experienced ecologist will be consulted to determine any mitigation requirements i.e., suitable set-backs or buffer zones, and consultation with statutory bodies or licence applications if required.
- Will other species of note be encountered during works which do not receive enhanced statutory protection, a suitably experienced ecologist will be consulted.

If works have not begun within 18 months of these surveys, update surveys will be undertaken as the status of the building may have changed.

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APPENDIX 1 – RELEVANT LEGISLATION

EUROPEAN PROTECTED SPECIES

European Protected Species (EPS) are those that are protected by the EC Habitats and Species Directive 92/43/EEC. The Conservation (Natural Habitats, &c.) Regulations 1994 translates this European legislation into UK law. This has been amended in Scotland by The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2004 and 2007 and the Conservation (Natural Habitats, &c.) Amendment (No. 2) (Scotland) Regulations 2008. EPS includes bats (all species), otter, wildcat and great crested newt. These Regulations make it an offence to deliberately or recklessly:

- capture, injure or kill an EPS
- harass a wild animal or group of wild animals of EPS
- to disturb such an EPS while it is occupying a structure or place it uses for shelter or protection
- to disturb an EPS while it is rearing or otherwise caring for its young
- to obstruct access to a breeding site or resting place of an EPS or to otherwise deny an EPS use of a breeding site or resting place
- to disturb an EPS in a manner that is, or in circumstances which are, likely to significantly affect the local distribution or abundance of the species to which it belongs
- to disturb an EPS in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young
- to disturb such an animal while it is migrating or hibernating

It is also an offence to:

- damage or destroy a breeding site or resting place of such an animal
- keep transport, sell or exchange or offer for sale or exchange any wild animal or plant EPS or any part or derivative of one (from 1st May 2007)

In relation to protected species of animal, licences can be issued under Regulation 44 to permit, for specific purposes, certain actions that would otherwise be against the law. NatureScot is responsible for all EPS licensing under the Habitats Regulations (with the exception of some areas of licensing for whales and dolphins).

There is no provision for development licences as such, however, under Regulation 44 (2e) of the Conservation (Natural Habitats, &c.) Regulations 1994 licences may be granted for:

- Preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.

However, a licence will not be granted unless, importantly under 44 (3), the appropriate licensing authority is satisfied:

- That there is no satisfactory alternative; and

That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside Act 1981 provides protection to species and habitats. The Nature Conservation (Scotland) Act 2001 amends the Wildlife and Countryside Act 1981 in Scotland.

BIRDS

All wild birds receive general protection to their nest and eggs under the Wildlife and Countryside Act 1981, as amended by the Wildlife and Natural Environment (Scotland) Act 2011. Some species receive an enhanced stationary protection due to their listing in schedule 1 of the Wildlife and Countryside Act 1981. It is an offence to disturb a Schedule 1 species while it is building a nest or is in, on, or near a nest containing eggs or young.

There are obligations within the Birds Directive 1979 relating both to protection of species and maintenance of habitats. Birds on Annex 1 to the Birds Directive, regularly occurring migratory species, and birds on Schedule 1 to the Wildlife & Countryside Act are recognised in statute as requiring special conservation measures.

A number of bird species have been highlighted in non-statutory lists as priorities of Conservation Concern in the United Kingdom. This includes those listed in Birds of Conservation Concern 5 and *Priority Species* listed in the UK *Biodiversity Action Plan*. Stanbury *et al.* (2021) assigns all birds according to three categories:

- Red list species - those birds whose populations or range is rapidly declining (recently or historically), and those of global conservation concern;
- Amber list species - those birds whose populations are in moderate decline, rare breeders, internationally important and localised species and those of an unfavourable conservation status in Europe; and,
- Green list species - those other birds occurring in the United Kingdom not included in the red or amber lists above. Further details of the aforementioned can be found in Stanbury *et al.* (2021).

APPENDIX 2 – SURVEYOR LOCATIONS

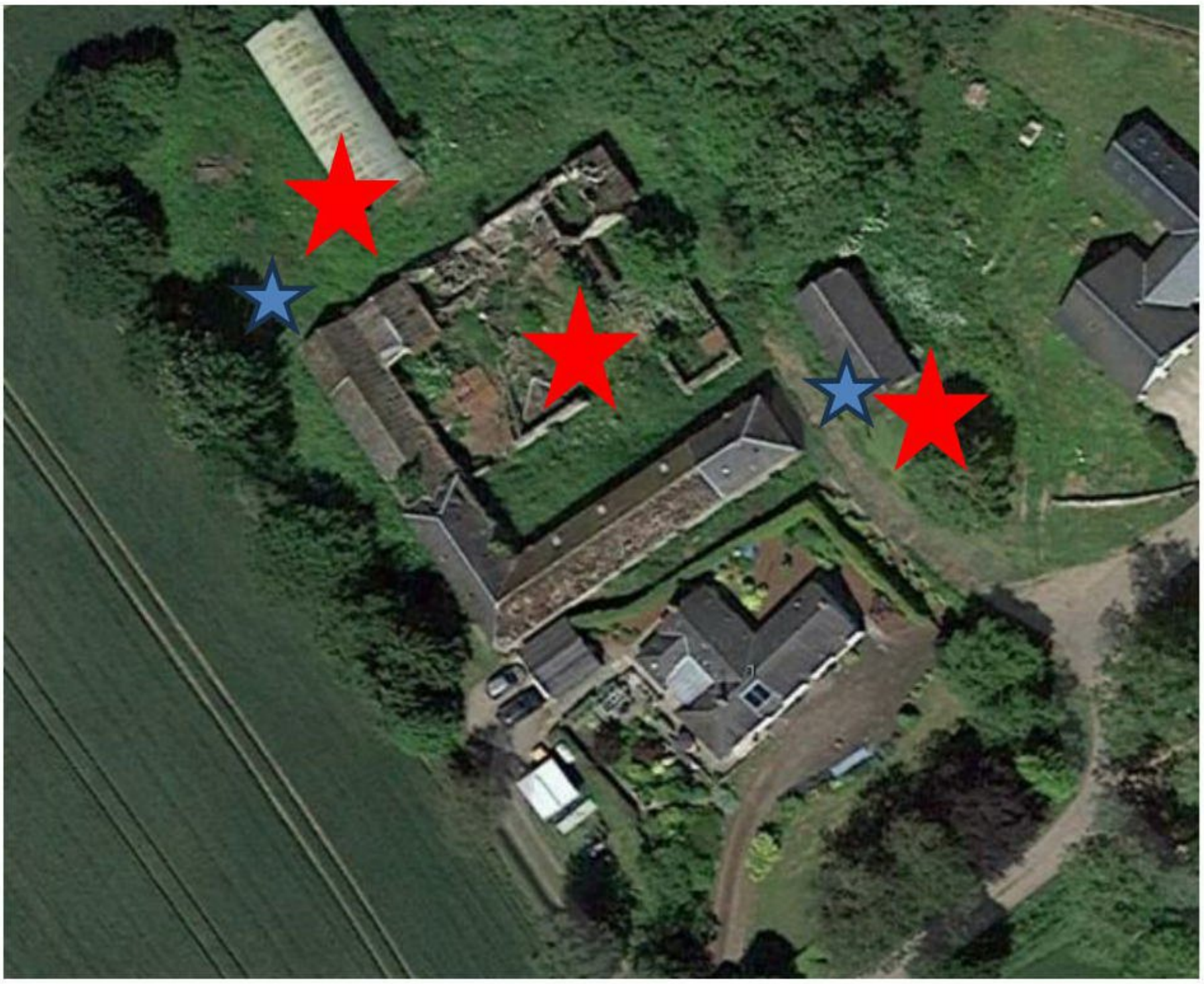

Figure 2: Surveyor locations (red stars), and camera locations (blue stars)

APPENDIX 3 – BAT ACTIVITY DATA

Table 6: Surveyor experience and licence number (where applicable)

SURVEYOR	LICENCE NUMBER (IF APPLICABLE)	BRIEF SUMMARY OF EXPERIENCE
Kiera Hamilton	221480	Kiera is a NatureScot licensed bat worker with four seasons of experience carrying out bat activity surveys across Scotland, as well as undertaking bat box checks, preliminary roost assessments, hibernacula checks, transect surveys as well as static detector deployment.
Kirsty Duncan	N/A	Kirsty has been trained by Direct Ecology Ltd to undertake bat activity surveys following best practice methods, this is her second season undertaking bat activity surveys.
Emma Castle-Smith	N/A	Experienced sub-contractor working with Direct Ecology Ltd. for over 4 years. 9 years total bat survey experience.

Table 7: Key to the Appendix Tables

ABBREVIATION	FULL LATIN NAME	COMMON NAME
M. nat	*Myotis nattereri*	Natterer's bat
P. pip	*Pipistrellus pipistrellus*	Common pipistrelle
P. pyg	*Pipistrellus pygmaeus*	Soprano pipistrelle
Pip.sp	*Pipistrellus* species	Pipistrelle species

Table 8: Dusk, 14.06.2023, Kiera Hamilton – positioned in central courtyard of steadings.

TARGET NOTE	TIME	SPECIES	ACTIVITY (INCL. NO OF PASSES)
SURVEYOR: KH START TIME: 21:34			
1.	**22:40 – 22:41**	***M.nat***	**Four passes recorded on detector. Two bats observed by surveyor flying around inside building. Probable roost inside the building as the bats were not seen entering from outside.**
2.	**22:56**	***Pip.sp***	**Single bat, likely a pipistrelle species due to early emergence, emerged from under metal flashing in centre of west section of building.**
3.	22:59 – 23:03	*M.nat*	15 calls recorded by detector. Two bats observed by surveyor flying around inside building.
4.	**23:04**	***P.pip***	**Single common pipistrelle observed emerging from hole in wallhead.**
5.	23:05 – 23:20	*M.nat*	Over 40 individual *Myotis* calls recorded on detector over fifteen-minute period – two bats observed by surveyor exiting and returning to internal space in building.
6.	23:07	*P.pyg*	Single soprano pipistrelle call recorded by detector, not observed by surveyor.
7.	23:11	*P.pip*	Single common pipistrelle call recorded by detector, not observed by surveyor.

TARGET NOTE	TIME	SPECIES	ACTIVITY (INCL. NO OF PASSES)
8.	23:14 – 23:15	*P.pip*	Two common pipistrelle calls recorded by detector, not observed by surveyor.
9.	23:16	*P.pyg*	Two passes by soprano pipistrelle species, observed foraging in treeline beside building.
10.	23:25	*P.pip*	Single pass by common pipistrelle recorded on detector, not observed by surveyor.
11.	23:25	*P.pyg*	Single pass by soprano pipistrelle recorded on detector, observed flying over rooftop by surveyor.
12.	23:27	*M.nat*	Three faint *Myotis* calls recorded on detector, not observed by surveyor.
13.	22:32	*P.pip*	Single common pipistrelle call recorded on detector – observed by surveyor flying across courtyard.
14	23:35	*P.pip*	Two short calls recorded by detector, not observed by surveyor.
FINISH TIME: 23:34			

Table 8: Dusk, 14.06.2023, Kirsty Duncan – positioned in northwest of site, between treeline and northwest corner of building.

TARGET NOTE	TIME	SPECIES	ACTIVITY (INCL. NO OF PASSES)
SURVEYOR: KD START TIME: 21:34			
1.	22:30 – 22:36	*P.pyg*	Soprano pipistrelle first observed between buildings and treeline, likely came from trees. Not confirmed to have emerged. Constant foraging observed for several minutes.
2.	22:38 – 22:48	*P.pyg*	Soprano pipistrelle came from treeline north of the surveyor, before foraging constantly for ten minutes between the building and trees.
3.	22:51	*P.pip*	Single common pipistrelle call recorded on detector, not observed by surveyor.
4.	22:52	*P.pyg*	Single soprano pipistrelle call recorded on detector, not observed by surveyor.
5.	22:56	*P.pyg*	Single bat observed and recorded flying from open area north of building, around building to south corner of site.
6.	22:56 – 23:02	*P.pyg*	Over 25 soprano pipistrelle calls recorded by detector over a six-minute period – three individual bats observed foraging by surveyor.
7.	23:05 – 23:07	*P.pyg*	Five passes detected by a single soprano pipistrelle – observed by surveyor foraging within the treeline.
8.	23:11- 23:15	*P.pip*	Several faint calls detected before a single clear call at 23:15 – bat heard but not seen by surveyor.
9.	23:19	*P.pyg*	One pass by a single soprano pipistrelle, observed foraging within the treeline.

TARGET NOTE	TIME	SPECIES	ACTIVITY (INCL. NO OF PASSES)
10.	23:26 – 23:34	*P.pyg, P.pip*	17 passes detected by both soprano and common pipistrelles, foraging between buildings and treeline. Several observations of both species foraging simultaneously.
FINISH TIME: 23:34			

Table 9: Dusk, 14.06.2023, Emma Castle-Smith – positioned in southeast of site, between the steadings, treeline and residence.

TARGET NOTE	TIME	SPECIES	ACTIVITY (INCL. NO OF PASSES)
SURVEYOR: ECS START TIME: 21:34			
1.	22:27	*P.pyg*	Recorded on detector. Heard but not seen by surveyor.
2.	22:36	*P.pyg*	Faint call recorded on detector. Heard but not seen by surveyor.
3.	22:37	*P.pip*	Common pipistrelle recorded on detector – flew from treeline on east side of site, south over garden of residence.
4.	22:42	*P.pip*	Common pipistrelle recorded and seen by surveyor, same flight path as TN3 above.
5.	22:48 – 22:49	*P.pyg*	11 soprano pipistrelle calls recorded by detector; bat not seen by surveyor.
6.	22:52 – 22:53	*P.pyg*	12 soprano pipistrelle calls recorded by detector, several very faint; bat not seen by surveyor.
7.	22:54	*P.pip*	Single common pipistrelle call recorded, not observed by surveyor.
8.	22:56	*P.pyg*	Three soprano pipistrelle calls recorded; bat seen by surveyor foraging between treeline and steadings.
9.	22:57	*P.pip*	Two bats seen commuting/foraging, flying from garden of residence north between steadings and treeline.
10.	22:58	*P.pyg*	Three soprano pipistrelle calls recorded on detector; bats not seen by surveyor.
11.	23:00	*P.pyg*	One soprano pipistrelle recorded and seen foraging/commuting along same flight path as TN10 above.
12.	23:02	*P.pyg*	Two soprano pipistrelles detected seen by surveyor foraging in garden of residence, before one flying north, and one south.
13.	23:04	*P.pyg*	Single soprano seen foraging in garden before flying north between steadings and treeline.
14.	23:04	*P.pip*	Single common pipistrelle recorded and seen by surveyor flying south from northeast corner of building, over garden.
15.	23:04 – 23:07	*M.nat*	Three Myotis calls recorded by detector, but not observed by surveyor.

TARGET NOTE	TIME	SPECIES	ACTIVITY (INCL. NO OF PASSES)
16.	23:05 – 23:10	*P.pyg, P.pip*	Two common pipistrelle recorded and seen flying south from northeast corner over harden. Three soprano pipistrelle seen foraging/commuting between treeline and garden.
17.	23:11 – 23:15	*P.pip*	Two passes recorded by common pipistrelle, foraging between steadings and treeline.
18.	23:16	*P.pyg*	Foraging/commuting from garden into eastern treeline.
19.	23.19	*P.pyg, P.pip*	Three bats recorded and seen, foraging/commuting from treeline towards garden of residence.
20.	23:21 – 23:24	*P.pip*	Several short calls recorded by detector, although not seen by surveyor. Common pipistrelle social calls also recorded.
21.	23:27	*P.pip*	Foraging between steadings and treeline.
22.	23:31	*P.pip*	Recorded by detector, not observed by surveyor.
23.	23:31	*P.pip*	Foraging between steadings and treeline.
24.	23:24	*P.pip*	Recorded by detector, not observed by surveyor.
FINISH TIME: 23:34			

Table 10: Dusk, 14.06.2023, SD2_A2 – positioned in north corner of steadings, inside building.

TARGET NOTE	TIME	SPECIES	ACTIVITY (INCL. NO OF PASSES)
START TIME: 21:43			
1.	22:59 – 23:25	*M.nat*	23 clear Myotis (Natterer's) calls recorded by detector.
2.	23:38	*P.pip*	Single common pipistrelle call recorded by detector.
FINISH TIME: 23:38			

Table 11: Dusk, 14.06.2023, SD2_A3 – positioned in west corner of steadings, inside building.

TARGET NOTE	TIME	SPECIES	ACTIVITY (INCL. NO OF PASSES)
START TIME: 21:27			
1.	22:07 – 22:23	*P.pyg*	24 individual soprano pipistrelle calls recorded by detector.
2.	22:24	*P.pyg, P.pip, M.nat*	Three calls recorded simultaneously by common pipistrelle, soprano pipistrelle and Myotis (Natterer's) bats.
3.	22:25 – 23:01	*P.pip*	17 individual common pipistrelle calls recorded by detector.
4.	22:25 – 23:09	*P.pyg*	85 individual soprano pipistrelle calls recorded by detector.
FINISH TIME: 23:38			

APPENDIX 4 – BAT ROOST LOCATIONS

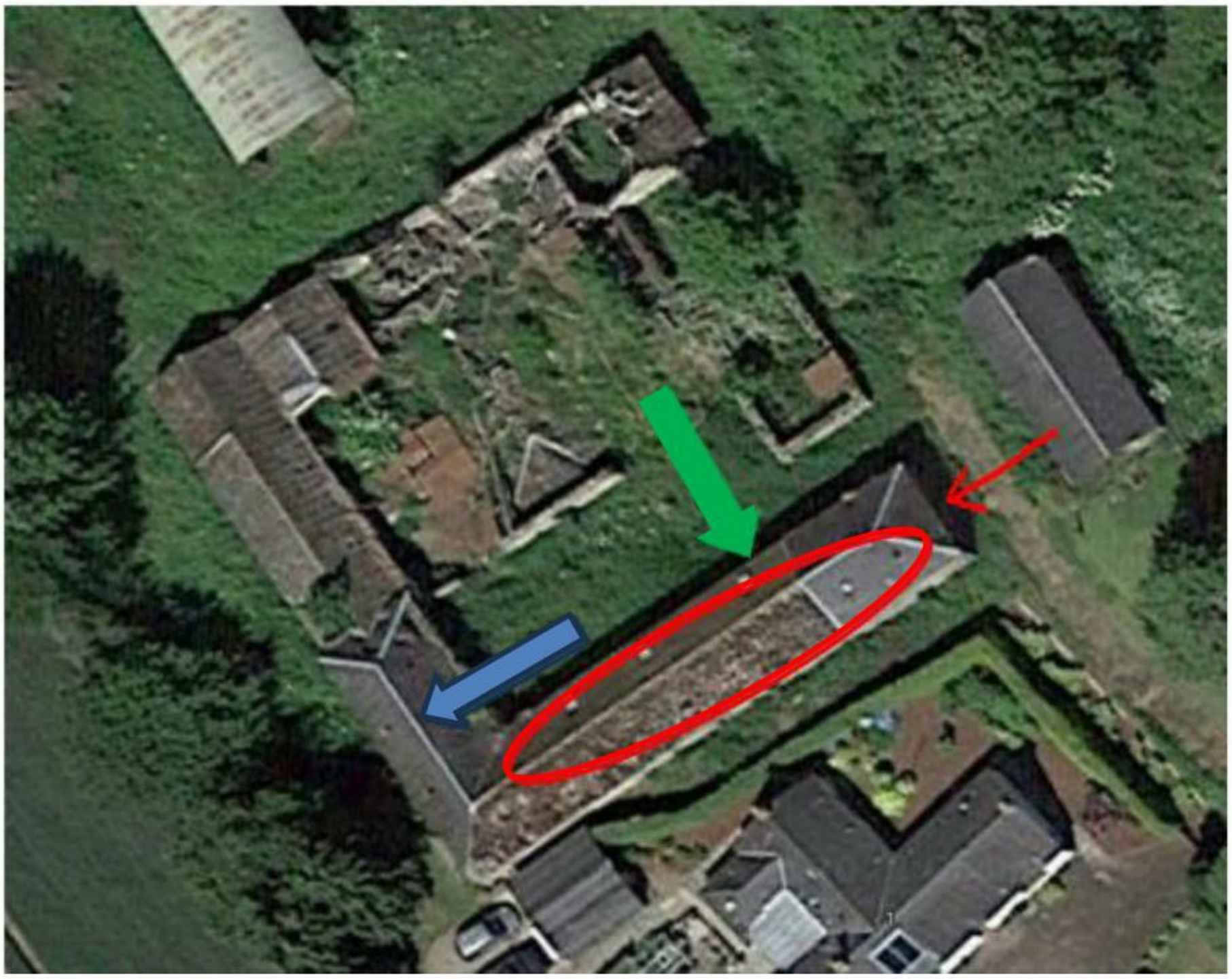

Figure 3: Roost Locations. The red circle represents the two Natterer's bat feeding flights, the green arrow represents the one common pipistrelle emerging from the wall head, the blue arrow represents the unknown pipistrelle emerging from under the metallic ridgeline and the red arrow the location of the 2020 and 2016 maternity roost.

APPENDIX 5 - PROJECT PLANS

Figure 4: Site plans (provided by client)

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Stone's Wildlife Management

Unit 6 Southpark Industrial Estate, Peebles EH45 9ED
Tel 01721 726462 Fax 01721 723075 Mobile 07836 606 316

Ecological Mitigation for Balgownie Steading, Angus
Additional information as requested July 2021.

Hello a question was asked and a photo sent the below photo is of a Tawny Owl (*Strix aluco*) these are mainly tree nesting birds, and occur throughout all of Scotland, I do not think these will be affected by the refurbishment of the old steading but will suggest a tawny owl nest box is fixed to one of the large trees, Tawny owls could be affected by tree works being carried out at the wrong time of year that is why I stated in earlier mitigation a breeding bird survey would need to be carried out.

Best

Dougie McKenna

Angus House Orchardbank Business Park Forfar DD8 1AN Tel: 01307 473360 Fax: 01307 461 895 Email: plnprocessing@angus.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100359636-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

☒ Application for planning permission (including changes of use and surface mineral working).

☐ Application for planning permission in principle.

☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)

☐ Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Conversion of steading to form single dwelling house including landscaping, boundary treatments, erection of a treehouse and associated works. This is a fresh submission of previous application 20/00515/FULL

Is this a temporary permission? * ☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place? (Answer 'No' if there is no change of use.) * ☐ Yes ☒ No

Has the work already been started and/or completed? *

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) ☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Keith Renton Architect		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Keith	Building Name:	Humestanes Studio
Last Name: *	Renton	Building Number:	
Telephone Number: *	01361 810271	Address 1 (Street): *	Hume Hall Holdings
Extension Number:		Address 2:	Greenlaw
Mobile Number:		Town/City: *	Duns
Fax Number:		Country: *	Scotland
		Postcode: *	TD10 6UW
Email Address: *	keith@keithrentonarchitect.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	c/o Keith Renton Architet
First Name: *	Robert	Building Number:	
Last Name: *	Mills and Mirna Melki	Address 1 (Street): *	Humestanes
Company/Organisation		Address 2:	Hume Hall Holdings
Telephone Number: *		Town/City: *	Greenlaw
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	TD10 6UW
Fax Number:			
Email Address: *	info@keithrentonarchitect.co.uk		

Site Address Details

Planning Authority: Angus Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Balgownie Farm Steading, Eassie, Forfar DD8 1SF

Northing 746686 Easting 335503

Pre-Application Discussion

Have you discussed your proposal with the planning authority? * ☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Feedback recommend withdrawal of original application adjustments to the design and proposals and resubmission of a fresh submission.

Title:	Mr	Other title:	Planning Officer
First Name:	James	Last Name:	Wright
Correspondence Reference Number:	20/00515/FULL	Date (dd/mm/yyyy):	18/01/2021

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area: 4600.00

Please state the measurement type used: ☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Disused steading

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? * ☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * ☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site? 0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? * 5

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * ☒ Yes ☐ No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

☐ Yes – connecting to public drainage network

☒ No – proposing to make private drainage arrangements

☐ Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

☐ New/Altered septic tank.

☒ Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).

☐ Other private drainage arrangement (such as chemical toilets or composting toilets).

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

New treatment unit for drainage taken to water course

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *

☒ Yes ☐ No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

☒ Yes

☐ No, using a private water supply

☐ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

☐ Yes ☒ No ☐ Don't Know

Trees

Are there any trees on or adjacent to the application site? *

☒ Yes ☐ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

☒ Yes ☐ No

If Yes or No, please provide further details: * (Max 500 characters)

provision of hardstanding for bins

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☒ Yes ☐ No

How many units do you propose in total? * 1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * ☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * ☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * ☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * ☒ Yes ☐ No

Is any of the land part of an agricultural holding? * ☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Keith Renton

On behalf of: Mr Robert Mills and Mirna Melki

Date: 02/02/2021

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☒ Site Layout Plan or Block plan.
- ☒ Elevations.
- ☒ Floor plans.
- ☒ Cross sections.
- ☐ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☒ Landscape plan.
- ☐ Photographs and/or photomontages.
- ☒ Other.

If Other, please specify: * (Max 500 characters)

Structural Engineer Assessment, Bat Survey, Road Details

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *	☐ Yes	☒ N/A
A Design Statement or Design and Access Statement. *	☒ Yes	☐ N/A
A Flood Risk Assessment. *	☐ Yes	☒ N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	☐ Yes	☒ N/A
Drainage/SUDS layout. *	☐ Yes	☒ N/A
A Transport Assessment or Travel Plan	☐ Yes	☒ N/A
Contaminated Land Assessment. *	☐ Yes	☒ N/A
Habitat Survey. *	☒ Yes	☐ N/A
A Processing Agreement. *	☐ Yes	☒ N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Keith Renton

Declaration Date: 02/02/2021

APPENDIX 3

FURTHER LODGED REPRESENTATIONS

Hatton of Eassie
By Forfar
ANGUS
DD8 1SF

24/02/2024

Planning Ref – No.21/00081/Full-DMRC-3-24

Dear Committee

We write to object to this appeal on several grounds.

- The applicants had adequate time to provide upgraded information to council requests with extra time granted but chose not to provide this information.
- It looks like they have tried to deceive the planners with a false porosity test and infiltration test which has already been highlighted by others.
- Applicant trying to ride roughshod over neighbours to get their own way we deem this as intimidation.
- Flooding is a regular occurrence in access road and turning area. (Ditches are maintained regularly). Results of flooding have been seen by Andrew Brown from Council and predecessor Janice Corrigan who both have documented evidence from various dates.
- Design and materials to be used don't blend into natural background of the area and will be a blight on the Angus Countryside.
- No mention of upgrade to the access road or the turning area, before or after construction. No permissions have been sought from us as we own the road.
- No permissions for electricity weyleave or for the upgrade of the existing water supply pipe.
- This property has the potential to use more water than the other 7 properties on the supply pipe.
- No mention of hazardous waste removal. (Asbestos fragments from broken asbestos roof sheets littering the ground of the site from deteriorating site buildings.
- No bond in place for reinstatement of site if development fails.

We would request an accompanied site visit to show the issues better.

Video Evidence of the flooding is available which shows real time evidence of floods clearer than in photographs.

Yours faithfully

[redacted]

Ewan and Gillian Fotheringham

Jane Conley

From: Euan Grant [redacted]>
Sent: 24 February 2024 16:20
To: Roselyn Brown
Subject: Balgownie Farm Steading, Eassie DD8 1SF. Response to Appellants 'Ground for Review of a Planning Decision'
Attachments: Representation in Support of Angus Council's Decision to Refuse Consent_24-00003 _REFUSE.pdf

For the attention of Roselyn Brown
Balgownie Farm Steading, Eassie – Planning Reference 21/00081/FULL

Please find our response to the Appellants Review of a Planning Decision.
Please acknowledge safe receipt.

Regards
Euan & Beverly Grant
Balgownie Farmhouse

Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013
Application for Review – Refusal of Planning Permission for Conversion of Steading to Form Single Dwelling House Including Landscaping, Boundary Treatments, Erection of a Treehouse and Associated Work at Balgownie Farm Steading, Eassie – Mr R Mills and Ms M Melki: Application No 21/00081/FULL – DMRC-3-24

Dear Sir

My wife and I are conterminous neighbours to the south of the development site, and we wish to make further representations in support of Angus Council's Planning Department's delegated decision to refuse the consent for application number 21/00081/FULL.

Angus Council Planning Authority have the grounds to determine an application where the applicant has not provided the information required to reach a decision and therefore have acted accordingly.

The appellants claim in their Ground for Review Document that they are aggrieved that the Planning Authority moved to Refusal on the grounds of deficient information concerning the proposed foul drainage system. That there was only one reason is simply not the case.

The Council's reasons for the refusal decision are: - The proposals are contrary to Policy PV12 (Managing Flood Risk) of the Angus Local Development Plan (2016) and National Planning Policies 18 and 22 of National Planning Framework 4 (Infrastructure First and Flood Risk and Water Management respectively).

Flooding. During the planning consultation period, the appellants employed Atholl Associates to undertake a Stage 1 Flood Risk Assessment. This report was submitted to the Case Officer and reviewed and commented on by the Council's Flood Expert. The review observed that updated drawings would be required before Determination to demonstrate that:

1. The existing wood store and a proposed storage shed were removed from the proposals.

2. The proposed 1.2m high stone wall was removed from the proposals.

3. The Finished Floor Level of the development must be set to ensure 600mm freeboard is provided as per NPF4.

4. The proposed package foul water treatment plant was relocated outwith the overland flow route.

5. Paving within the overland flow route must be of a permeable nature.

6. Paving outwith the overland flow route must be of a permeable nature and these areas must be incorporated into the site drainage plans.

The Council's Flood Expert e-mailed his report to the Case Officer on the 21 September 2023. The appellants would have been made aware of these requirements by the Planning Officer, but they did not revise any of their drawings before the Planning Determination on the 2 November 2023 despite being requested to do so along with commenting on the fraudulent drain testing report. All the above noted changes to the submitted drawings should be considered as Material Amendments which now require a fresh planning application. Point No. 6 of course cannot be carried out without data from a correctly carried out infiltration test, the results of which would require to be commented on by the Council's Flood Expert.

The data from SEPA flood maps currently identifies that an area within 50m of Balgownie Cottage No. 3 has a Long-Term Flood Risk with a Medium Likelihood, meaning that each year this area has a 0.5% chance of flooding from surface water caused by heavy rainfall when drains and watercourses are not able to cope with the amount of water run-off from buildings, footpaths, roadways and field ditches etc. The Council's Flood Expert has observed that flooding and ponding has been observed running south to north through the east side of the site. This is in the location of the application site's vehicular access and timber shed and this flooding has been previously reported and evidenced through our representations. Atholl Associates have assessed the overland flow routes are caused when the flow in the upstream watercourses exceed the capacity of the culverts and have suggested that the Ground Floor Level of the southern building should have a minimum level of **69.300 AOD**.

The proposed Ground Floor Level for the development is currently shown as **68.973 AOD** meaning that the Ground Floor Level of the southern buildings will have to be raised by **327mm (13 inches**) according to the appellant's own expert's report. Surface water flooding has flowed into the development site on five occasions in the last 13 months: 18 November 2022, 2 August 2023, 8 October 2023, 20 October 2023 and 27 December 2023. We have recorded several video clips and taken still photographs of all these flooding events. It is unfortunate that the videos cannot be shown to the Review Committee members as they more accurately reveal the true magnitude and severity of the flood waters passing into the steading access, through the development site and out to the northeast of the site. The attached photographs in Appendix A demonstrates the volume and intensity of the flooding that has occurred in separate occasions in the previous 13 months. These photographic records need to be viewed in conjunction with this representation.

During the latest flooding event in December 2023 the water level at the north easterly corner of the main building nearest the proposed entrance was carefully observed and recorded by video and photographs. After the flood water subsided, a measurement of **220mm (8.75inches)** was taken from the highest water level down to the existing ground level of **68.820 AOD**. Please see attached location marked on the appellant's topographic survey drawing and our photographs which clearly show the water level which is just under an identifiable circular patch of algae. To comply with Policy PV12 of NPF4, the Ground Floor Level should be minimum of 600mm (2 feet) in all circumstances above the highest recorded flood level which would mean the Ground Floor Level of the development should be a **minimum of 69.643 AOD**. **Accordingly, the proposed Ground Floor Level of the development therefore will have to be raised by 670mm (26.25 inches) and not 327mm (13 inches**) **as assessed by the appellant's flood expert.** This level difference cannot be said to be inconsequential and must be seen as a Material Change to the existing proposals and thus requires an amendment to the overall design and a new planning application.

To comply with Policy PV12: Managing Flood Risk 'the flood risk must be adequately managed both within and outwith the site and that access and egress to the site can be provided that is FREE of flood risk'. The Flood Risk Assessment states as a Key Feature that 'Emergency access and egress <u>should</u> be available at all times during a flood event'. The report assesses the highest likely levels of overland flood flow using an estimated likely flow of 100mm (4 inches) near the building. We are not aware that the appellant used any flood monitoring instruments or wildlife type cameras to record any flooding and it is unlikely that the appellants or Atholl Associates have witnessed first-hand any of the past flood events, especially the volume and velocity of the recent rainfall event in December 2023. Our attached still photographs clearly evidence that the flooding into the steading access route is not 'ponding' as previously noted by the appellants. We would therefore challenge that the steading access and egress route can ever **be free of flood risk at**

all times. The appellants have also failed to demonstrate how they would adequately manage the flood risk both within and outwith the site to comply with PV12. It is also worth noting that the treehouse structure with their specialist surface foundations to avoid tree root damage could be seriously impacted by the influence of the flood water route that passes through the wooded area prior to exiting the red line site boundary and flowing into the adjacent farmer's field.

Drainage. The appellants employed the firm of S.A Mcgregor (Civil Engineer) to carry out site testing. The engineer was on site on 9 October 2021, but the report was not submitted to the Planning Authority until 23 June 2023. We observed that the engineer and an excavator were only on site for less than **60 minutes** and noted that only one trial hole had been dug and backfilled. The civil engineer's report and signed certification indicated that two test holes had been dug and that surface water infiltration testing to comply with BRE Digest 365 and foul water percolation testing to comply with Section 3.9 of the Scottish Building Standards Technical Handbook (Domestic) and SEPA WAT-RM-04 had been carried out. We employed Fairhurst Consulting Engineers to carry out a full review of the S. A McGregor report and they calculated from the report information that using the reported infiltration data that a single test for infiltration would have taken **10 hours**. To comply with the BRE Digest, the infiltration test is required to be carried out three times, meaning that the minimum time on site should have been circa **30 hours**. Our concerns and Fairhurst's report along with our date and timed stamped photographic evidence was submitted to the Case Officer. The Report of Handling makes it very clear that the Case Officer invited the appellants to comment on the above matter, but they provided no clarification, further information, or rebuttal. **The Report of Handling also states that the appellants advised that they would not respond to any correspondence relating to professional differences of opinion. The Report further notes that the appellants stated to the Case Officer that there was sufficient information to allow the application to be determined.** The Grounds for Review document claims that the appellant is not an engineer nor drainage expert and they did not think it pertinent to comment. The fact remains that the appellants employed a civil engineer to carry out the site tests on their behalf and they should have reverted to their engineer for clarification at the time. It is outrageous that the appellants are now requesting additional time to employ a second civil engineer to carry out site testing when there was the same opportunity offered to them prior to Determination. Local Authorities can decide when a condition imposed on a Grant of Permission will be exercised, but demonstration of compliance with Policy PV12 of the Angus Local Development Plan and Policies 18 and 22 of National Planning Framework 4 are generally not entertained due to the serious consequences of failure.

It must be noted that this planning application was validated on 24 February 2021 and was determined on the 2 November 2023; a period of 2 years and 8 months when most planning applications submitted to Angus Council are determined in 8-10 weeks. There appeared to be a complete lack of engagement with the planning authority from 6 September 2021 to 23 June 2023. During this extended period the appellants and the Case Officer entered into two Processing Agreements. The first Agreement lapsed In the second and final Processing Agreement, the appellants proposed and agreed to provide **all** the outstanding information to the Planning Officer by 16 June 2023. The agreed milestone date was missed, and various documents were eventually submitted on the 23 June 2023 (one week late).

In addition to the two principal reasons for planning refusal, we would want it noted that as mentioned in the Report of Handling, the application **does not** fully comply with all of Angus Council's planning policies and there are many points of difference between our view of this poorly considered design and the Planning Officer's view. Until recently, I was a practicing Architect managing a local architectural practice and I have prepared designs and submitted an endless number of planning applications over a 40 year plus career, and as such I have extensive knowledge and experience that has allowed me to take a professional view of the design deficiencies of this proposal. Our full list of the Planning Policy Non-Compliance (7 pages long) was submitted in a Public Representation (see GP05) in June 2023, but some of the most significant points are reiterated below:

The appellants failed to provide basic drawing information to comply with the guidance contained within the Heads of Planning Scotland: National Standards for the Validation and Determination of Planning Applications and Other Consents in Scotland (October 2017). We pointed out to the Planning Officer that the proposed conversion drawings were drawn in complete isolation and no attempt had been made to show the building in its site context. As well as being required for proper validation reasons, it is good professional practice to demonstrate how encroachment onto adjoining land is to be avoided, demonstrate how the proposed buildings relate to existing site levels and neighbouring land, show the proposals in relation to adjoining buildings and provide site sections where significant changes in ground levels are proposed to determine how the proposals interact with their surroundings. It should be noted that the proposal section and elevation drawings stop immediately at the external walls except for the south boundary where the sections stop just over the mutual boundary with our cottage. The distances between our existing habitable room windows and the proposed habitable room windows fall far short of the minimum shown in the Householder Development Planning Advice Note. The appellant's 3D view of their proposals floats in mid-air. To demonstrate our concern regarding loss of privacy, overlooking and scale of the proposals we generated and submitted our own 3D external views of the space between our single storey cottage and the proposed development to the Planning Officer. It should always be the applicant of a proposal to clearly demonstrate that a development complies with all the relevant policies, distances to windows etc. It should not require objectors to highlight or emphasise the deficiencies and shortcomings of a proposal. See Appendix E.

We also consider that the Case Officer has not taken sufficient interest to protect us from our loss of visual privacy that the proximity of the new windows that overlook our private amenity space and has also failed to consider the impact of odours arising from the number of openable windows from the en-suite bathrooms and kitchen, noise from extract fans and from habitable rooms with openable windows. The Planning Advice Note 5 states that Bay Windows are a feature that are to be avoided on main elevations, and yet there are two huge projecting first floor bay windows facing our property.

The proposed design relies on the ability to reduce the external ground level to the southern boundary. The gap between the stone wall to the south of the development and our boundary marker is only 3.0 metres into which it is proposed to construct a stone-faced retaining wall that would hold up the ground under our boundary. The Appellant's drawing show this retaining structure as a vertically orientated monolithic concrete slab with the rear face cut vertically on the boundary line. We asked the Case Officer to seek further clarification from the appellant's structural engineer on how any type of retaining structure was to be constructed in this narrow gap to prevent damage to our property or land, but we received no reply other than a document about hedge root trimming. This report however is now irrelevant as our hedge no longer exists. We asked Fairhurst Consulting Engineers to provide us with a sketch of a typical reinforced

concrete retaining wall cross section with a proposed stone facing. See Appendix C & Page 4 of Fairhurst's Report. The more credible cross section from Fairhurst Engineers takes into consideration: the need to prevent collapse of the higher ground and damage to our boundary stone marker strip, the width of the retaining wall base and the need for a drained backfill. The corner of our building is only 2.5m away from the mutual boundary and we are concerned about potential damage to our property during the construction of the retaining wall. Please note that the resultant gap between the face of the proposed retaining wall and the steading wall has been determined by Fairhurst Engineers as being approximately 800mm wide. It should be noted that the proposed kitchen window looks out onto this blank wall and that the projecting first floor bay windows stick out over this gap at the first-floor level. It should be noted that the appellant has provided no cross section through the projecting bay window and retaining wall. In total, there are seven new openings to be formed in this existing stone wall. All of these above concerns were highlighted to the Case Officer as we were seeking clarification on the above, but no further information was presented by the appellants.

In 2016, the appellants employed Structural Engineers Christie Gillespie to prepare and submit a Building Warrant Application to undertake some Demolition and Making Safe of Existing Buildings. After having secured the Building Warrant on 16 May 2017, the appellants failed to undertake any of the proposed demolition or making safe works and the 3-year Warrant validity period lapsed in May 2020. The steading buildings have continued to steadily deteriorate. The timber shed structure that the appellants were intending to refurbish has now completely collapsed. In recent months the part slated and part asbestos roof to the western end of the main barn has fallen in on itself. The western end of the main barn roof with asbestos roof sheeting, is now open and exposed to the prevailing wind and weather. The stone walls of the now roofless buildings are now exposed to the weather with the potential risk of uncontrolled collapse of the supporting stonework. The asbestos roof sheeting that has fallen in, is now lying broken on the ground. Christie Gillespie's Warrant Report in 2016 also noted that there are 'sections of asbestos cement sheets on the partly collapsed buildings and asbestos cement sheets are lying on the ground': the appellants have not undertaken the removal of the asbestos noted in their report. We would suggest that given the current building condition the Structural Engineer's assessment of the building written on 23 October 2020 is now completely out of date and requires to be revised by an engineer and re-appraised by the Council. See Photographs of the current building's condition in Appendix D.

The appellant's design claims to be of high quality and exceeds the expectations of low carbon dwellings. The design proposals have failed to incorporate any of the following: ultra thick insulation to the building fabric, Solar PV panels, Battery Storage, Ground Source Heat Pumps, Air Source Heat Pumps, Underfloor Heating, Solar Atriums, Grey Water Harvesting for WC flushing, Water Butts for summer watering of plants or using reclaimed slate etc. The proposed design relies on underpinning the existing external walls and forming deep retaining walls with in-situ poured concrete and creating roof finishes and courtyard screening with Corten Steel. These materials do not relate to traditional agricultural buildings in the Angus Countryside and seem only to increase the potential Embodied Carbon Ratings. Usage of potable water from the public main will be extremely high for a single residential property containing: 10 WCs, 8 showers, 3 baths, 12 whbs, 4 sinks, 2 dishwashers & 2 washing machines. The existing water main installed in 1950 currently serves seven properties and there is a genuine concern that any new water connection may reduce the water availability/pressure to others downstream of this development. It is also worth noting from an environmental perspective, the RIBA Climate Challenge 2030 seeks to reduce current potable water usage by at least 40%.

The design could easily have been sympathetically designed to reflect traditional building materials and construction of this unique Angus building type. A simple and elegant design solution should have respectfully and sensitively responded to the physical limitations and architectural constraints of the farm building and take full advantage of the stunning views from all the principal rooms. Unfortunately, this poorly considered design does none of these things. As detailed above, these simple farm buildings have been forced into adopting this architectural design by reduction of the internal ground floor levels, extensive structural concrete underpinning to the external walls, substantial excavation of the external ground levels, the formation of high retaining walls that are within a few metres of our property and numerous large window and door interventions through thick stone walls.

We would respectfully request that an accompanied site visit is arranged so that the Review Committee can meet all of the objectors, view the existing buildings in context, understand the flooding and drainage aspects as noted in detail above, experience the proximity of our cottage to the steading buildings, understand the serious overlooking from all windows that will occur from the southmost elevation and visualise the impact of constructing a 2.0m high retaining wall in a 3.0m wide space between our boundary markers and the steading wall and, reflect on the existing condition of the access track. If the Review Committee would agree, we would make the video clips available for viewing at this time.

To conclude, we trust that the members of the Development Review Committee will take this detailed representation into account, carefully examine the appendices, and uphold Angus Council's REFUSAL of this planning application.

Yours faithfully

Euan & Beverly Grant

Balgownie Farmhouse.

Appendix A: Surface Water Flooding taken on 27 December 2023 at Balgownie

27 December 2023_View of Surface Water Flooding over the Turning Area

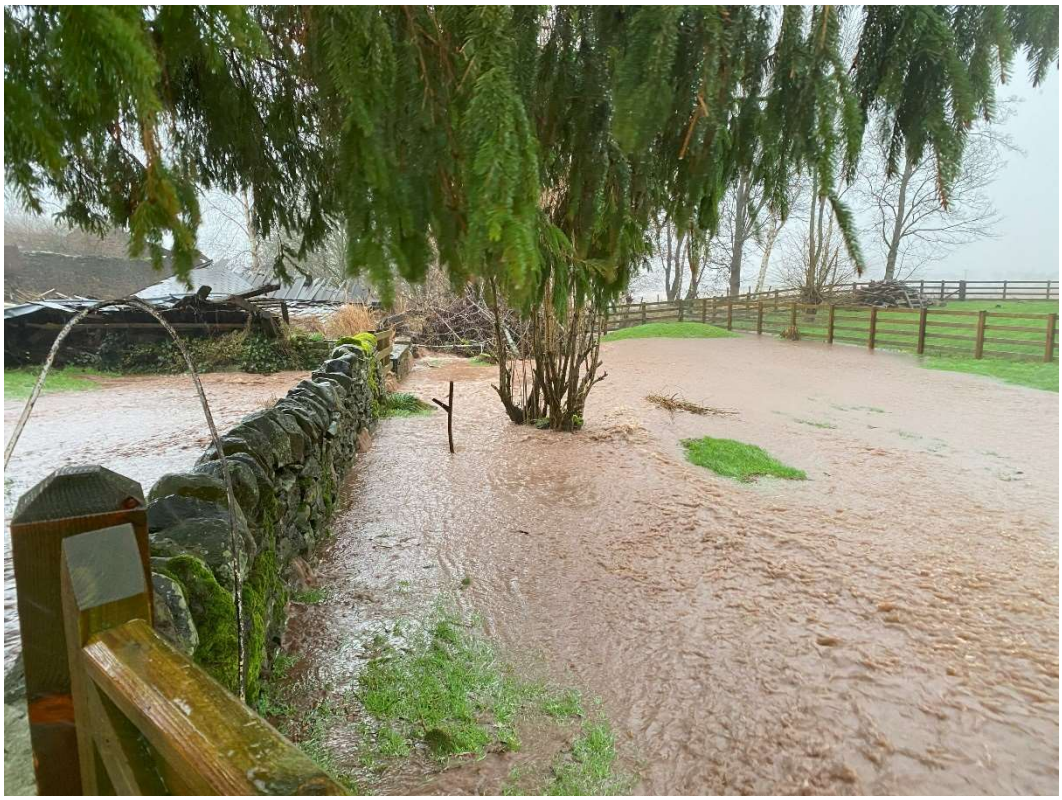
27 December 2023_View of Surface Water Flooding into the Turning Area

Appendix A: Surface Water Flooding taken on 27 December 2023 at Balgownie

27 December 2023_View of Surface Water Flooding from Turning Area into Steading

27 December 2023_View of Surface Water Flooding into Steading Plot Entrance

Appendix A: Surface Water Flooding taken on 27 December 2023 at Balgownie



27 December 2023_View of Surface Water Flooding into Neighbouring Garden Ground

27 December 2023_View of Surface Water Flooding around Larch Tree

Appendix A: Surface Water Flooding taken on 27 December 2023 at Balgownie

27 December 2023_View of Surface Water Flooding into Development Access

27 December 2023_View of Surface Water Flooding at Building Entrance

Appendix A: Surface Water Flooding taken on 27 December 2023 at Balgownie

27 December 2023_View of Surface Water Flooding of Development Access Route

27 December 2023_View of Surface Water Flooding at Existing Larch Tree

Appendix A: Surface Water Flooding taken on 27 December 2023 at Balgownie

27 December 2023_View of Surface Water Flooding trough Trees

27 December 2023_View of Surface Water Flooding out into adjacent Farmland

Appendix A: Surface Water Flooding taken on 20 October 2023 at Balgownie

20 October 2023_View of Surface Water Flooding into Steading Access

20 October 2023_View of Surface Water Flooding at Steading Entrance Area

Appendix A: Surface Water Flooding taken on 20 October 2023 at Balgownie

20 October 2023_View of Surface Water Flooding into Trees

20 October 2023_View of Surface Water Flooding at Steading Entrance Area

Appendix A: Surface Water Flooding taken on 8 October 2023 at Balgownie

8 October 2023_View of Surface Water Flooding at Turning Area

8 October 2023_View of Surface Water Flooding into Steading Access

Appendix A: Surface Water Flooding taken on 8 October 2023 at Balgownie

8 October 2023_View of Surface Water Flooding at Steading Access

8 October 2023_View of Surface Water Flooding into Steading Entrance

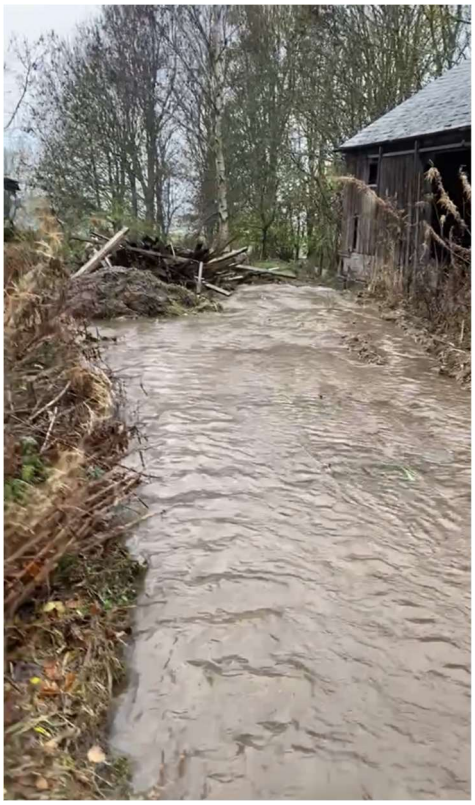
Appendix A: Surface Water Flooding taken on 2 August 2023 at Balgownie

2 August 2023_View of Surface Water Flooding from Turning Area

2 August 2023_View of Surface Water Flooding at Steading Access

Appendix A: Surface Water Flooding taken on 2 August 2023 at Balgownie

2 August 2023_View of Surface Water Flooding into Steading Access



2 August 2023_View of Surface Water Flooding at Steading Entrance

Appendix A: Surface Water Flooding taken on 18 November 2022 at Balgownie

18 November 2022_View of Surface Water Flooding into Steading Access

18 November 2022_View of Surface Water Flooding from Turning Area

Appendix A: Surface Water Flooding taken on 18 November 2022 at Balgownie

18 November 2022_View of Surface Water Flooding into Steading

18 November 2022_View of Surface Water Flooding at Building Entrance

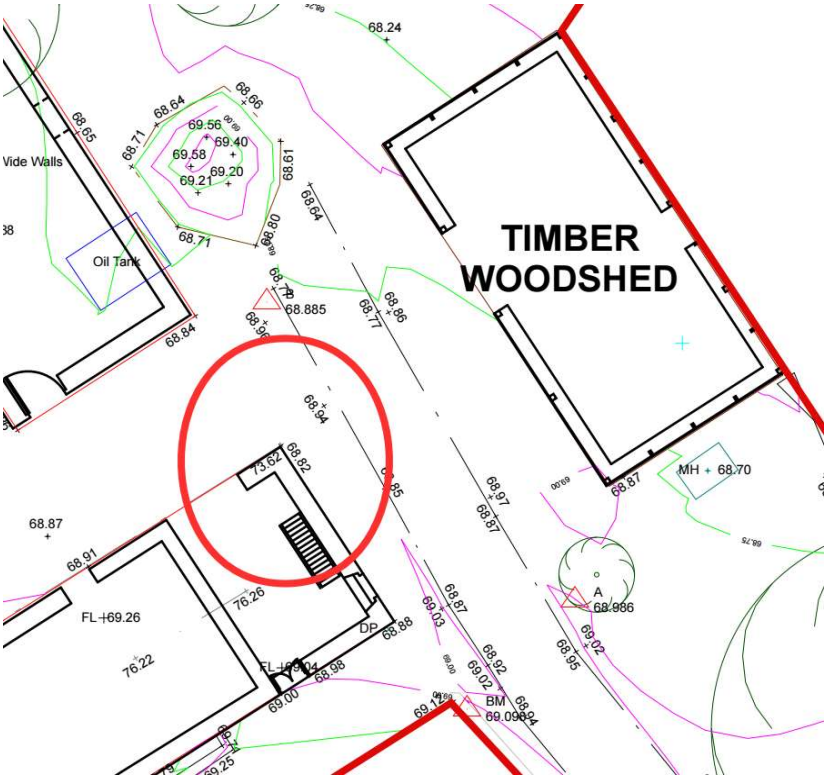
Appendix B: Surface Flood Water Levels taken on 27 December 2023 at Balgownie

27 December 2023_Corner at Entrance to Building

27 December 2023_Detail of Flood Water Level just under circular patch of Algae

Appendix B: Surface Flood Water Levels taken on 27 December 2023 at Balgownie

February 2024_Site Measurement from Ground Floor Level up to Highest Water Level.



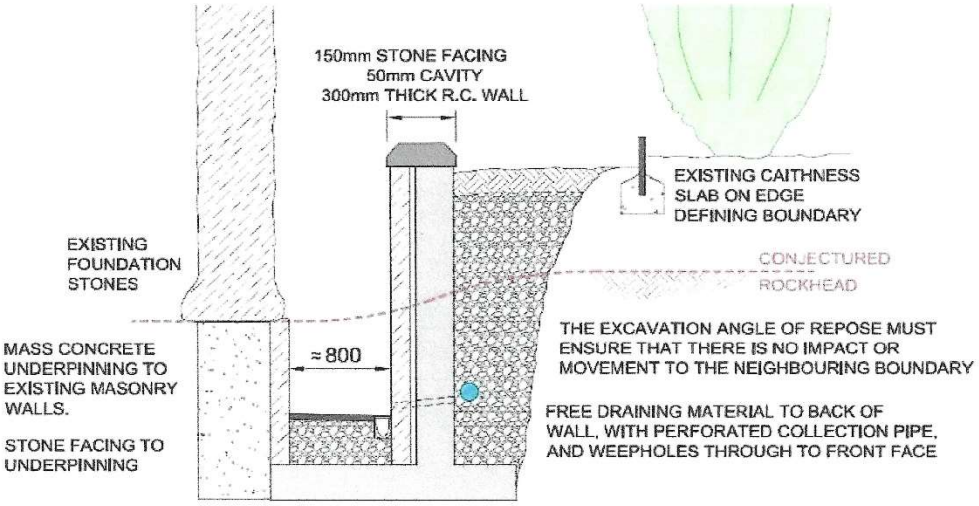
Extract from the Appellant's Topographic Survey Drawing.

Appendix C: Fairhurst Consulting Engineers Report

- Drawing 811P2-14 would appear to indicate a section of timber kerb on top of the coping stones. We assume this detail is to provide some further retention of Mr. Grant's boundary land. Further details in this regard are required including the design life of the wooden structure. However, we understand the boundary is currently marked with Caithness 'slab on edge', not timber edging. The applicant's proposals therefore fall short of matching like for like as existing. An offset will be required from this boundary delineation in order to avoid undermining its current construction. (Refer to 'Realistic Section 3' below).

- Lowering existing ground levels by circa 1.9 metres and constructing the retaining wall could have a detrimental impact on the foul drainage associated with Mr. Grant's property. The existing fireclay pipework cover level is already at a minimum.

- A full discussion with adjoining land owner is required to fully ascertain the impact upon utilities, structures and garden amenity is clearly necessary in order to safely accommodate the proposed extensive ground remodelling works.



DETAILED GROUND INVESTIGATION IS REQUIRED IN ORDER TO CONFIRM DEPTH TO SUITABLE BEARING STRATA

REALISTIC SECTION 3

Realistic Cross Section of a Reinforced Concrete Retaining Wall

Appendix D: Structural Condition Of Existing Steading Buildings February 2024

April 2023_Timber Building Collapsing. NB. This Building is now Completely Flat.

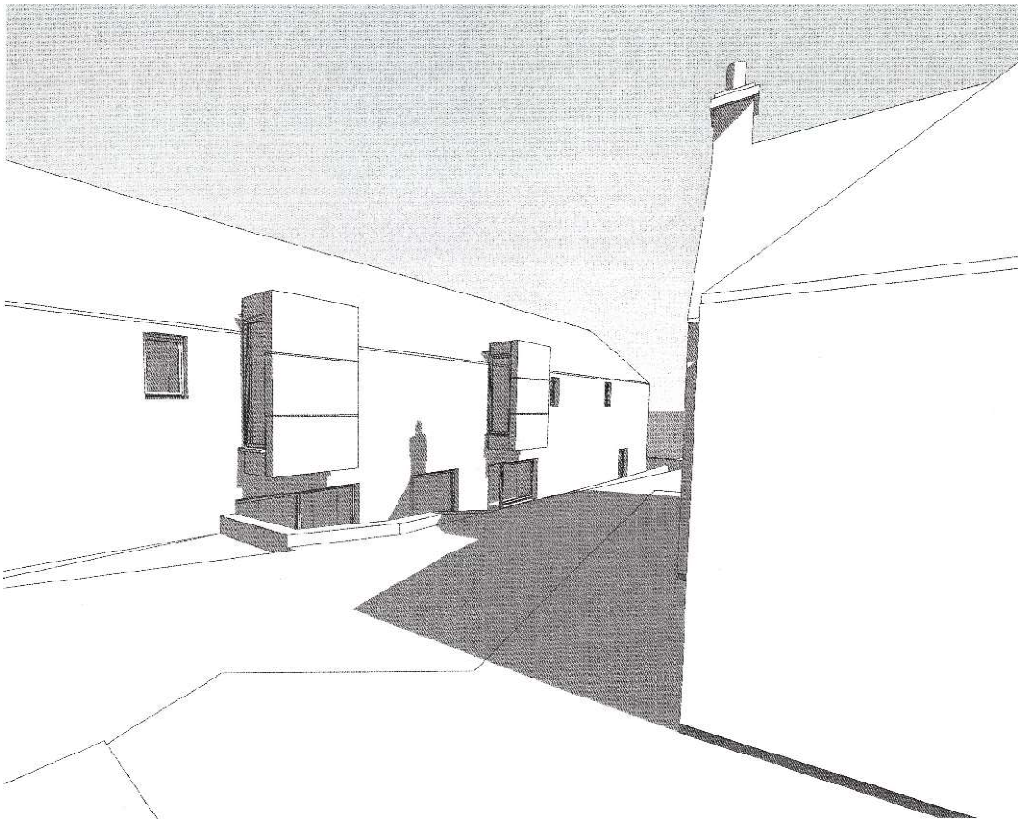
10 February 2024_The Western Roof Sections of the Main Building have collapsed.

Appendix D: Structural Condition of Existing Steading Buildings February 2024

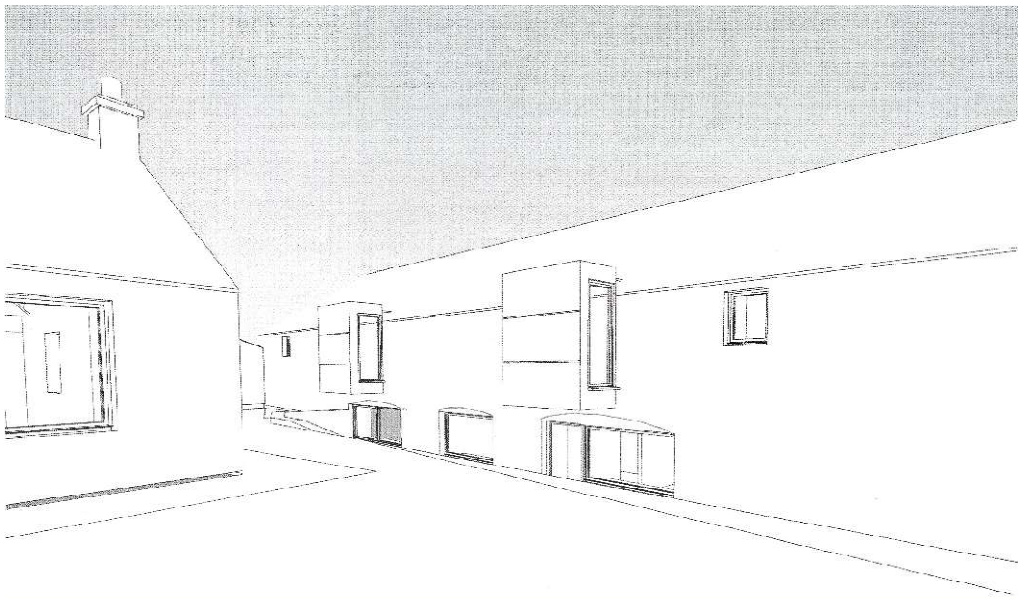
February 2024_Collapsed Roof Structure Lying on the Ground including Broken Asbestos Roof Sheeting.

February 2024_The western Roof Sections of the Main Building have collapsed.

Appendix E: 3D Views



3D View Looking from Balgownie Farmhouse Private Amenity Space towards Steading Development: West to East.



3D View Looking from Balgownie Farmhouse Private Amenity Space towards Steading Development: East to West.

FAIRHURST

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WESTHILL

GLB/BAL/01

23 February 2024

Angus Council – Planning
Angus House
Orchardbank Business Park
Orchardbank
Forfar
Angus
DD8 1AN

For the attention of Roselyn Brown

Dear Sirs

CONVERSION OF STEADING AT BALGOWNIE FARM, EASSIE, ANGUS.
RESPONSE TO APPLICANTS "GROUNDS FOR REVIEW OF A PLANNING DECISION".

Fairhurst have been appointed by our client, Mr Euan Grant, to review the "Grounds for Review of a Planning Decision" document, which has been prepared by Gray Planning and Development following refusal of Planning Application reference 21/00081/FULL dated 3rd of November 2023.

The following report is based on the contents of the appeal document, and will respond to the Technical Issues raised, and any compliance with Local Authority Standards, or Planning Guidance.

In order to comply with Policy PV 12 of the Angus LDP, there are various points which have not been addressed by the applicant:

Policy PV 12 states:

To reduce potential risk from flooding there will be a general presumption against built development proposals:

- *on the functional floodplain;*
- *which involve land raising resulting in the loss of the functional flood plain; or*
- *which would materially increase the probability of flooding to existing or planned development.*

Development in areas known or suspected to be at the upper end of low to medium risk or of medium to high flood risk (as defined in Scottish Planning Policy (2014), see Table 4) may be required to undertake a flood risk assessment.

This should demonstrate:

- *that flood risk can be adequately managed both within and outwith the site;*
- *that a freeboard allowance of at least 500-600mm in all circumstances can be provided;*
- *access and egress to the site can be provided that is free of flood risk; and*
- *where appropriate that water-resistant materials and construction will be utilised.*

Where appropriate development proposals will be:

- *assessed within the context of the Shoreline Management Plan, Strategic Flood Risk Assessments and Flood Management Plans; and*
- *considered within the context of SEPA flood maps to assess and mitigate surface water flood potential.*

Chairman: R B McCracken *Senior Partner:* S J Holmes
Partners: G L Bruce N M McSpadden A J Scott-Kiddie J Lau G J Allan A R Blair N McGarry A Simmons R L Gray H D O'Neill D N Townsend D J Fletcher N A Brown A K Fleming R Haigh S J G Shillington S A Thompson P A Enoch K H Browne A Kram
Fairhurst is the trading name of Fairhurst Group LLP, a limited liability partnership registered in Scotland, with the registered number SO307306 and registered office at 43 George Street Edinburgh EH2 2HT

Built development should avoid areas of ground instability (landslip) coastal erosion and storm surges. In areas prone to landslip a geomorphological assessment may be requested in support of a planning application to assess degree of risk and any remediation measures if required to make the site suitable for use.

In response to the requirements of Policy PV 12, we note the following:

1. *that flood risk can be adequately managed both within and outwith the site;*
2. *that a freeboard allowance of at least 500-600mm in all circumstances can be provided;*
3. *access and egress to the site can be provided that is free of flood risk; and*
4. *where appropriate that water-resistant materials and construction will be utilised.*

Whilst the development site is not within any functional flood plain, our client has obtained record photograph and video footage of significant flooding occurring adjacent to and through the development site during the 27th December 2023 (*photos are contained at the end of this report*). It is clear from the record information that the site is subject to flooding, therefore in accordance with Policy PV 12, the following should have been addressed by the applicant:

1. Provide evidence that flood risk can be adequately managed both within and outwith the site.
2. Floor level of the proposed development should be set at a level which provides at least 500-600mm freeboard to flood levels.
3. Confirm that access and egress to the site can be provided that is free of flood risk.
4. Confirm that water-resistant materials and construction will be utilised.

Neither the original Planning application, or the "*Grounds for Review of a Planning Decision*" document, have taken cognisance of Policy PV 12 in relation to the above noted points.

Particular reference should be made to Point 2, in respect of floor levels. At present, the proposed floor level is noted on the elevation drawings as being 68.973m A.O.D. The existing ground levels around the property noted as being 68.823m A.O.D on completion of the works. If this is compared to the Topographic Survey, there are significant differences in level around the entire existing building, which have not been addressed. Furthermore, there have been no submissions made which clearly demonstrate compliance with items 1-4 noted above, which are extracted from Policy PV 12.

In order to comply with the requirements of point 2, a fully detailed scheme of levels should have been developed and submitted as part of the original application. If any subsequent proposals were submitted which showed an increased building floor level, and this was followed through the building to increase the height of ridgeline, this would be classed as a "Material Variation" and would require and amendment to the original planning application, or withdrawal and a new application submitted.

With reference to the "*Grounds for Review of a Planning Decision*" report prepared on behalf of the applicant, the following is stated under section 3.13:

"The information submitted by the interested party amounts to a drawing, 2 professional consultant reports, and an additional 12 instances of letters, documents, and comments by email or via the Angus Council planning portal. It is acknowledged the party is a direct neighbour to the proposals. However, the representations are infatuation with the proposals and the reasonableness of the claims in these representations must be called into question. The "evidence" presented to the authority is circumstantial at best, fed by the respondent's emotional connection to the proposals. The representative provides theoretical speculation which is supported by an engineer's report commissioned by the neighbour. These are not reasonable actions, and we consider that the standard of proof is not met for the objector to raise "reasonable doubt". The neighbour is also alleged to have utilised drone recordings to evidence alleged shortcomings or failures on the appellants part, which is very unreasonable and does not sit comfortably in the circumstances".

In response to the above, the information provided by Fairhurst in support of our clients objection has taken full consideration of the information supplied by the applicant as part of the original Planning Application. The information contained as part of our assessment was prepared from a technical viewpoint and fully justifies why the applicants drainage design was non-compliant. Statements from the Planning Consultant, such as "*…the representations are infatuation*", and "*…fed by the respondent's emotional connection to the proposals*", are a thinly vailed attempt to cover deficiencies of the original Planning Application. The simple fact is that the proposals in respect of drainage fail to comply with technical standards.

In addition to the above, Section 3.22 of the report notes the following:

The applicant has instructed a suitability qualified professional to undertake infiltration tests for both the foul and the surface water, as well as;

- *Drainage Strategy Report and Below Ground Foul and Surface Water Drainage Design;*
- *which will include;*
- *Foul water drainage layout plan and details*
- *Surface water drainage layout plan, including SuDs*
- *Modelling of the surface water and SuDs for a 1 in 100 year plus 40% climate change*
- *storm event*
- *Surface Water and SuDs details*
- *SuDs report and associated calculations*
- *Management and Maintenance report for the proposed lifetime of the development.*

We respectfully note that this information should have been provided with the original Planning Application, and that preparation of the additional information following refusal of Planning is an admission by the applicant that the original drainage design information was deficient.

Furthermore, modelling of the surface water and SuDS should be undertaken based on a 1:200 Year Storm Event + 40%cc.

The following summarises this review:

There are still technical aspects of Policy PV 12, which were not complied with as part of the original planning application, and nothing within the "Grounds for Review of a Planning Decision" document seek to clarify apart from simply quoting planning guidance

The suggestion that "The applicant has instructed a suitability qualified professional to undertake infiltration tests for both the foul and the surface water, as well as;", confirms that it has been accepted that the original drainage designs were deficient.

Significant flooding was recorded at site on the 27th December 2023, after the refusal letter was issued by Angus Council, potentially justifying the decision.

In conclusion, we hope that the foregoing is clear and further justifies our clients position.

Yours faithfully

[redacted]

Graeme L Bruce
Partner

cc – Mr Euan Grant

X:\Euan Grant\Applicant Appeal Feb 2024\GLB-BAL-01.docx

Record Photographs and still images from video footage provided by Euan Grant

Flooded turning area and access track on 27 December 2023

Still images from video taken on 27 December 2023 showing flood water levels against building gable

Jane Conley

From: Helen Smith <[redacted]>
Sent: 26 February 2024 03:54
To: Roselyn Brown
Subject: 21/00081/FULL Hatton of Eassie Lodge

Good evening,

Please find attached our representations in **support** of Angus Council's Planning Department's delegated decision to refuse the consent for application number 21/00081/FULL.

If we could please ask that you can confirm receipt of this email.

Kind regards,

Helen Smith & Gavin McCombe
Hatton of Eassie Lodge
DD8 1SF

Date: 25th February 2024

We wish to make further representations in support of Angus Council's Planning Department's delegated decision to refuse the consent for application number 21/00081/FULL.

We note that the appellant has stated that there is only **one** reason that the application was refused, and that the Council should have given them Consent with the drainage handled by way of a Planning Condition.

We believe the engineer's drainage report submitted in June 23 by the appellant regarding foul drainage porosity testing and surface water drainage infiltration testing was falsified. Despite having the opportunity to comment on this, the appellant declined and asked the Council to determine the application with the information already supplied.

We are aware of the severity of the flooding at the bottom of the farm track that has occurred on numerous recent occasions. Flood water runs off the fields, into the Turning Area and directly into the site entrance of Balgownie Steading. To comply with Angus Council's Policy, the access route into and out of the steading must always be free of floodwater and we know photos and videos have been taken that have recorded these flooding events. There have been large deep channels forged out by the flood water which then runs from the steading into the farmer's field.

We would respectfully ask that an accompanied site visit is arranged so that the Review Committee can meet all the objectors, view the existing buildings in context and understand the flooding and drainage aspects as noted above.

To conclude, we trust that the members of the Development Review Committee will take this representation into account and uphold Angus Council's REFUSAL of this planning application.

Gavin McCombe & Helen Smith
Hatton of Eassie Lodge
DD8 1SF

Jane Conley

From: Sean Stone <[redacted]>
Sent: 25 February 2024 17:19
To: Roselyn Brown
Subject: Re: Application for Review - Balgownie Farm, Eassie

Roselyn,
Thank you for the opportunity to consider whether further representation might be appropriate; I would like to state the following concerns, all continuations of previously raised issues but of increased weight following the greater impact of the winter 2023-24 rainfall.
As you will probably be aware, further rainfall well above the historical average fell this winter, building into a revised new normal.
1. This accentuates the existing concerns over, firstly, surface run off. At the height of the deepest of three flood events, flooding in the turning area in front of the proposed development, I measured a depth of 16"/40cms of fast flowing water. Surface water flow into this area has increased significantly in recent years, partly through the indisputed higher rainfall but also multiplied by changes to farm drainage on the higher ground to the south of the Glamis to Newtyle road. Flooding damage to the public road is now a recurring issue, monthly this winter and overflow now runs downhill straight into this area, producing damage to Balgownie fields and overwhelming the Balgownie steading drainage network. This much increased surface flow now runs into the development site with considerable force, sufficient to make standing on their access driveway a risky undertaking.
2. The next, and associated issue is with drainage and the ground's ability to absorb this increased fluid load. Viewing of the proposed site at any point for several days thereafter on each of those three primary flooding incidents shows surface water lying directly on what is proposed to become their entranceway. That surface water persisted for several days, demonstrating a distinct resistance to drainage which seems at odds with the application and the highly questionable drainage survey.
3. The third area is also linked. Water damage to the access track is a recurring and constant issue. Construction traffic especially, and then increased residential traffic, will undoubtedly damage this unsurfaced track very significantly, increasing the financial burden on all existing residents. Adding to the concerns is the lack of safe passing space for vehicles, cyclists (it's a popular, well used route) and the many local pedestrians accustomed to a relatively benign environment.

In summary, I continue to maintain my objections to the proposed development and in particular the applicants' disregard for the numerous concerns already raised by all of the current residents.

Sean Stone
1 Balgownie Cottages.

On Mon, 12 Feb 2024, 14:13 Roselyn Brown, <BrownR@angus.gov.uk> wrote:

Dear Sir/Madam

Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

Application for Review – Refusal of Planning Permission for Conversion of Steading to Form Single Dwelling House Including Landscaping, Boundary Treatments, Erection of a Treehouse and Associated Work at Balgownie Farm Steading, Eassie – Mr R Mills and Ms M Melki: Application No 21/00081/FULL – DMRC-3-24

I refer to the above planning application and your lodged representations to that application.

I write to advise you that the applicant has made an application for a review of the decision taken by the Service Lead – Planning and Sustainable Growth. This is a process brought in by the above legislation to enable applicants dissatisfied with a decision of the Planning Authority to ask for it to be reviewed. This review will be considered by Angus Council's Development Management Review Committee. A copy of the Council's Decision Notice is attached for your information.

In accordance with the above Regulations, I am required to ask you if you wish to make any further representations. The Review Committee will be given copies of your original representation. If you do wish to do so, you have 14 days from the date of receipt of this email to make such representations. **These should be sent directly to me.**

The applicant will then be sent a copy of these representations and the applicant will be entitled to make comments on them. These comments will also be placed before the Review Committee when it considers the review.

I can also advise that a copy of the Notice of Review and other documents related to the review can be viewed by contacting me directly.

In the meantime, should you have any queries please do not hesitate to contact me.

Kind regards

Roselyn

Roselyn Brown | Executive Support Officer (Members Services) and Committee Assistant | Angus Council | 01307 491994

Jane Conley

From: RONALD WILSON <[redacted]>
Sent: 23 February 2024 13:04
To: Roselyn Brown
Cc: [redacted]
Subject: Application for Review - Balgownie Farm Eassie

Dear Ms Brown

I wish to make further representations in support of Angus Council's Planning Department's delegated decision to refuse the consent for application number 21/00081/FULL.

After the recent heavy rains in December (one of many this year) I would once again like to stress my concern about the insufficient drainage information submitted by the applicant. On this last occasion we were unable to access our property by car, as the farm track was submerged and too deep for vehicle access. All the water had collected at the access to the applicant's property. This drainage issue leads on to our other concern which is flooding risk! The applicant has already had an opportunity to address these issues and has had information submitted which has proven to be unreliable. If the review committee feels a site visit would be appropriate we would be quite happy for this to happen.

Alison Wilson

APPENDIX 4

APPLICANT RESPONSE TO FURTHER LODGED REPRESENTATIONS

GRAY PLANNING
AND DEVELOPMENT

2023_41

26th March 2024

Roselyn Brown
Local Review Body
Planning and Sustainable Growth
Angus Council,
Angus House
Orchard Bank Business Park
Forfar
DD8 1AN

Dear Ms Brown

PLANNING APPEAL TO LOCAL REVIEW BODY – 21/00081/FULL – DMRC-3-24

CONVERSION OF STEADING TO FORM SINGLE DWELLING HOUSE INCLUDING LANDSCAPING, BOUNDARY TREATMENTS, ERECTION OF A TREEHOUSE AND ASSOCIATED WORKS

BALGOWNIE FARM STEADING, EASSIE, ANGUS DD8 1SF
(PLANNING REF: 21/00081/FULL)

Thank you for your email dated 12th March 2024 which advised the appellant of representations that were submitted to the above appeal. You collated all the representations into one document called "*Stage 5 - further comments COMBINED redacted*". It is to the relevant matters in that document for which we attach the following documents in response:

Appeal Document GP09 - Drainage Impact Assessment Report (March 2024) by Nimbus Engineering Consultants
Appeal Document GP10 – Letter from Christie Gillespie Consulting Engineers (March 2024) regarding retaining wall at south boundary
Appeal Document GP11 – Christie Gillespie Consulting Engineers' Proposed Retaining Wall Alternative Option
Appeal Document GP12 – Percolation Test results conducted by Nimbus Engineering Consultants (March 2024).

As outlined within the Grounds for Review Statement, the local review body should be interested in the following two matters raised in the planning officer's Report of Handling (**appeal Document GP02**) which sets the basis for the appellant to provide the above submitted information in support of the appeal:

"*The applicant has not provided information to demonstrate that the conditions required by the roads service can be met, and it has failed to provide any information to dispute the third party information which questions the veracity of the drainage report and the information provided in relation to infiltration rates which has been relied upon in soakaway design.*" (Page 11 of Appeal Document GP02).

"The council's expert advisor on flooding and drainage indicates that the accuracy of the submitted data is relevant to determination of the matter. Information submitted by an interested party raises reasonable doubt regarding the accuracy of the submitted information. The applicants have been invited to address this matter and provide information or evidence to confirm the veracity of their information or to rebut the claims made by the interested party but have declined to provide further information. In addition, no information has been provided to demonstrate that the conditions required by the roads service can be met. As matters stand, there is information which demonstrates some localised flood risk and there is information that raises reasonable doubt regarding information on drainage matters submitted in support of the application. In these circumstances and having regard to the advice from the roads service, it is concluded that there is insufficient information to demonstrate that matters regarding drainage and associated flood risk have been satisfactorily addressed such as to demonstrate compliance with policies 18 and 22 of NPF4 and policy PV12 of the ALDP" (Page 11 of Appeal Document GP02).

The consultation response from Angus Council Roads for application 21/00081/FULL stated:

"No objections subject to the following conditions/items being met: -
1. No new barriers to flow should be erected along the overland flow route for the culvert in perpetuity for the life of the development. Updated drawings will be required to demonstrate this.
a. Any new boundary treatments within this route should be of an open type which will allow water to pass freely.
b. No increase in ground levels along the overland flow route shall be made. Similarly any reductions in ground level must not result in any material change to location of the existing overland flow route.
c. The existing wood shed should be removed and no new or replacement structures erected within the overland flow route.
2. Freeboard must be provided as per the recommendations within the Flood Risk Assessment. Updated drawings will be required to demonstrate this.
3. Measures must be taken to adequately prevent flooding of the new package treatment plant for the development as this is shown to be sited within the overland flow route. Should this not be possible, the package treatment plant would require to be re-sited outwith the overland flow route. Updated drawings or information will be required to demonstrate this.
4. If an existing Mill Lade is uncovered during the construction or investigation stage then suitable mitigations must be proposed for approval of the local authority and subsequently undertaken.
5. Paving with the overland flow route must be of a permeable nature as cannot be drained by soakaway. Updated drawings will be required to demonstrate this.
6. Paving outwith the overland flow route must be of a permeable nature or suitable proposals for drainage of these areas must be incorporated into the site drainage plans. Updated drawings will be required to demonstrate this."

Appeal Document 09
The detail of this report must also be considered in the context of the Flood Risk Assessment carried out by Atholl Associates which was submitted at the planning application stage 22nd June 2023. The Atholl report predicted the outcome of the flooding which occurred in December 2023, and was illustrated in the photographs supplied in the representations.

The plan overleaf, taken from the Atholl Report, shows the overland flow of water exactly as seen in the photographs. It should also be noted that the remaining wood shed structure and the adjacent **debris pile** (also shown on the attached) along with dense undergrowth would have aggravated the situation by

restricting the flow and acting as a partial dam which would have the effect of locally increasing the depth of flooding.

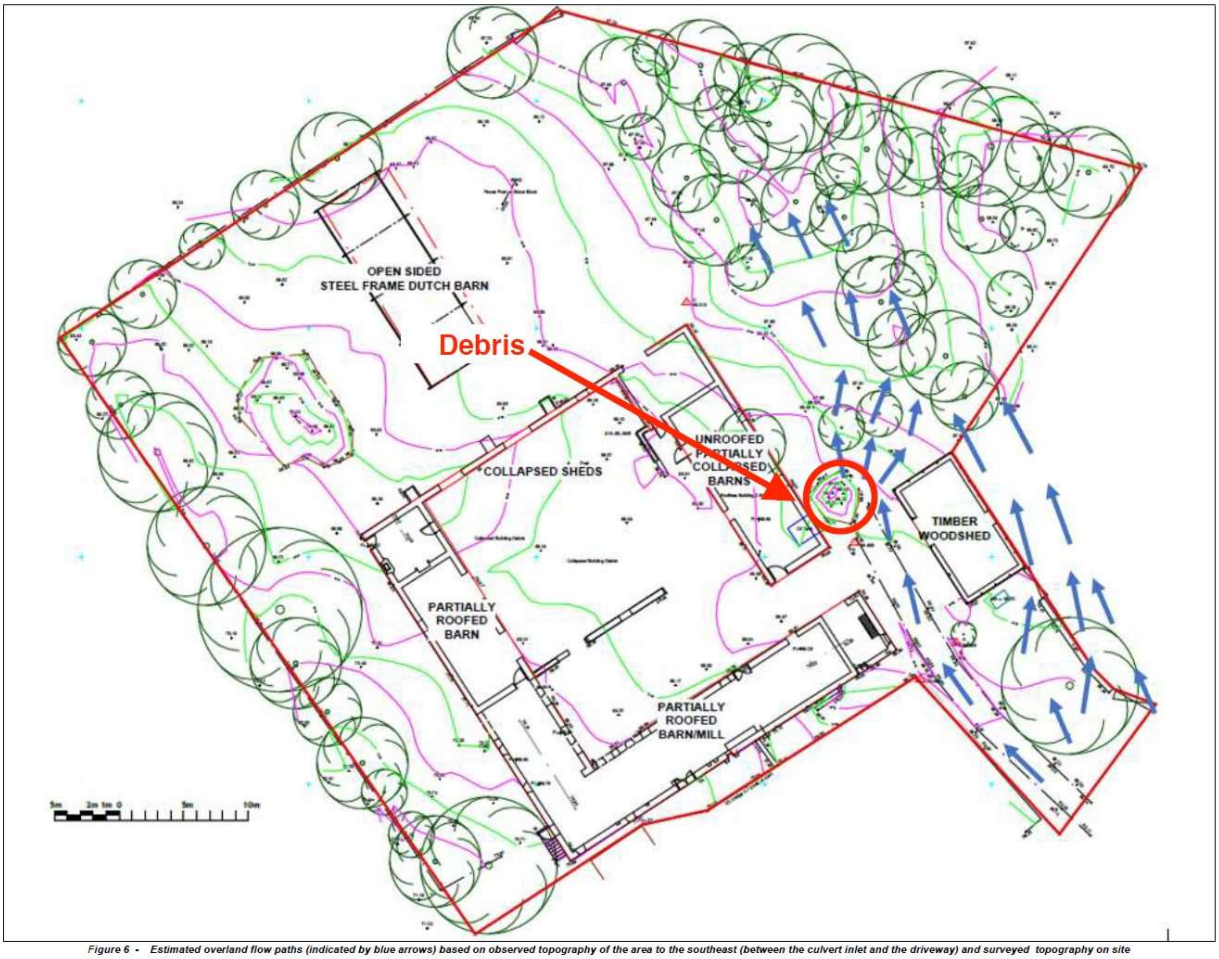

Figure 6 - Estimated overland flow paths (indicated by blue arrows) based on observed topography of the area to the southeast (between the culvert inlet and the driveway) and surveyed topography on site

Again all of this was predicated with measures to alleviate the situation detailed in the Conclusions of the Atholl Associates report, as attached below.

Atholl Associates Conclusions section below:

Conclusions

Based on the preceding sections of this report, I conclude that:

- The site will not be at risk of flooding, provided the site is built in accordance with the original scheme as set out in the current layout drawings
- In particular, the minimum finished floor level will be set at approximately 69.0m AOD for the main range of buildings. Based on the estimated flood levels on adjacent ground, this this will allow a freeboard of more than the minimum 600mm which is normally required. However, for the southern range, a slightly higher min FFL of 69.3m AOD is recommended.
- As ground levels along the access route from the main access track to the site entrance are typically at least 200mm higher than on the eastern site boundary (and levels beyond the boundary are likely to be lower), it is not anticipated that there will be a significant flooding along the access route at any time. Hence, pedestrian and vehicular access and egress will always available.
- No new barriers to flow should be erected along the line of the anticipated overland flow as a result of flows in excess of culvert capacity. This includes not only new features such as boundary walls and buildings, but should also mean that the ruinous timber shed on the western boundary should not be replaced but simply demolished. Hence any new or replacement boundary features should be of an open type such as open-boarded fencing, post and wire fencing, or hedges.
- Similarly, no increase in ground level should be made along the overland flow route. Hence, any surfacing or drainage features should be at or below existing levels (to prevent any obstruction to flow). Any reduction in ground levels (however unlikely) should not be sufficient to alter the flow path of any flood-related overland flow.
- Although there is no anticipated risk of flooding, the proximity of potential overland flows to the building means that the use of flood resilient construction methods and materials is recommended.

Provided these proposals are adhered to, the new building will not be at risk of flooding, and will not cause any increase in flooding to third party property. We therefore support the proposed development

Yours sincerely,

[redacted]

Dr Brian Coghlan BSc (Hons) PhD CEng MCIWEM
Director
Atholl Associates

Enc

- Email from M Melki to B Coghlan dated 23rd March 2023
- Drawing 811P2-11a Proposed layout and landscaping plan
- Drawing 811P2-02 Existing site plan

Therefore the appellant does not consider that the objector's concerns raised regarding flooding add anything to what was already known and acknowledged before this appeal.

Allegation of misleading porosity and infiltration testing

In response to these allegations, the appellants instructed Nimbus Engineering in February and March 2024 to conduct their own independent porosity and infiltration testing at a site visit (see results, **Appeal Document GP12**), which has fed into and informed the submitted drainage impact assessment report (**Appeal Document GP09**) and the recommended drainage design therein. Results show that infiltration is feasible at the north of the site, in the location of the proposed infiltration pond. The results of the Nimbus testing for foul drainage strategy will be further checked and verified (in the event of grant of planning permission) and before construction starts on site, with the use of an excavator to perform deeper testing to confirm the foul drainage solution as specified in the drainage impact assessment report (**Appeal Document GP09**) is absolutely the design to be implemented. For the avoidance of doubt, the Nimbus report is extremely clear. Its recommendations for surface and foul water treatment provide a solution which meets the flood risk allowances. No surface water runoff will leave the proposed development site.

The concerns of Angus Council Roads are addressed by the Drainage Impact Assessment report.
This report confirms a proposed surface water and SuDS solution has been modelled for the 1 in 200 years plus 45% climate change event. SuDS has been incorporated into the design, in the form of four wall-mounted rainwater harvesting tanks, porous surfacing, a level of treatment for the roof runoff to be provided in the sub base of the porous surfacing, with the remaining surface water runoff to be conveyed into an infiltration basin at the site. **This ensures that no surface water runoff will leave the proposed development site**. The foul water from the proposed development will be conveyed into a waste-water treatment plant, with discharge via a pumping station to a drainage field mound. A maintenance schedule is included within the report.

ALDP Policy PV12

In response to representations asking the appeal to consider the adequacy of the appellant's adherence to Angus Local Development Plan Policy PV12 (Managing Flood Risk), the submitted information, along with review of previously submitted information confirms:

1. *Provide evidence that flood risk can be adequately managed both within and outwith the site.*

The appellant's flood risk assessment report by Atholl Associates along with the surface and foul water drainage solutions in the Nimbus Engineering report (**Appeal Document GP09**) can adequately manage flood risk, on the proviso that debris piles that exist on the site (see image page 3), the existing wood store is removed, the proposed 1.2m high stone wall is removed. Information provided on alternative stone retaining wall design is found in the submitted documents **GP10 and GP11** which suggest there are other feasible design responses (in addition to that put forward in critique by Fairhurst engineering commenting on behalf of one of the representors).
With regard to the Nimbus Engineering report (GP09) the evidence presented there conforms to Policy PV12. The report confirms a proposal for four wall mounted rainwater harvesting tanks. The roofs will be pitched therefore sedum or green roofing cannot be provided, however the surface water run off from the roofs will be conveyed into the granular sub base of the recommended permeable paving, where perforated pipes will collect the surface water run off from these areas, prior to conveying via gravity to a recommended infiltration basin. The consultants state "*Therefore, a level of treatment has been provided for all of this surface water run off*." This proposed solution can be found on the drawings provided in Appendix A of **Appeal Document GP09**. The consultants also confirm the proposed surface water and SuDS solution has been modelled for the 1 in 200 year plus 45% climate change event and the hydraulic modelling files have been provided in Appendix B of **Appeal Document GP09**.

2. Floor level of the proposed development should be set at a level which provides at least 500-600mm freeboard to flood levels.
It is acknowledged there are discrepancies between the representors' detailed measurements compared with the appellant's flood expert measurements on finished floor levels and risk. Whether these discrepancies amount to a significance which the planning authority considers to be a material change and warrants a fresh planning application (instead of non-material change where this may be deemed acceptable under Section 64 of the Town and Country Planning (Scotland) Act 1997 as amended) is a matter of planning judgement for the planning authority not for anyone else.

3. Confirm that access and egress to the site can be provided that is free of flood risk.
For the avoidance of any doubt, the Nimbus report is extremely clear in its recommendations for surface and foul water treatment that there is a solution which meets the flood risk allowances and no surface water runoff will leave the proposed development site. That being the case then access and egress to the site can be provided free of flood risk.

4. Confirm that water-resistant materials and construction will be utilised
The Nimbus Engineering report on drainage (Appeal Document **GP09**) and recommendations for the solutions describe the use of relevant materials and construction methods which they advise to be suitable.

Site Visit

The appellants indicated in the Grounds for Review Statement (Section 1.6-1.9) and within the Appeal Form submitted to the Local Review Body, of its wish for an accompanied site visit. Also given the level of public interest for a site visit expressed by these representations, then it is respectfully asked that the Local Review Body agrees to undertake a site visit in advance of reaching its determination on this appeal. This will enable on-site detailed examination of matters relating to the forementioned obstructions to free drainage flow, to the position of the access track in relation to the surface water drainage solution, and for the need to check and verify the distances and visual separation between existing occupants and the proposed new development within the courtyard setting.

The appellant would be grateful if the Local Review Body agree to confirm a date for a site visit.

Yours sincerely,

Neil Gray
MA (Hons), MSc, Dip TP, MRTPI
Director
GRAY PLANNING & DEVELOPMENT Ltd
E: neil@grayplanning.co.uk
M: [redacted]

ENC. Appeal Documents GP09 (Drainage Impact Assessment), GP10 (Retaining Wall), GP11 (Retaining Wall Alternative) and GP12 (Percolation Test Report)