

**LRB-2023-24**

**22/02096/FLL – Erection of a dwellinghouse, land 70 metres south east of Mylnefield House, Invergowrie**

**PLANNING DECISION NOTICE**

**REPORT OF HANDLING**

**REFERENCE DOCUMENTS**





Mr Mark Harris  
c/o Jim Lough  
2 Riverside Gardens  
Balloch  
Alexandria  
G83 8QD

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date of Notice: **24th April 2023**

## **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT**

Application Reference: **22/02096/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 25th February 2023 for Planning Permission for **Erection of a dwellinghouse Land 70 Metres South East Of Mylnefield House Invergowrie**

**David Littlejohn**  
**Head of Planning and Development**

### **Reasons for Refusal**

1. The proposal is contrary to Policy 19 'Housing in the Countryside' of the Perth and Kinross Local Development Plan 2 (2019) and the Council's Housing in the Countryside Supplementary Guidance 2020, as it does not comply with any of the categories of the policy guidance.
2. The proposal is contrary to Policy 17 Rural Homes of National Planning Framework 4 as the proposal does not meet any of the criteria within the policy.
3. The proposal is contrary to Policy 40B 'Forestry, Woodland and Trees" of the Perth and Kinross Local Development Plan 2 (2019), as insufficient information has been submitted with regards to the existing trees on the site. The tree survey submitted does not detail the development as proposed and how it can be constructed with tree protection measures in place and without damage to tree roots as works are proposed within the root protection areas for a number of trees.

### **Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

## Notes

N/A

The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page.

Plan Reference

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## REPORT OF HANDLING

### DELEGATED REPORT

|                        |                     |                 |
|------------------------|---------------------|-----------------|
| Ref No                 | 22/02096/FLL        |                 |
| Ward No                | P1- Carse Of Gowrie |                 |
| Due Determination Date | 24th April 2023     |                 |
| Draft Report Date      | 21st April 2023     |                 |
| Report Issued by       | JF                  | Date 21/04/2023 |

**PROPOSAL:** Erection of a dwellinghouse

**LOCATION:** Land 70 Metres South East Of Mylnefield House  
Invergowrie

#### SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

#### BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is on land 70metres South East of Mylnefield House, Invergowrie, on an area which is heavily vegetated with mature trees. The application seeks detailed planning permission for the erection of a dwellinghouse. The proposed dwellinghouse is a detached 3 bedroomed bungalow and is located to the South of the site.

The application follows on from a refusal ref 21/01825/FLL which was considered contrary to Housing the Countryside Policy Category 1 and 2 with additional reasons in relation to trees.

#### SITE HISTORY

21/00793/FLL Erection of a dwellinghouse 14 June 2021

21/01360/FLL Erection of a dwellinghouse 3 September 2021

21/01825/FLL Erection of a dwellinghouse 22 December 2021 Application Refused

#### PRE-APPLICATION CONSULTATION

Pre application Reference: N/A

#### DEVELOPMENT PLAN

The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

## **National Planning Framework 4**

The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.

NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.

The Council's assessment of this application has considered the following policies of NPF4 :

Policy 1: Tackling the Climate and Nature Crisis

Policy 3: Biodiversity

Policy 6: Forestry, Woodland and Trees

Policy 29: Rural Development

## **Perth and Kinross Local Development Plan 2 – Adopted November 2019**

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 6: Settlement Boundaries

Policy 19: Housing in the Countryside

Policy 26A: Scheduled Monuments and Archaeology: Scheduled Monuments

Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development

Policy 41: Biodiversity

Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy

Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development

Policy 53B: Water Environment and Drainage: Foul Drainage

Policy 53C: Water Environment and Drainage: Surface Water Drainage

Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

## **Statutory Supplementary Guidance**

- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)
- [Supplementary Guidance - Forest & Woodland Strategy](#) (adopted in 2020)
- [Supplementary Guidance - Housing in the Countryside](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

## OTHER POLICIES

### Non Statutory Guidance

- [Planning Guidance - Planning & Biodiversity](#)

## NATIONAL GUIDANCE

The Scottish Government expresses its planning policies through The National Planning Framework, Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

### National Roads Development Guide 2014

This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

## CONSULTATION RESPONSES

|                                   |                          |
|-----------------------------------|--------------------------|
| Scottish Water                    | No objection             |
| Transportation And Development    | No objection             |
| Development Contributions Officer | No contribution required |
| Dundee Airport Ltd                | No objection             |
| Perth And Kinross Heritage Trust  | No objection             |

## REPRESENTATIONS

No representations were received.

### Additional Statements Received:

|  |   |
|--|---|
| Screening Opinion  | EIA Not Required                        |
| Environmental Impact Assessment (EIA):<br>Environmental Report   | Not applicable                          |
| Appropriate Assessment under Habitats<br>Regulations             | Habitats Regulations AA Not<br>Required |
| Design Statement or Design and Access<br>Statement               | Submitted                               |
| Report on Impact or Potential Impact eg Flood<br>Risk Assessment | Submitted                               |

## **APPRAISAL**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, involving considerations of the Council's other approved policies and supplementary guidance, these are discussed below only where relevant.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

### **Policy Appraisal**

The site is not located within a designated settlement boundary. As such, Policy 6 'Settlement Boundaries' is directly applicable. Policy 6 specifies that development will not be permitted, except within the defined settlement boundaries which are defined by a settlement boundary in the Plan.

However, through Policy 19 'Housing in the Countryside', it is acknowledged that opportunities do exist for housing uses in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus the development of single units or groups of units which fall within the six identified categories will be supported. The Council will support proposals for the erection, or creation through conversion, of single units and groups of units in the countryside which fall into at least one of the following categories:

- 1) Building Groups
- 2) Infill site
- 3) New houses in the countryside on defined categories of sites as set out in section 3 of the supplementary guidance
- 4) Renovation or replacement of houses
- 5) Conversion or replacement of redundant non-domestic buildings
- 6) Development on rural brownfield land

The previous application was considered under category 1 'Building Groups' and category 2 'Infill Sites'. The proposal was considered not to comply with these categories.

Within the supporting statement the agent considers the site would comply with Category 3.1 Existing Gardens (a). This policy states that proposals for a new house or houses within the original garden ground associated with an existing country or estate house will be supported providing that there is an appropriate landscape setting and additional development will not fundamentally affect the qualities and integrity of the site, particularly where the house is a listed building or falls within a Historic Garden or Designed Landscape. A country or estate house is defined as a



large house set within its own estate or extensive grounds. This section does not apply to domestic scale gardens or where gardens have been created at a later date, for example, by the change of use of agricultural land to garden ground.

The submission is supported by historic maps which show in 1891 there was an extensive dwelling sited to the west of the application site with a long drive providing access, there is an additional building to the north which may have served as ancillary to the original estate/country house. In the 1959 map the house is no longer present with the ancillary building now forming 'Mylnefield'. In a 1970 map some ancillary development of this house has taken place to the south. In addition the plans submitted for the proposal show the full extent of the land ownership which is proportionate to the scale of the house but not considered for the purposes of the policy to constitute a country or estate house set within its own estate or extensive grounds. It also appears from the maps that this area was wooded and not laid out as gardens these lie to the west.

It is also considered that in this case the commencement of a development for an ancillary building does not justify the erection of a dwelling which will be required to have its own access and usable amenity space within a contained plot.

In summary, it is considered that the proposal would not comply with Category 3.1 and therefore the principle of the development is not supported under this category.

### **Design and Layout**

The dwelling proposed is modest and simple in form/design. It is single storey finished with a mock slate roof and the walls will be finished in a smooth white wet dash render. The windows and doors will be white uPVC units. All rainwater goods will be black uPVC. A new set of electronic gates are proposed at the end of the new driveway.

There are no significant concerns regarding the design however it's unfortunate that some traditional detailing or materials.

### **Residential Amenity**

The location of the proposed dwellinghouse is remote from any other residential receptor, therefore it is considered that there will be no loss of amenity. There is also sufficient amenity ground provided for the scale of the proposed dwellinghouse however it should be noted that the tree report submitted highlights the level of tree cover and shading arcs would have impacted the use of the amenity space and may have led to tree removal by future occupants.

### **Roads and Access**

The proposal incorporates a large driveway which connects to the existing access road. The driveway has parking facilities for at least 2 vehicles and turning facilities to allow for all vehicles to exit the site in a forward gear. These arrangements are considered suffice for the level of traffic likely to be generated by the proposed development. The Council's Transport Planning Team have been consulted.

Transport Scotland were not consulted as the proposal did not meet the thresholds for consultation.

It is therefore considered that there are no roads or access implications, and the proposal complies with Policy 60B 'Transport Standards and Accessibility Requirements'.

### **Conservation Considerations**

Perth & Kinross Heritage Trust (PKHT) were consulted as part of this application and have no objection to offer, subject to conditional control regarding archaeology. This is due to the archaeological sensitivity of the Carse of Gowrie area. The recommended condition would ensure compliance with Policy 26B 'Scheduled Monuments and Archaeology: Archaeology'.

### **Natural Heritage and Biodiversity**

The site is currently woodland and has a significant number of mature trees present. Policy 40B 'Forestry, Woodland and Trees: Trees, Woodland and Development' requires that a Tree Survey is submitted by a suitably qualified professional where there are existing trees on the site.

This application is accompanied by a tree survey, but this does not appear to directly relate to the site plan submitted. The site plan shows trees which are not in the tree survey and vice versa for example there is a soakaway proposed to the west of the dwelling which would lie within a tree RPA, this tree is not on the site plan. The proposal is therefore still contrary to Policy 40 as the tree report submitted does not detail how the dwelling, soakaway and access road which all lie within RPAs can be constructed and that there is no plan showing how the tree protection in line with the RPAs could be erected and maintained during construction.

### **Drainage and Flooding**

The site is not located within an area of identified flood risk and the proposals are not considered to increase the risk of flooding or create any drainage implications. A surface water drainage plan, soakaway calculations and percolation test results have been submitted which demonstrate compliance with Policy 53C 'Water Environment and Drainage: Surface Water Drainage'.

However the soakaway is located within the root protection area of tree and as noted the tree report plans (showing tree locations and RPAs) does not match up with the site plan submitted.

### **Developer Contributions**

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

## **Economic Impact**

The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

## **VARIATION OF APPLICATION UNDER SECTION 32A**

This application was not varied prior to determination.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **CONCLUSION AND REASONS FOR DECISION**

To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the Development Plan.

Accordingly the proposal is refused on the grounds identified below.

### **Conditions and Reasons**

- 1 The proposal is contrary to Policy 19 'Housing in the Countryside' of the Perth and Kinross Local Development Plan 2 (2019) and the Council's Housing in the Countryside Supplementary Guidance 2020, as it does not comply with any of the categories of the policy guidance. In particular the site is not considered for the purposes of the policy to form part of a country or estate house set within its own estate or extensive grounds
- 2 The proposal is contrary to Policy 17 Rural Homes of National Planning Framework 4 as the proposal does not meet any of the criteria within the policy.
- 3 The proposal is contrary to Policy 40B 'Forestry, Woodland and Trees' of the Perth and Kinross Local Development Plan 2 (2019), as insufficient information has been submitted with regards to the existing trees on the site. The tree survey submitted does not detail the development as proposed and how it can be constructed with tree protection measures win place and without damage to tree roots as works are proposed within the root protection areas for a number of trees.

**Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

**Informatives**

N/A

**Procedural Notes**

Not Applicable.

**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

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Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.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 100608426-001

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)

Erection of dwelling house land 70 m South East of Mylnefield House, Invergowrie

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: | <input type="text"/>                            |  |  |
| Ref. Number:          | <input type="text"/>                            | You must enter a Building Name or Number, or both: * |  |
| First Name: *         | <input type="text" value="Jim"/>                | Building Name:                                       | <input type="text"/>                           |
| Last Name: *          | <input type="text" value="Lough"/>              | Building Number:                                     | <input type="text" value="2"/>                 |
| Telephone Number: *   | <input type="text" value="07771970537"/>        | Address 1 (Street): *                                | <input type="text" value="Riverside Gardens"/> |
| Extension Number:     | <input type="text"/>                            | Address 2:   | <input type="text"/>                           |
| Mobile Number:        | <input type="text"/>                            | Town/City: *   | <input type="text" value="Balloch"/>           |
| Fax Number:           | <input type="text"/>                            | Country: *   | <input type="text" value="Alexandria"/>        |
|                       |   | Postcode: *  | <input type="text" value="G83 3QD"/>           |
| Email Address: *      | <input type="text" value="jim@jimlough.co.uk"/> |  |  |

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

|                      |                                     |  |                      |
|----------------------|-------------------------------------|--|----------------------|
| Title:               | <input type="text" value="Mr"/>     | You must enter a Building Name or Number, or both: * |                      |
| Other Title:         | <input type="text"/>                | Building Name:                                       | <input type="text"/> |
| First Name: *        | <input type="text" value="Mark"/>   | Building Number:                                     | <input type="text"/> |
| Last Name: *         | <input type="text" value="Harris"/> | Address 1 (Street): *                                | <input type="text"/> |
| Company/Organisation | <input type="text"/>                | Address 2:   | <input type="text"/> |
| Telephone Number: *  | <input type="text"/>                | Town/City: *   | <input type="text"/> |
| Extension Number:    | <input type="text"/>                | Country: *   | <input type="text"/> |
| Mobile Number:       | <input type="text"/>                | Postcode: *  | <input type="text"/> |
| Fax Number:          | <input type="text"/>                |  |                      |
| Email Address: *     | <input type="text"/>                |  |                      |

## Site Address Details

Planning Authority:

Perth and Kinross 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

Land 70 meters South East of Mynefield House, Invergowrie Dundee DD2 5EH

Northing

730274

Easting

333422

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

612.00

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)

Garden grounds

## 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?

2

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)? \*

2

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

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)

hardstanding for 4 domestic waste 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: Alison Arthur

On behalf of: Mr Mark Harris

Date: 25/11/2022

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 principle 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)

Provide copies of the following documents if applicable:

- |  |   |   |
|--|---|---|
| A copy of an Environmental Statement. *  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> N/A            |
| A Flood Risk Assessment. *   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. *  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Arboricultural assessment

## 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: Mrs Alison Arthur

Declaration Date: 25/11/2022

House plot at

' Mylnefield House '  
Invergowrie, Dundee, DD2 5EH.

Erection of Detached House

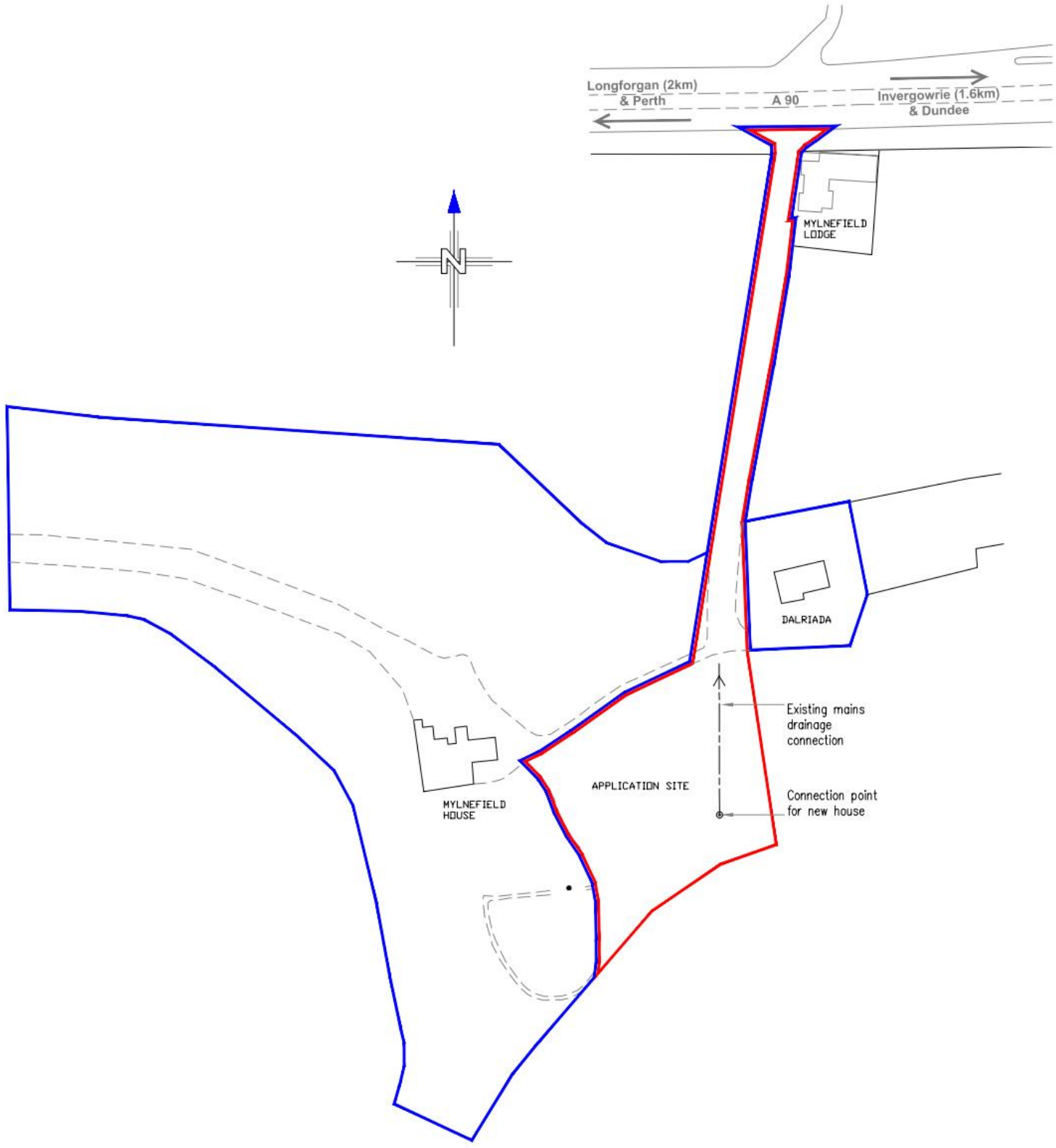
**JIM LOUGH**  
Surveying & Architectural Services

2 Riverside Gardens, Balloch, G83 8QD  
e-mail ; jim@jimlough.co.uk web ; jimlough.co.uk  
tel ; 0777 1970 537

### Location Plan

Project Ref **21.10.01** Drg **01** 23/12/21

Rev A - 10/01/23 - Plan extended to show ownership boundaries for Planning Application  
Rev B - 09/02/23 - Ownership boundaries amended



1:1250 @ A3



House plot at

' Mylnefield House '  
Invergowrie, Dundee, DD2 5EH.

Erection of Detached House

**JIM LOUGH**  
**Surveying & Architectural Services**

2 Riverside Gardens, Balloch, G83 8QD  
e-mail ; jim@jimlough.co.uk web ; jimlough.co.uk  
tel ; 0777 1970 537

**Internal Walls Details**

Project Ref **21.10.01** Drg **07** 24/10/21

**NON STRUCTURAL**

12.5mm plasterboard, taped & filled



90x40mm CLS studs @ 600mm crs

12.5mm plasterboard, taped & filled

**RACKING**

12.5mm plasterboard taped & filled



90x40mm studs @ 600mm crs

9.5mm OSB board &  
12.5mm plasterboard taped & filled

**LOADBEARING**

12.5mm plasterboard taped & filled



97x47mm studs @ 600mm crs

12.5mm plasterboard taped & filled

**LOADBEARING & RACKING**

12.5mm plasterboard taped & filled



97x47mm studs @ 600mm crs

9.5mm OSB board &  
12.5mm plasterboard taped & filled

1. Where on plan walls are shown with insulation plasterboard is to be a min' density of 10kg/m<sup>2</sup> and the wall cavities are to be filled with 100mm quilt with a minimum density of 10kg/m<sup>3</sup>.
2. Moisture resistant plasterboard is to be used for all kitchen, bath and shower rooms
3. Walls of shower areas are to be sealed with a proprietary waterproof wallboard or ceramic tiles fixed with waterproof adhesive & grout to a height of 2.0m above finished floor level.

House plot at

' Mylnefield House '  
Invergowrie, Dundee, DD2 5EH.

Erection of Detached House

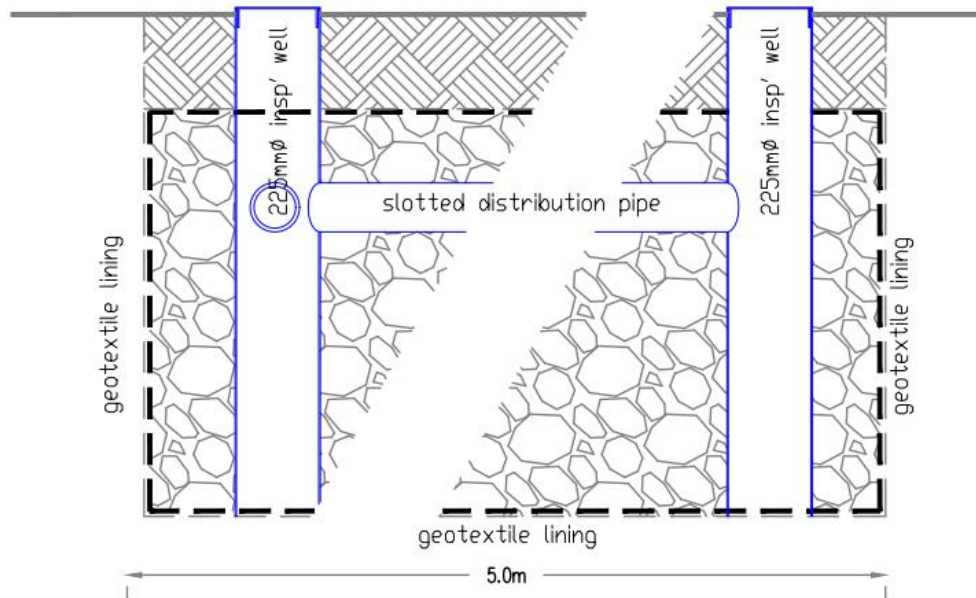
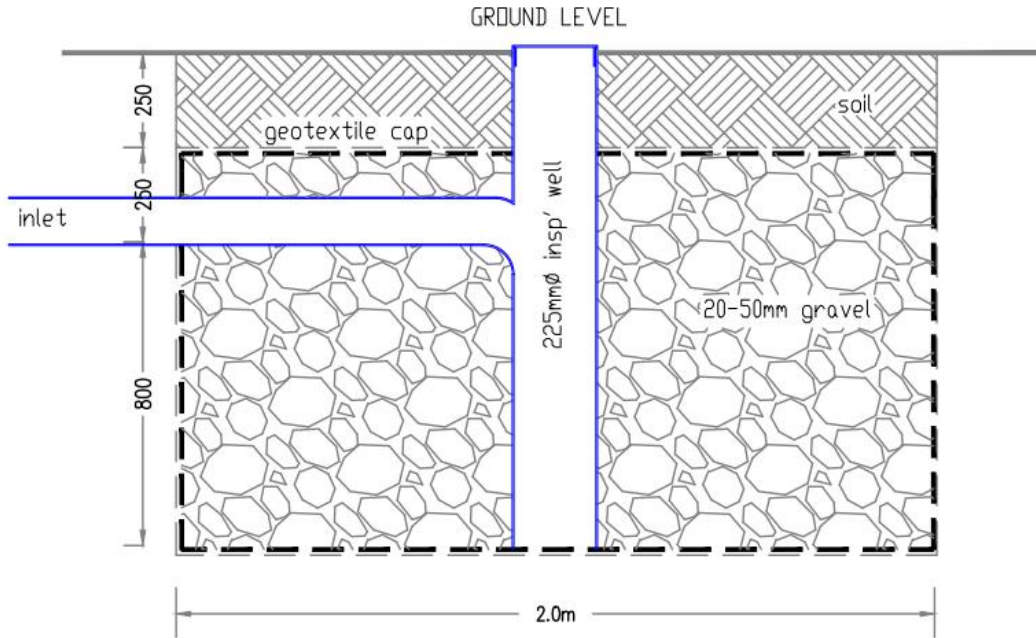
# JIM LOUGH

## Surveying & Architectural Services

2 Riverside Gardens, Balloch, G83 8QD  
e-mail ; jim@jimlough.co.uk web ; jimlough.co.uk  
tel ; 0777 1970 537

## Soakaway Details

Project Ref **21.10.01** Drg **08** 21/12/21



$$\begin{aligned}
 S &= [A \times R] - [a_{s50} \times f \times D] \\
 &= [163 \times 0.0145] - [(2(5+2) \times .8 \times \frac{1}{2}) \times (1/12.5/1,000) \times 900] \\
 &= 2.36 - [5.6 \times 2 \times 10^{-5} \times 900] \\
 &= 2.36 - 0.10 \\
 &= 2.26
 \end{aligned}$$

$$\begin{aligned}
 VS &= \text{Volume of soakaway} \times \text{voids ratio of 40\%} = [2 \times 5 \times .8] \times 0.28 \\
 &= 2.24\text{m}^3, \text{ which is } > 2.26\text{m}^3 \text{ therefore sufficient}
 \end{aligned}$$

THE CONTRACTOR SHALL ;

- be responsible for verifying all sizes and angles prior to purchasing or ordering materials or components.
- be responsible for verifying that he is working to drawings and specifications which have been approved by the local authority.
- shall ensure that the work area is supervised or secured at all times to ensure that unauthorised persons do not gain entry.

GENERAL NOTES;

ALL WORKMANSHIP, materials, components, fixtures, fittings and installation to be in accordance with British Standards Codes of Practice or BBA Certificates where they exist or in accordance with the manufacturer's recommendations and instructions.

All Structural works are to be completed in accordance with the structural engineer's drawings and specification. Should a conflict between the engineering and architectural details be encountered Jim Lough is to be advised.

DRAINAGE;

Gradients to be; 110mm 1:90, 50mm 1:30.

The base of fouls drain stacks and sub stacks are to be fitted with long radius bends. A screwed access cap to be fitted close to ground level.

Bedding & backfill to be min of 100mm sand (size 10-32mm) or rounded aggregate (max. size 14mm) and compacted, thereafter backfill with as dug material. All backfill to be compacted in max. layers of 200mm.

Drainage less than 600mm below ground level to be protected by 75mm min. pea gravel all round below a 50mm thick concrete slab. Minimum slab width to be 3 x pipe diameter.

Inspection chambers are to be proprietary 450mm diameter upvc chambers with a max invert depth of 750mm.

All drainage to be in accordance with BS EN 12056 1 & 2:2000 and BS EN 753:2017 (underground).

WATER SUPPLY;

A cold-water feed to the kitchen sink is to be fed directly from the rising main.

Water efficient fittings should be provided to all WCs and WHBs. Dual flush WC cisterns should have an average flush volume of not more than 4.5 litres. Single flush WC cisterns should have a flush volume of not more than 4.5 litres.

Taps serving wash or hand rinse basins should have a flow rate of not more than 6 litres per minute.

MASONRY;

ALL MORTAR BEDS and perpend joints in masonry walls to be fully filled with mortar.

DPCs to be provided below all wallplates and at all cavity closures to external walls.

An external leaf DPC is to be provided between 150mm & 375mm from the adjacent ground level.

JOINERY;

The junctions of all windows, doors, walls, floors and ceilings and all service penetrations are to be caulked or taped & filled to prevent draughts

KITCHEN UNITS are to provide a minimum of 1.0cub'm storage.

WINDOWS & DOORS; upvc, U-value= 1.8 W/m<sup>2</sup>K

ALL GLAZING-

To be in accordance with BS6262-4:2018. All glazing below a height of 800mm from floor level is to be laminated. All glazed doors to be laminated full height. All windows to incorporate trickle ventilators, see ventilation notes.

DOORS MINIMUM CLEAR OPENING WIDTHS (between face of open door & face of door check)-

Accessible Entrance - Min 800mm. Elsewhere Min 775mm

SECURITY-

New windows and doorset to be manufactured to meet recognised product standards and defined component performance and be installed in accordance with recommendations given in Section 8 of BS 8213-4:2016.

Window Security Specification:

- tested and certified for security in accordance with BS 7950: 1997.
- designed and constructed in accordance with BS 644: 2012 for timber windows or BS7412: 2007 for PVCu units
- Ironmongery: a keyed locking system that uses a removable key.

Door Security Specification:

- tested and certified for security in accordance with BS PAS 24: 2016.
- designed and constructed in accordance with recommendations given in Annex A of BS 8220-1: 2000.
- Ironmongery:
  - a. hinges in accordance with BS EN 1935: 2002 for hinges grade 11 or above and to be of a type that does not permit the removal of the hinge pin unless the door is open.
  - b. multi-point locking system with dead locking facility.
  - c. cylinder in accordance with BS EN 1303: 2015, grade 5 key security and grade 2 attack resistance min.
  - d. shoot bolts at head and foot of secondary leaf.



VENTILATION;

Apartments to be provided with a min of opening windows or doors to provide an opening area greater than 1/30th of the floor area of the apartment.

Extract fans, ducted through the roofspace to the soffit and fitted with vermin proof terminals, are to be fitted to the Kitchen, Utility Room, Bathroom and ensuite. All in accordance with the CIBSE Guide 1986.

|                   |        |
|-------------------|--------|
| Kitchen, over hob | 30l/s. |
| Utility room      | 30l/s. |
| Bathroom          | 15l/s. |
| Ensuite           | 15l/s  |

The minimum trickle ventilation to be provided in any "apartment" is to be 12,000mm<sup>2</sup>, elsewhere 10,000mm<sup>2</sup>.

A Carbon Monoxide Alarm is to be installed in the Utility Room in compliance with BS EN 50291-1:2018.

A mains operated wall mounted carbon dioxide monitor/detector with a 24 hour data recall capability manufactured in accordance with European Directive 2006/95/EC is to be installed in Bedroom 1, the Accessible apartment, within 1m of the proposed headboard position, 200mm clear of any corner and 1.5m above floor level.

HEATING;

Wall mounted oil condensing boiler (SEDBUK RATING 91%) with a 7-day manual programmer and a thermostat to prevent cycling. Thermostatic Control Valves are to be fitted to all radiators except in bathrooms.

Foam lagging is to be fitted to all hot, cold and heating pipes in all unheated spaces and to hot water pipes throughout the building, including heated spaces. All joints in foam lagging to be taped.

The heating and hot water system is to be installed, inspected, tested and commissioned in accordance with the manufactures instructions and guidelines. The manufacturer's installation instructions and user's manual are to be handed over to the owner prior to occupation of the building. If the owner is not to be the occupier a copy of the user's manual shall be issued to the tenant.

Air infiltration is to be minimised by; a) caulking the junctions of windows and doors to walls and floors, b) caulking the junction of walls to ceilings and floors, c) lapping and taping all vapour barriers and d) sealing all vapour barrier penetrations at sockets and switches.

Where both hot and cold water are supplied to a facility a thermostatic mixing valve (TMV) or fitting complying with BS EN 1111 or BS EN 1287 shall be fitted as close to the point of delivery as practicable. It shall allow flexibility in setting of a delivery temperature, up to a maximum of 48°C, in a form that is not easily altered by building users.

OIL STORAGE;

Polyethylene twin walled tank BRM H250 by "Balmoral Tanks". The tank is to sit on a 150mm thick concrete base surrounded by screening masonry walls, with weep holes to prevent the build-up of rainwater.

The feed pipe to the combustion appliance is to be fitted with a fire valve and in full accordance with the manufacturer's instructions and BS5410: Part 1: 1997.

ELECTRICAL WORKS;

It will be the contractor's responsibility on completion of the works to provide the client with a certificate confirming that the electrical installation has been designed, constructed, installed and tested in compliance with the requirements of BS 7671:Amd 1:2020

and where appropriate

that the fire detection system has been designed, constructed, installed and tested in compliance with the requirements of BS:5839:Part6:2019.

This/the certificate(s) must be accompanied by a schedule of inspections and a schedule of test results. The certificate(s) and schedules must be completed by a suitably qualified and competent person.

All new sockets, switches, timer controls, programmers to be positioned at least 350mm from any internal corner, projecting wall or similar obstruction and not more than 1.2m above FFL. New light switches shall be positioned at a height of 1.05m.

New standard switches or unswitched socket outlets and outlets for other services such as telephone or television should be positioned 400mm above FFL. Above an obstruction, such as a worktop, fixtures should be at least 150mm above the projecting surface.

Where socket outlets are concealed, such as to the rear of white goods in a kitchen, separate switching should be provided in an accessible position, to allow appliances to be isolated before removal.

All electrical fittings in bath or shower rooms are to have a min IP rating of 65. Light and fan switches, and a fan isolation switch, are to be located out with the shower room.

A heat alarm is to be fitted in the kitchen in compliance with BS:5446:Part2:2003

An optical smoke alarms is to be fitted in the Lounge.

An ionisation smoke alarms is to be fitted in the Hall.

All in compliance with BS EN 14604:2005/AC:2008,

All heat and smoke alarms are to be ;

- a. mains powered, taken from the local lighting circuit
- b. interconnected so that detection by unit will cause all to sound and
- c. each alarm is to have an internal standby battery.

All alarms to be fitted where shown on plan and in accordance with the manufacturer's instructions.

House plot at

' Mylnefield House '  
Invergowrie, Dundee, DD2 5EH.

Erection of Detached House

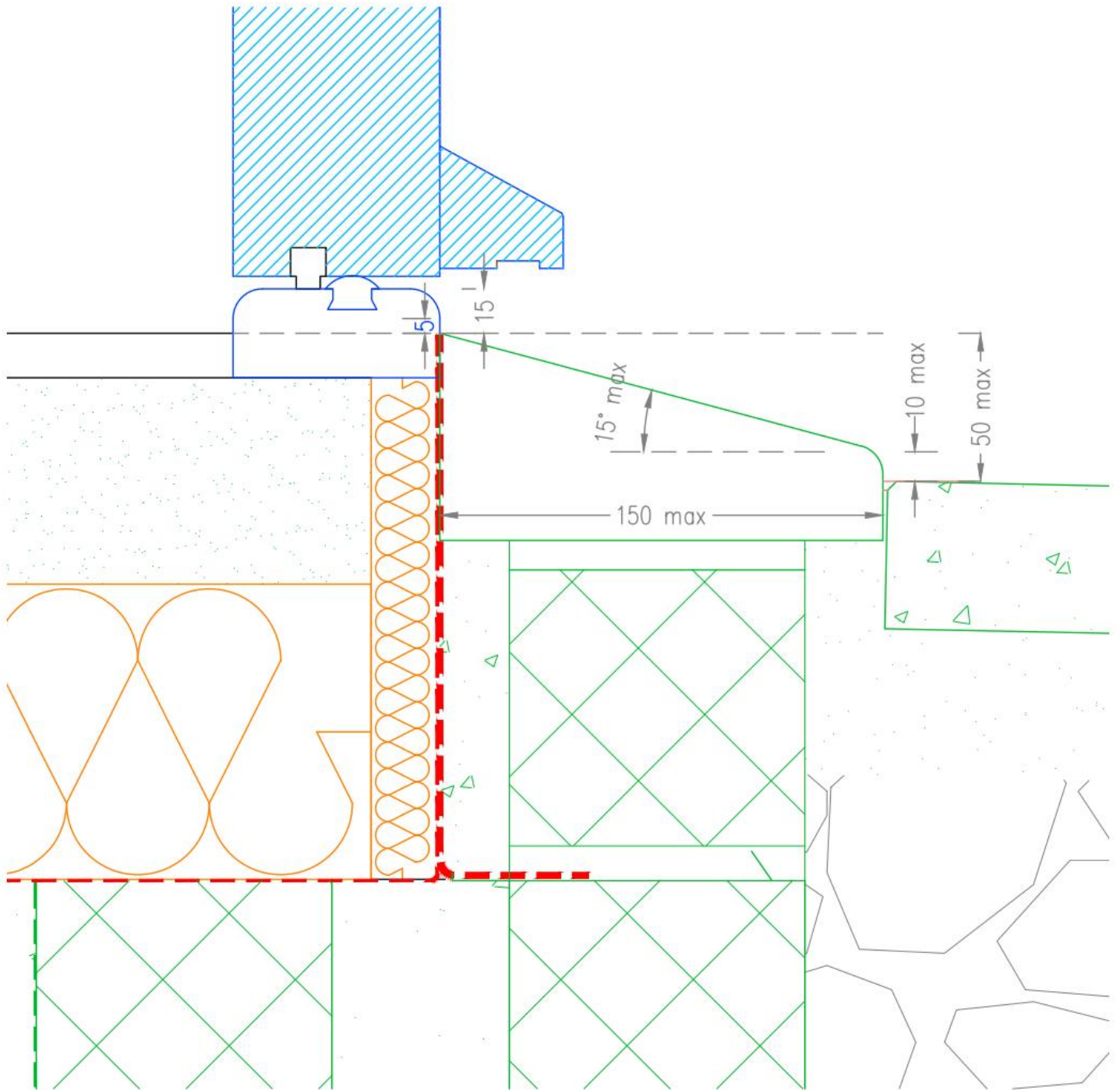
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tel ; 0777 1970 537

## Access Threshold Details

Project Ref **21.10.01** Drg **10** 21/12/21

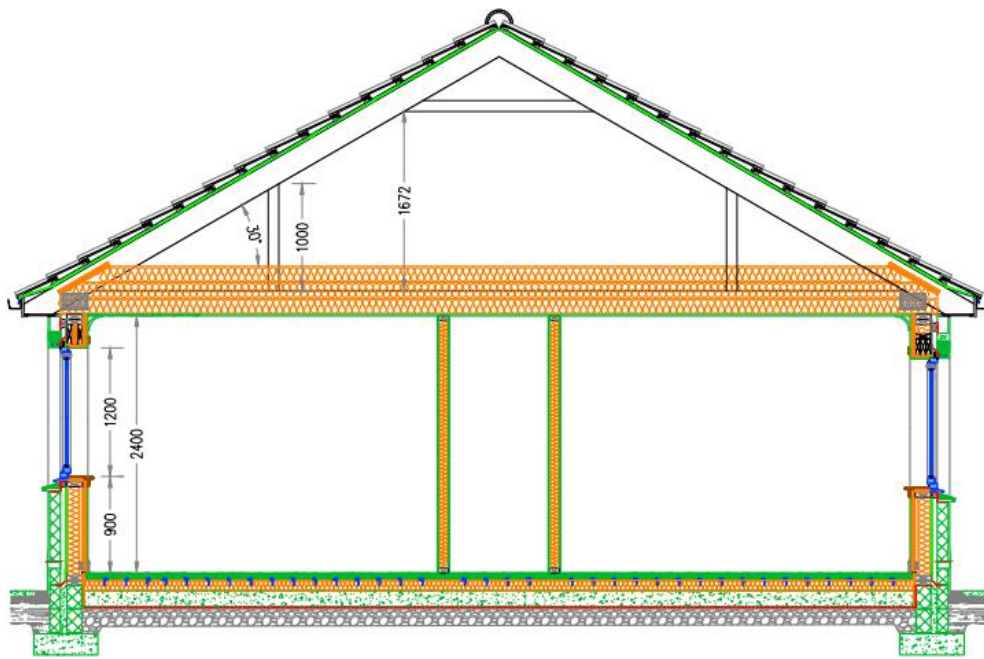


1:2 @ A4 100mm

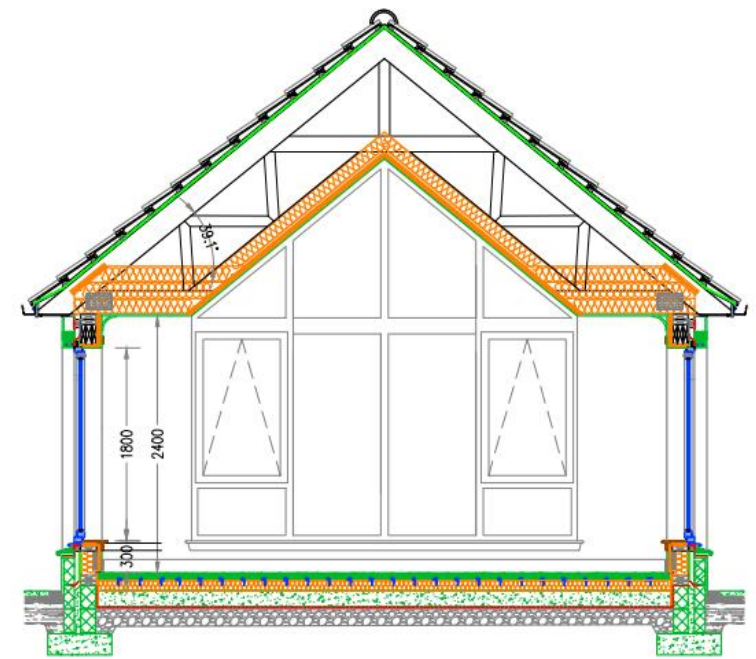
0

100mm

200mm



Section 1



Section 2

Rev A : 23/12/21 Re-drawn & insulation amended

1:50 @ A3

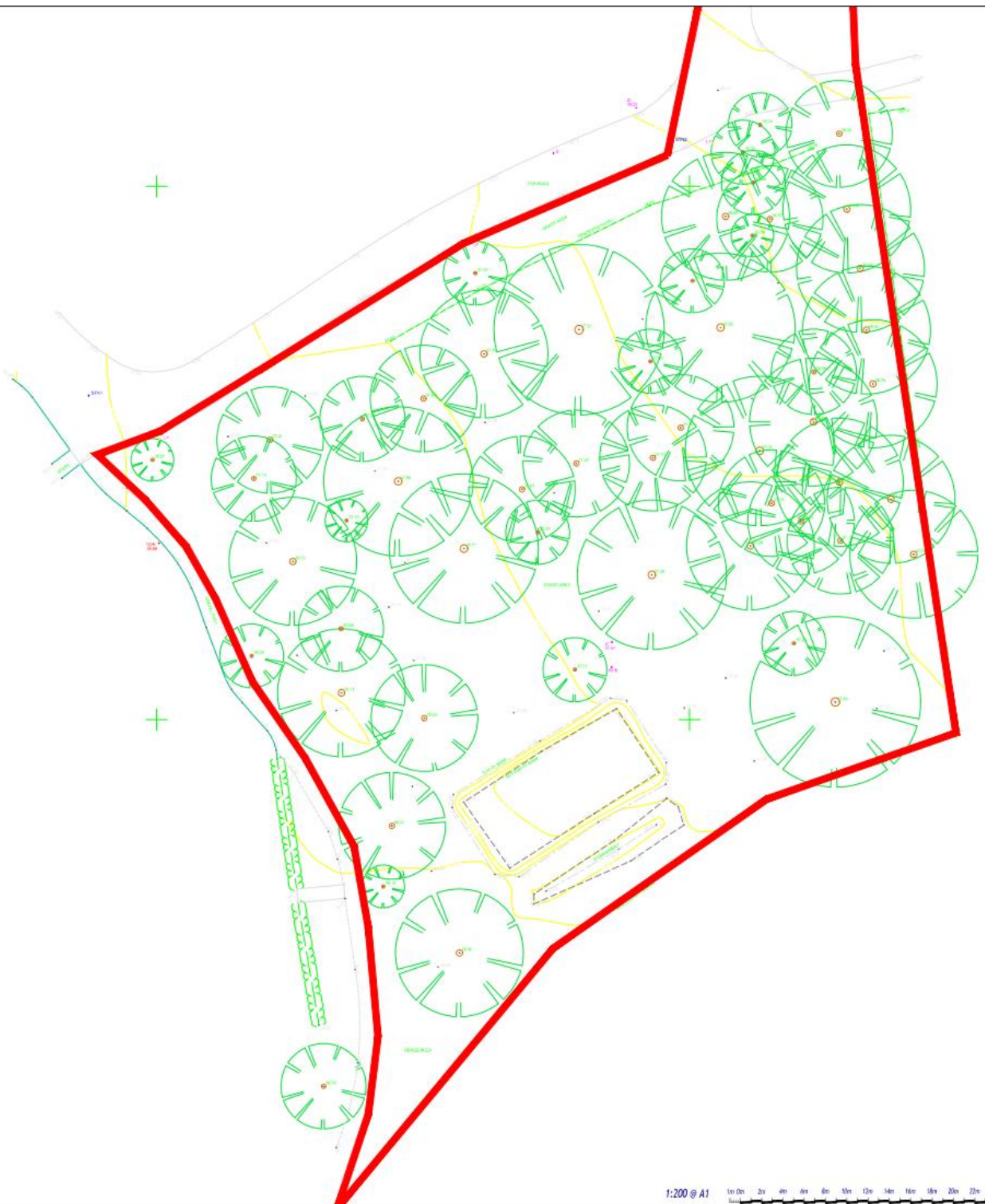


House plot at  
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 Erection of Detached House

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 tel ; 0777 1970 537

Sections

Project Ref **21.10.01** Drg **05** 24/10/21



**LEGEND**

**SYMBOLS**

|                 |           |
|-----------------|-----------|
| BORSHOLE        | STUMP     |
| CONTROL STATION | TRIAL PIT |
| GATE            | TREE      |
| SERVICE COVER   |           |

**LINE STYLES**

|                    |  |
|--------------------|--|
| BOTTOM OF BANK     |  |
| BUILDING FOOTPRINT |  |
| BUSH CANOPY        |  |
| CHANGE OF SURFACE  |  |
| CHANNEL LINE       |  |
| FENCE              |  |
| HEDGE              |  |
| OVERHEAD WIRES     |  |
| ELECTRIC           |  |
| TELECOM            |  |
| PATH EDGE          |  |
| ROAD CENTRE LINE   |  |
| STRIP GULLY        |  |
| TOP OF BANK        |  |
| TOP OF HEDG        |  |
| TREE CANOPY        |  |
| WALL               |  |

**ABBREVIATIONS**

|                         |                         |
|-------------------------|-------------------------|
| AV = AIR VALVE          | LP = LAMPPOST           |
| BB = BOREHOLE           | MB = MANHOLE            |
| BCL = BOLLARD           | MR = MARKER             |
| BOX = ELEC. BT BOX      | PIT = TRIAL PIT         |
| BT = BRITISH TELECOM    | PLG = MARKER PEG        |
| EA = EAVES LEVEL        | RD = RIDGE LEVEL        |
| EC = ELECTRICITY COVER  | RS = ROAD SIGN          |
| EP = ELECTRICITY POLE   | SB = SIGN BOARD         |
| FE = FENCED FLOOR LEVEL | SC = STOP COOP          |
| FP = FLAG POLE          | SV = STOP VALVE         |
| GAS = BRITISH GAS       | TB = TELEPHONE CALL BOX |
| HT = FIRE HYDRANT       | TL = TRAFFIC LIGHT      |
| I = INSPECTION COVER    | TOP = TOP OF WALL       |
| IN = INVERT LEVEL       | TP = TELEGRAPH POLE     |
| SD = STRIP GULLY        | TV = TELEVISION         |
|                         | WM = WATER METER        |

- NOTES**
- GRID IS RELATED TO O.S. GRID
  - ALL LEVELS REFER TO O.S.M. ASCERTAINED BY LOOKING @ P.S. DATA
  - CONTOURS ARE AT 0.50 M INTERVALS
  - CONTOURS AT VERTICAL FEATURES ARE INDICATIVE
  - LEVELS FOR ROAD ARE TAKEN ALONG CHANNEL LINE
  - WHILE EVERY EFFORT HAS BEEN MADE TO LOCATE THE POSITION OF ALL SERVICE COVERS (eg. manholes) IT SHOULD BE NOTED THAT THIS MAY NOT HAVE BEEN POSSIBLE AT THE TIME OF SURVEY DUE TO GROUND COVER OR LOCAL OBSTRUCTIONS.
  - ISOLATED MATURE TREES ARE DENOTED BY TRUNK AND ESTIMATED AVERAGE OUTER CANOPY.
  - ALL CONTROL STATION COORDINATES SHOULD BE CHECKED AND VERIFIED ON SITE PRIOR TO USE. DOUGLAS LAND SURVEYS SHOULD BE INFORMED OF ANY DISCREPANCIES FOUND.
  - OWNERS OF DE SURVEY DATA DESIRES WITH DOUGLAS LAND SURVEYS, UNTIL INVOICE RELATING TO SUCH DATA HAS BEEN PAID IN FULL.

**CONTROL STATIONS**

**Douglas LAND SURVEYS Ltd.**

AGRA HOUSE,  
19 KING STREET,  
NEWBOTTLE COUNTRY,  
FIFE, DD8 8BN,  
SCOTLAND

T: 01362 - 841333  
F: 01362 - 841099  
E: Land\_Surveys@doouglass.com  
W: www.DouglasLandSurveys.co.uk

LAND SURVEYS  
HYDROGRAPHIC SURVEYS  
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**MYLNEFIELD HOUSE,  
INVERGOWRIE**

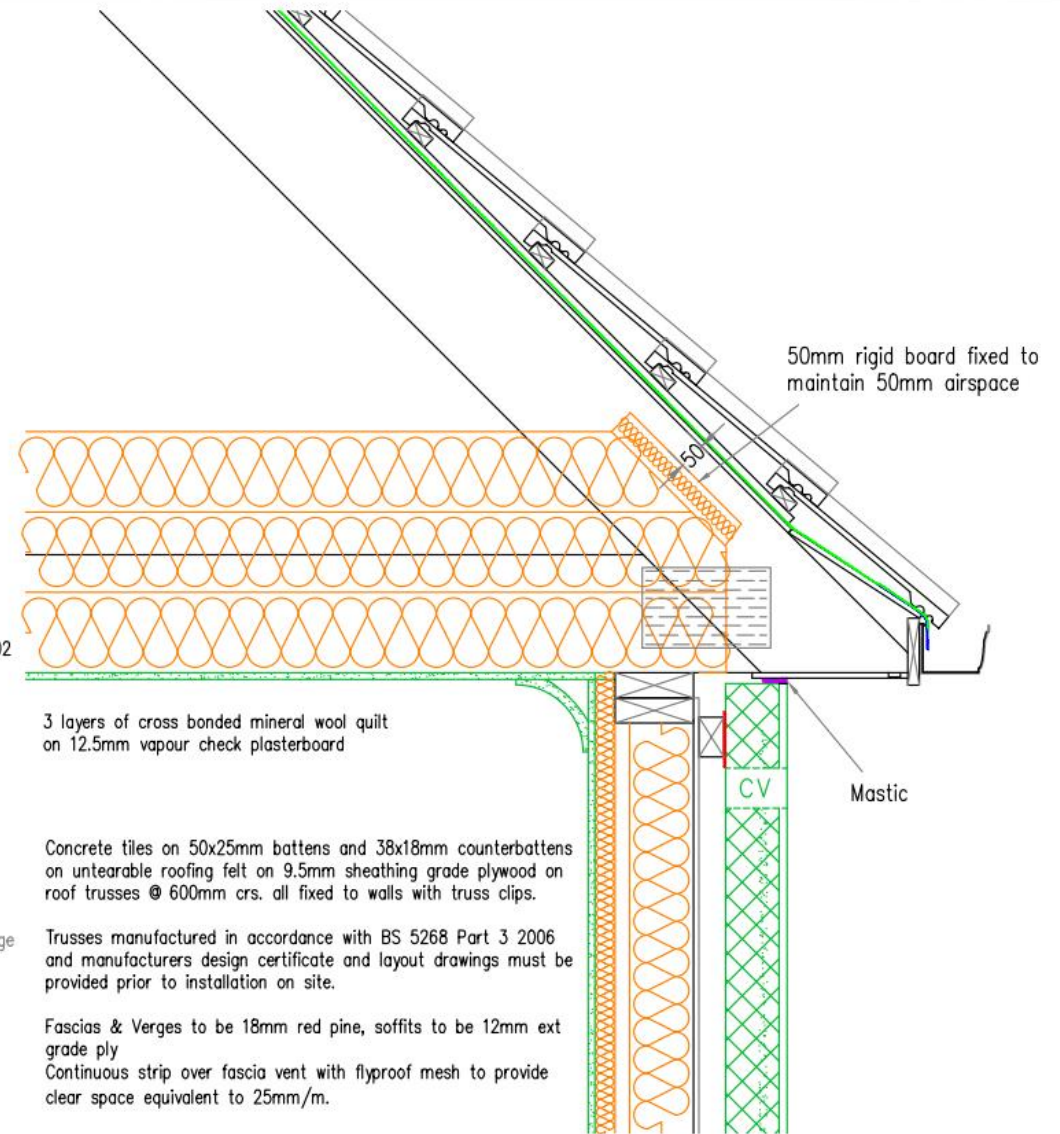
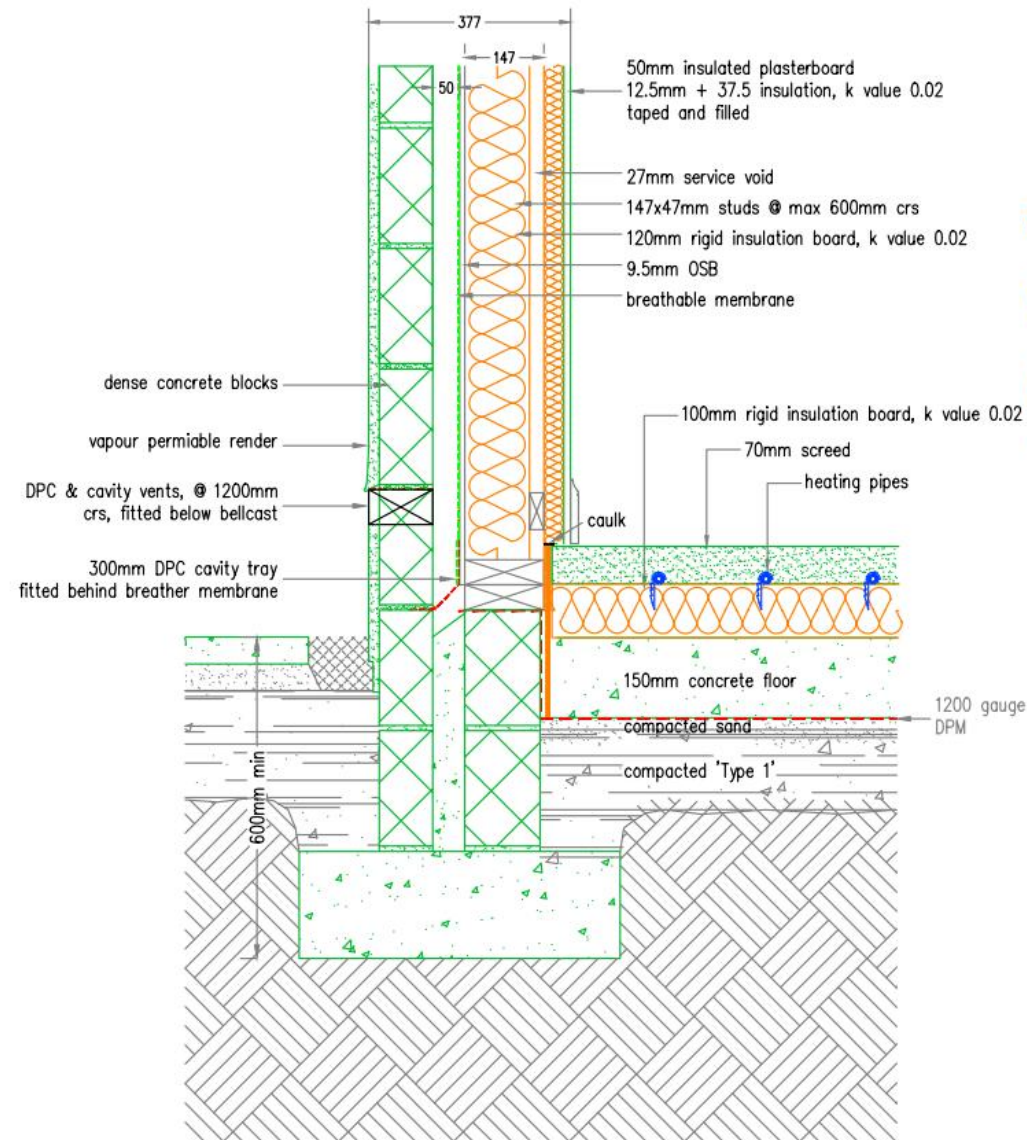
Drawn By: S.WILSON    Scale: 1:500    Date: 11/07/2021

Drawing Number: 30121    Revision: 02



Vapour resistant plasterboard is to be used in bathrooms, shower-rooms, kitchens and utility rooms.

All plasterboard junctions with floors, windows, doors, etc and all service penetrations are to be caulked.



1:10 @ A3

100mm 0m

0.5m

1.0m

House plot at

'Mylnefield House'  
Invergowrie, Dundee, DD2 5EH.

Erection of Detached House

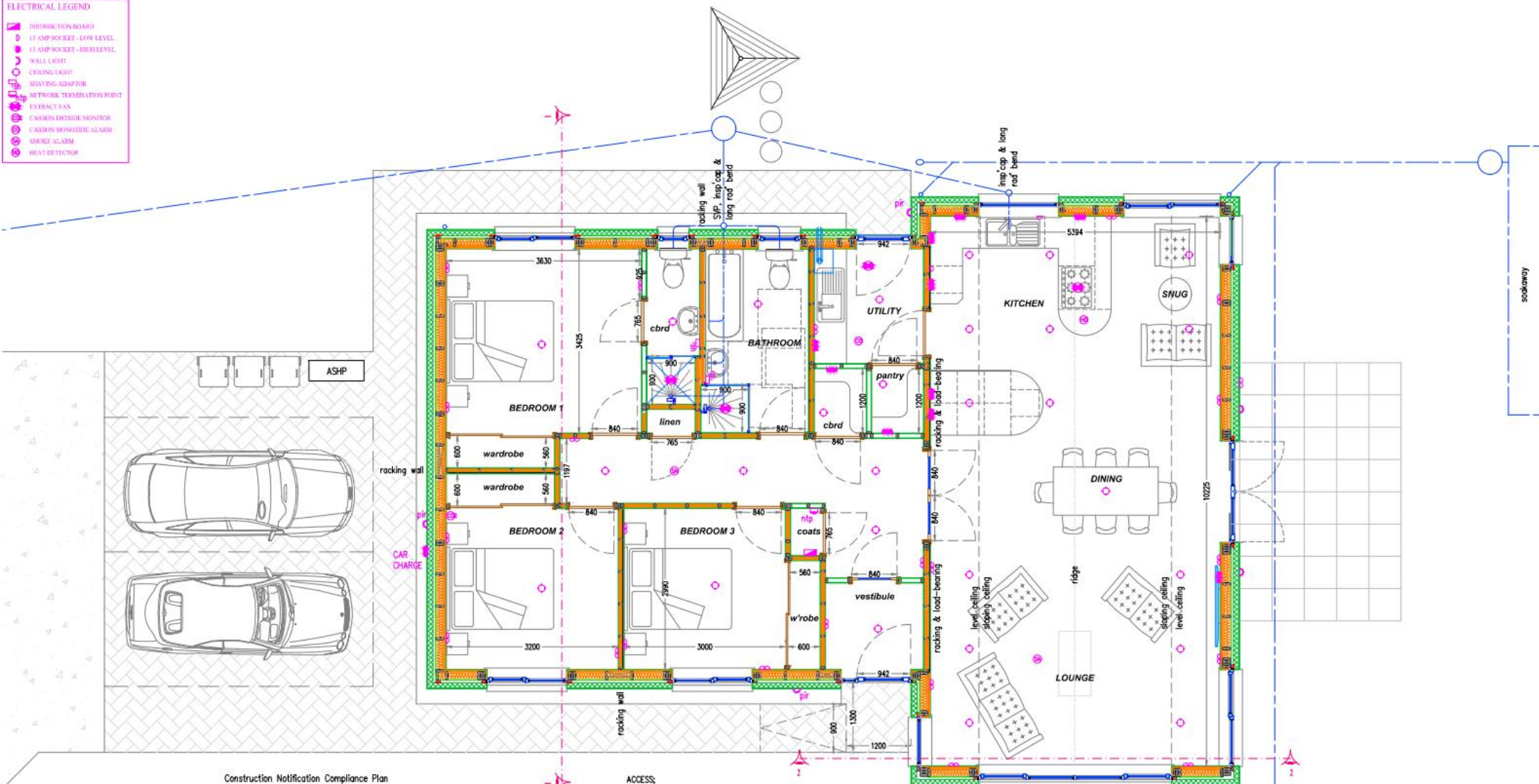
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Surveying & Architectural Services

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tel: 0777 1970 537

Wall, Floor & Roof  
Construction Details

Project Ref 21.10.01 Drg 06 24/10/21

| ELECTRICAL LEGEND |                            |
|-------------------|----------------------------|
|                   | DISTRIBUTION BOARD         |
|                   | 13 AMP SOCKET - LOW LEVEL  |
|                   | 13 AMP SOCKET - HIGH LEVEL |
|                   | WALL LIGHT                 |
|                   | CEILING LIGHT              |
|                   | SHAVING ADAPTER            |
|                   | NETWORK TERMINATION POINT  |
|                   | EXTRACT FAN                |
|                   | CARBON MONOXIDE MONITOR    |
|                   | CARBON MONOXIDE ALARM      |
|                   | SMOKE ALARM                |
|                   | HEAT DETECTOR              |



**Construction Notification Compliance Plan**

The Applicant shall ensure that Building Standards and Development control are notified in advance of works commencing and at completion.

In addition Building Standards shall be advised when works are approaching the following stages :

- Excavation of foundations prior to pouring concrete,
- completion of substructure and floor to DPC/DFM level,
- completion of structural frame,
- wind & watertight insulation,
- insulation complete prior to dry lining and
- laying of underground drains prior to backfilling

Prior to completion durable copies of the Energy Performance Certificate and Sustainability Labels shall be fixed to the wall adjacent to the electrical distribution box.

On or prior to completion Building Standards are to be provided with copies of the :

- structural engineer's Form Q,
- electrical test certification,
- EPC and
- sustainability label

**ACCESS:**

A 900mm access path is to be laid at a shallow gradient of 1:20 or less from the car parking area to the 1.2m x 1.2m plot at the main entrance door, as shown on plan. The plot shall have a nominal cross fall of 1:90 to prevent ponding.

The path, plot and parking areas are to be finished with paviers, slabs, tarmac, concrete or some other permanent safe pedestrian surfaces suitable for unassisted wheelchair use. Smooth cobbles may be used but not rounded stones with recessed joints. The path is to be at least 250mm from the face of the house wall and the gap between infilled with decorative crushed stone. The garden ground on the other side of the path is to be level with the path for a distance of at least 300mm and beyond the ground shall slope gently to marry with the surrounding garden ground.

Rev B : 10/01/23 Section lines added & oil tank changed for air source heat pump  
Rev A : 23/12/21 updated for BW Submission and external works included

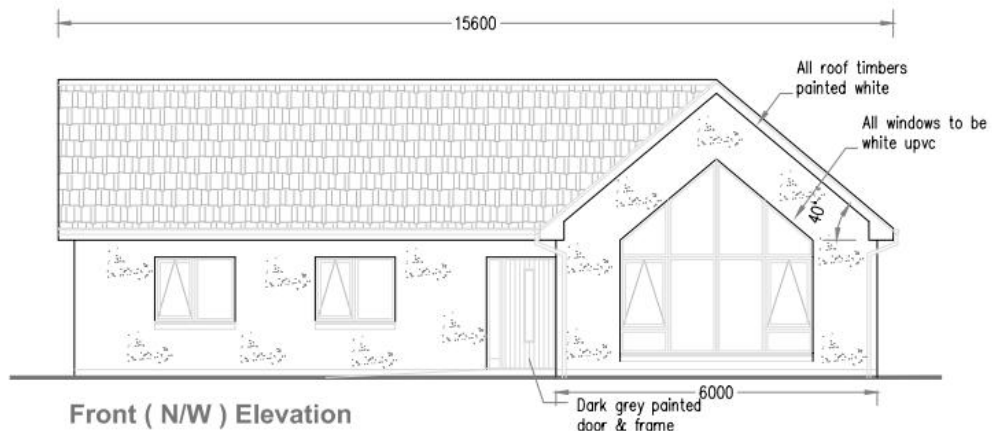


House plot at  
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Erection of Detached House

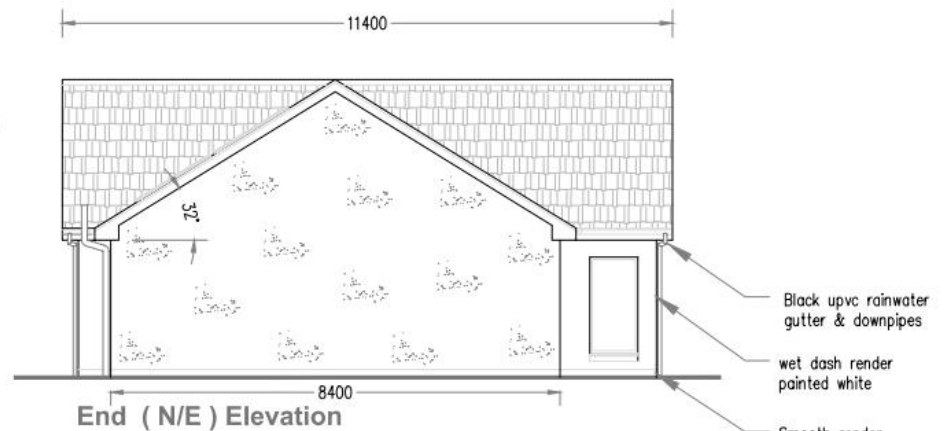
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Floor Plan

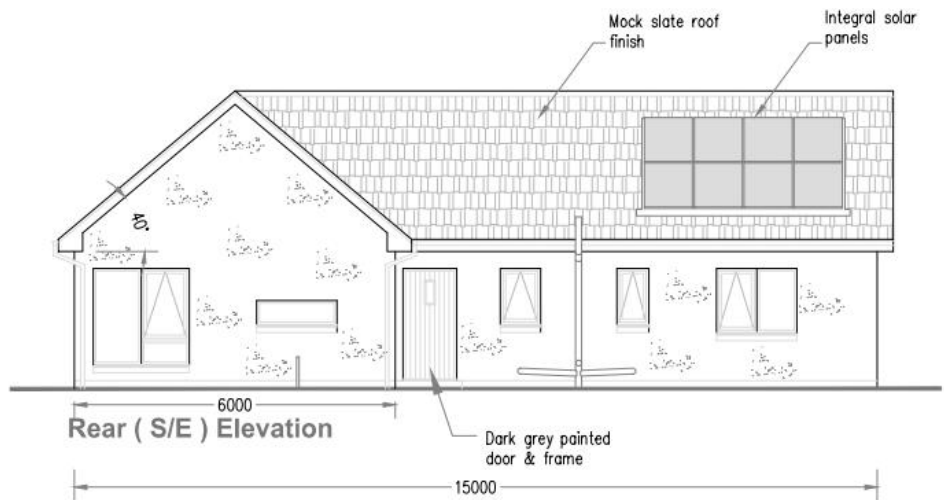
Project Ref **21.10.01** Dwg **03** 24/10/21



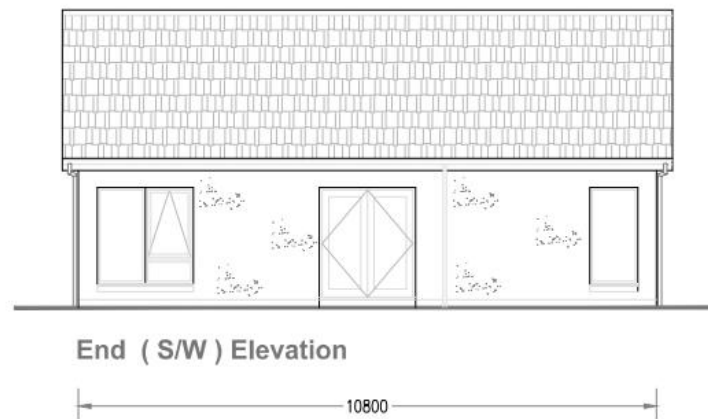
Front ( N/W ) Elevation



End ( N/E ) Elevation



Rear ( S/E ) Elevation



End ( S/W ) Elevation

Rev C : 26/01/23 Dimensions added  
 Rev B : 10/01/23 Notes added for Planning Application  
 Rev A : 23/12/21 solar panels and drainage added

1:100 @ A3 1m 0m

5m

10m

15m

House plot at  
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 tel ; 0777 1970 537

*Elevations*

Project Ref **21.10.01** Drg **04** 24/10/21

Erection of Detached House



House plot at

' Mylnefield House '  
Invergowrie, Dundee, DD2 5EH.

Erection of Detached House

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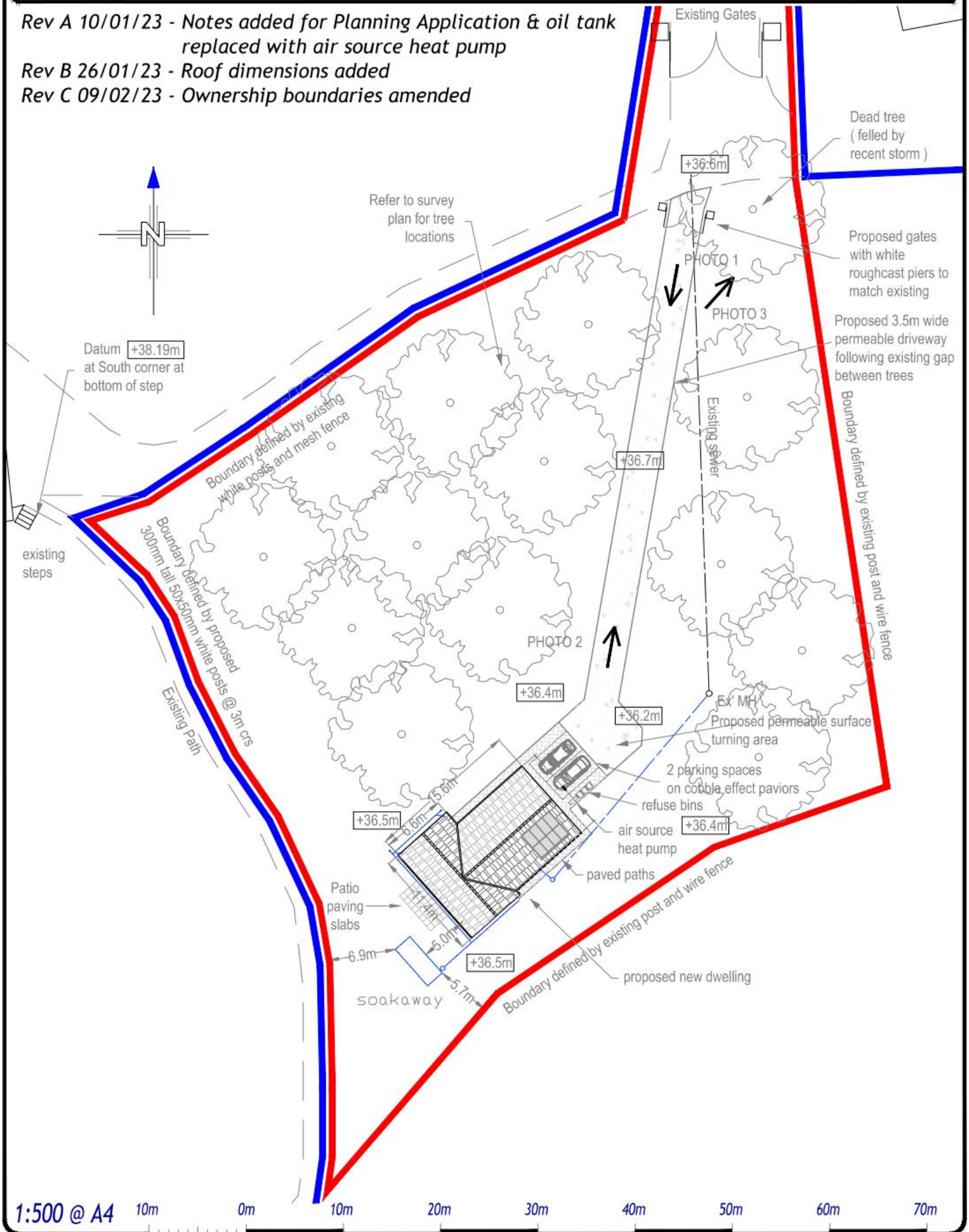
## Site Plan

Project Ref **21.10.01** Drg **02** 21/12/21

Rev A 10/01/23 - Notes added for Planning Application & oil tank replaced with air source heat pump

Rev B 26/01/23 - Roof dimensions added

Rev C 09/02/23 - Ownership boundaries amended



1:500 @ A4

10m 0m 10m 20m 30m 40m 50m 60m 70m

House plot at

' Mylnefield House '  
Invergowrie, Dundee, DD2 5EH.

Erection of Detached House

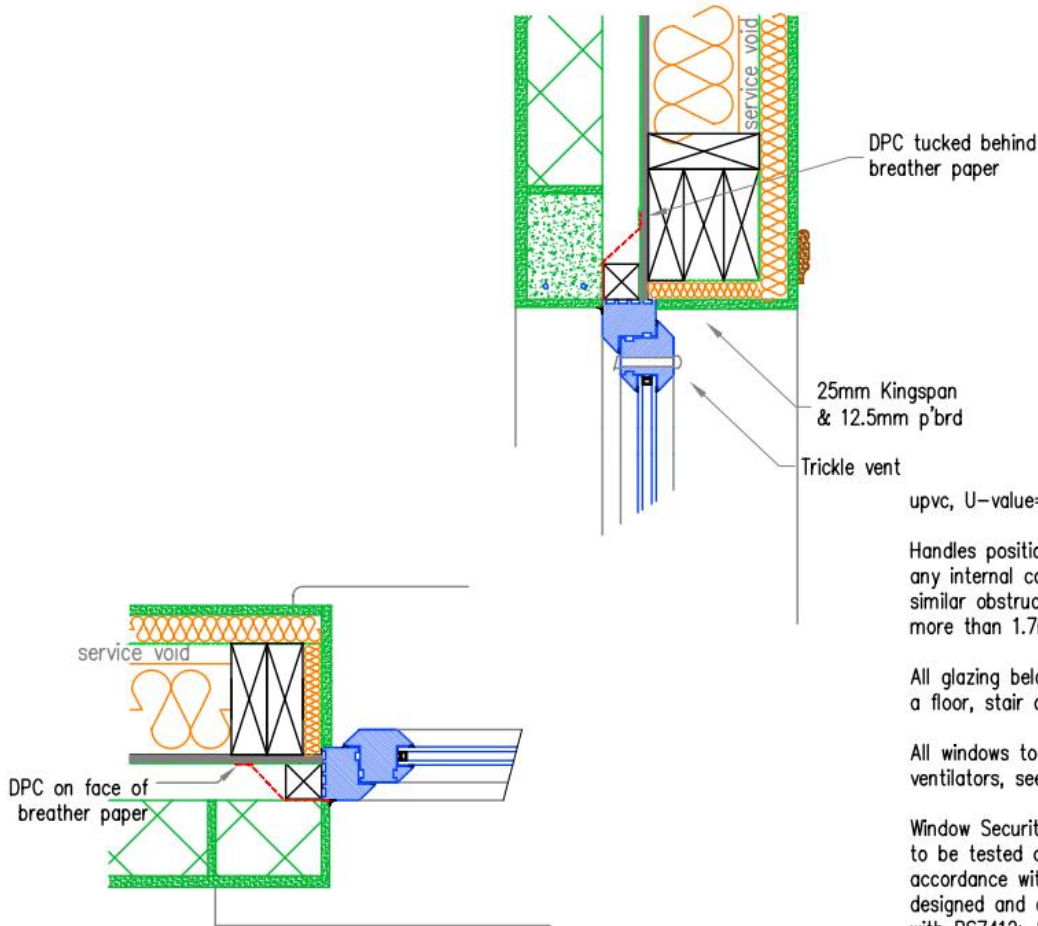
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tel ; 0777 1970 537

## Window Details

Project Ref **21.10.01** Drg **09** 21/12/21



upvc, U-value= 1.4 W/m<sup>2</sup>K

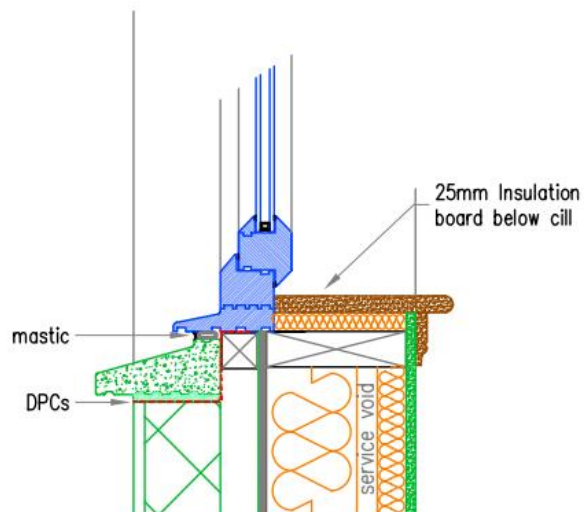
Handles positioned at least 350mm from any internal corner, projecting wall or similar obstruction and at a height of not more than 1.7m above floor level.

All glazing below a height of 800mm from a floor, stair or ramp is to be toughened.

All windows to incorporate trickle ventilators, see ventilation notes.

Window Security Specification: to be tested and certified for security in accordance with BS 7950: 1997 and designed and constructed in accordance with BS7412: 2007 and Section 8 of BS 8213-4: 2007

All windows manufactured and installed in accordance with BS6262:Part 4 (2005).



1:10 @ A4 100mm 0m .1m .2m .3m .4m .5m .6m .7m .8m .9m 1.0m

# Planning Statement

Erection of a dwellinghouse.

Land 70m South East of Mylnefield House, Invergowrie,  
Dundee, DD2 5EH

Prepared for Mr Mark Harris

October 2022



85 High Street  
Newburgh. KY14 6DA

Tel: 01337 840088

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| 3.0 PLANNING HISTORY                                     | 11   |
| 4.0 PROPOSAL   | 12   |
| 5.0 PLANNING ASSESSMENT – INTRODUCTION                   | 12   |
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| 7.0 PLANNING ASSESSMENT – DETAILED POLICY CONSIDERATIONS | 14   |
| 8.0 CONCLUSION   | 18   |

## 1.0 INTRODUCTION

1.1 This statement has been prepared for Mr Mark Harris, to provide information to assist the Council in its assessment of this proposal for erection of a dwellinghouse.

1.2 This application follows the submission, in late 2021, of an application for erection of a dwellinghouse on the same site (21/01825/FLL). That application was refused, with a decision issued on 22nd December 2021.

1.3 There were no representations submitted to that application. There were no objections to the proposal from any of the Council's Internal or External Consultees. The application was refused for three reasons: that a tree survey had not been submitted; the proposal was not identified as gaining support from the categories of development acceptable in the countryside; and the proposal was not considered in keeping with the character and amenity of the area.

1.4 This application seeks to address the issues in the assessment of the earlier application that had led to its refusal. The following points will be set out in more detail in this statement, in justification of the proposal:

- Mylnefield House is a country mansion house with extensive grounds. This proposal lies within these grounds and a case is made that the proposal gains support from category 3:1 of LDP2 Policy 19 Housing in the Countryside—where a proposal for a new house (or houses) lies within the original garden ground associated with an existing country or estate house.
- The applicant has submitted a Tree Survey with this application (Arboricultural Assessment, Mylnefield House, Arboretum Internationale, 5th April 2022). This assessment contains a tree protection plan to demonstrate the impact of the proposed development on the existing trees, concluding that the proposed development does not require the removal of any trees (with one defective/dying tree recommended for removal, irrespective of the development proposals). Recommendations are included for tree protection.
- The proposal is located over the footprint of an existing foundation - for a swimming pool house (09/00043/FUL). This consent has been implemented (building warrant approved), with the foundation excavated and services installed. The applicant no longer wishes to continue with construction of the pool house, now proposing the site for a single storey dwellinghouse, of smaller scale than the consented pool house, over its footprint. The principle of a building on this site is established, given that the applicant could continue to build the pool house.
- The Council had no concerns with siting the pool house building within the grounds, or with its impact on Mylnefield House or the neighbouring area in the previous assessment of the pool house application.
- We contend that this proposal is entirely in keeping with the character and amenity of the area, as supported by the Housing in the Countryside policy—there is a well contained site providing an appropriate landscape setting.
- We highlight that there have been several consents for residential developments nearby Mylnefield House, including the walled garden at Mylnefield and at Over Pilmore, the most recent consent being in August 2022. These are referred to in section 3.0 Planning History in this Statement. These proposals had similar characteristics and issues addressed in their assessment—leading to approval of the applications. We believe that this statement demonstrates that this current application is acceptable in terms of the Council's Local Development Plan 2 and related Supplementary Guidance.

## 2.0 SITE CONTEXT AND DESCRIPTION

2.1 The application site lies within the garden grounds of Mylnefield House, a country mansion house set within extensive grounds. The site lies approx. 70m to the south east of the current Mylnefield House. There have been two earlier mansion houses within the grounds. This house, the 3rd, replaces a house partially destroyed in the early 19C. The second house no longer stands, although its previous site, located to the south east of the existing house, and west of the application site, is identifiable within the grounds. Historic mapping is included on the following page.

2.2 Mylnefield House is accessed from the A90, west of Invergowrie, by a private driveway and also serves the gate Lodge and further modern dwellinghouse to the north east of Mylnefield House ( Dalriada - approval 10/00466/FLL). There is a further traditional dwelling, Linden Cottage, located to the east of Dalriada and served by its own access from the A90. There are two garage/ancillary accommodation buildings located to the north side of Mylnefield House.

2.3 The grounds of Mylnefield House consist of formal areas with lawn and extend into areas of parkland/ woodland. The site is a wooded area with a large grassy clearing at the south side where it is proposed to locate the dwellinghouse. This area contains the excavated foundations and installed foundations, identifying the location of the proposed dwellinghouse. An access driveway into the site has also been formed from the main Mylnefield House driveway (with gate installed). This was implemented in 2010 to facilitate the construction of the pool house.

2.4 The site is well contained with the proposed dwellinghouse screened by mature trees and with a hedge directly to the south/south east of the proposed house. The proposed dwellinghouse will not be seen from the A90, the primary source of most visual receptors in the area. It will also be screened from Mylnefield House and the other residential properties to the north.



**2.0 SITE CONTEXT AND DESCRIPTION**



2.0 SITE CONTEXT AND DESCRIPTION



View to S along driveway to Mylnefield House (sweeping round to right). Vehicle in background is parked on separate driveway to proposed dwellinghouse.



Vehicle parked on driveway (obscured by leaves) to proposed dwellinghouse, with gate in foreground.



View of driveway between gates and location of proposed dwellinghouse.



## 2.0 SITE CONTEXT AND DESCRIPTION



View NW towards Mylnefield House from path running to the W of the application site, illustrating nature and extent of the country house grounds.



View NE across application site, from path running to the W of the site.



View towards SW, across application site, towards path running to the W of the site. (Excavated foundation of pool house and installed services in view).



View W towards Mylnefield House from junction of its driveway and existing driveway for application site.

**2.0 SITE CONTEXT AND DESCRIPTION**



Views of excavated extent of pool house foundation and installed services.

Land 70m SE of Mylnefield House, Invergowrie

## 2.0 SITE CONTEXT AND DESCRIPTION

Historic Mapping of Mylnefield House and grounds



1861

Location of proposed dwellinghouse ★

OS Six inch 1st Edition 1861

not to scale

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1891

Location of proposed dwellinghouse ★

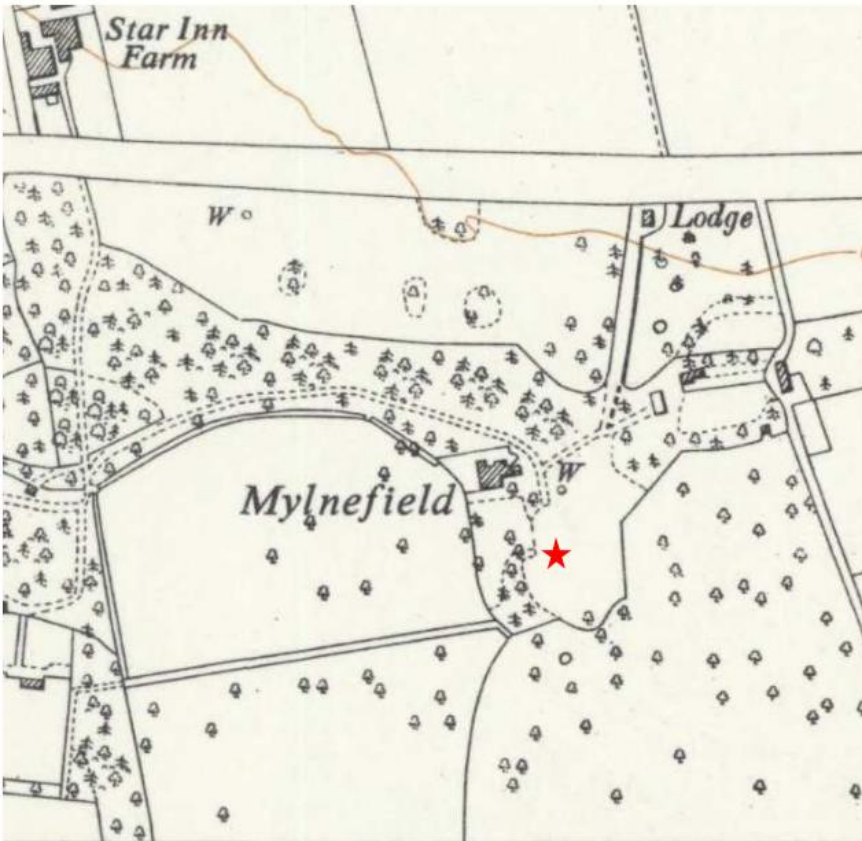
OS 25 inch 1898

not to scale

Reproduced with permission of the National Library of Scotland

## 2.0 SITE CONTEXT AND DESCRIPTION

### Historic Mapping of Mylnefield House and grounds

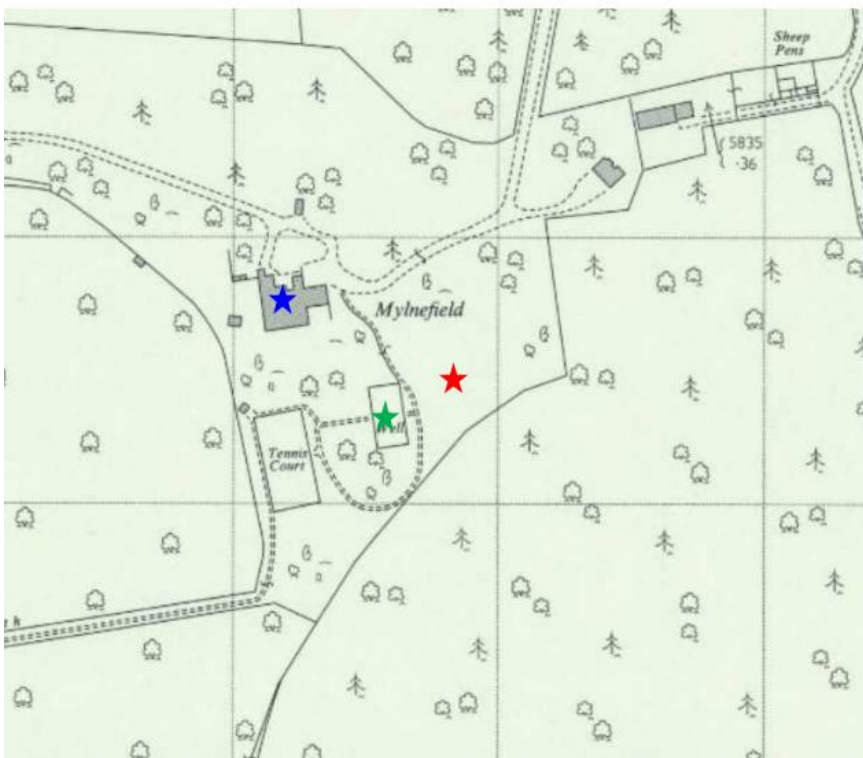


Location of proposed dwellinghouse ★

OS National Grid maps, published 1959

*not to scale*

Reproduced with permission of the National Library of Scotland



Current location of Mylnefield House (3rd house, replacing 1st house, partly destroyed in early 19C)



Site of second Mylnefield House



Location of proposed dwellinghouse ★

OS National Grid maps 1970

*(not to scale)*

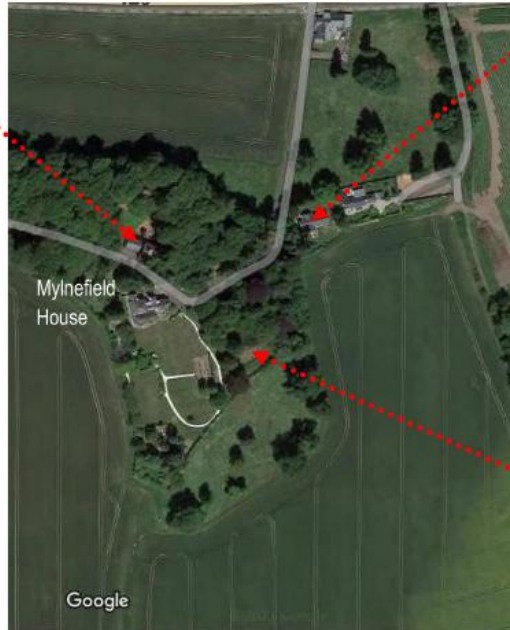
Reproduced with permission of the National Library of Scotland

### 3.0 PLANNING HISTORY

3.1 There is significant planning history relating to the development in the grounds of Mylnefield House, as outlined below. In particular, the implemented consent for the swimming pool building (the footprint of the current proposed dwellinghouse) is the reason the applicant seeks to progress this application in this location.

3.2 There is also significant planning history relating to consents for residential development in similar situations, within the grounds of large country houses, as indicated below.

10/02213/FLL  
Erection of double garage with ancillary accommodation, Mylnefield House (Approved 18 March 2011 - Development completed)



10/00466/FLL Erection of a dwellinghouse, Land 130 Metres North East Of Mylnefield House (Approved 28 Jul 2010— Development completed)

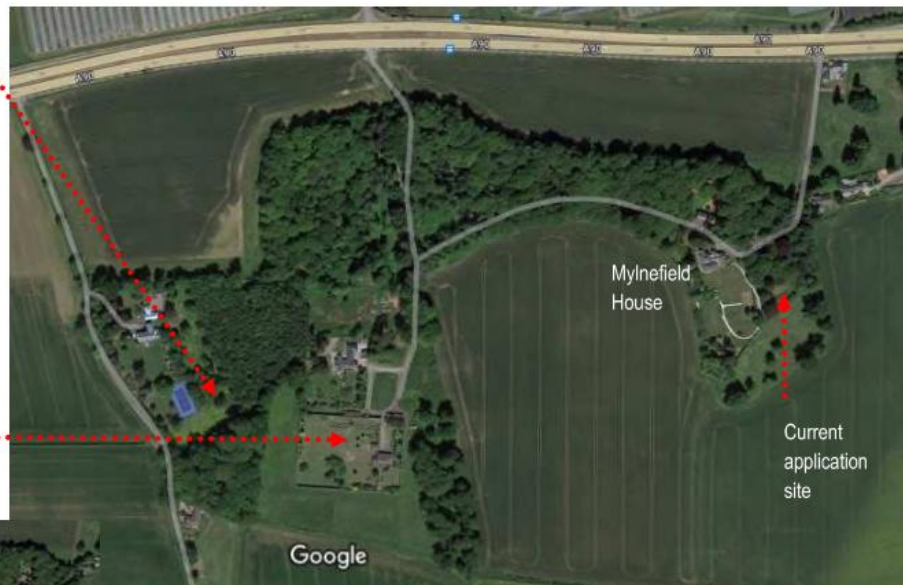
09/00043/FUL  
Erection of a swimming pool, land 70m SE of Mylnefield House (Approved 7 April 2009— Development started—excavation for foundation and services in place)

-  
On same site, proposed dwellinghouse on footprint of excavated foundations of pool house—21/01825/FLL Erection of a dwellinghouse, (Refused 22 Dec 2021)

22/00253/FLL Erection of 2 dwellinghouses, SE of Over Pilmore (Approved 24 August 2022)

20/01814/IPL, Residential Development (in principle), Land 70 Metres SE of Over Pilmore (Approved 09 May 2021)

Several consents (6) for dwellinghouses at The Gardens, Mylnefield, including most recently 17/00695/FLL & 17/00696/FLL for erection of 3 dwellinghouses. One dwelling constructed.



18/00256/FLL Erection of a dwellinghouse at East Pilmore (Approved 20 April 2018—Development completed)

#### 4.0 PROPOSAL

4.1 The applicant proposes the development of a single dwellinghouse on the site of approx. 600 sqm using an existing private access from the A90. The first part of this driveway, joining with the A90, is surfaced and serves the Gatehouse, Dalriada and Mylnefield House. The plot size is relatively large, reflecting the existing character of the grounds of Mylnefield House.

4.2 The site includes the existing excavated foundation and services for the consented swimming pool house, with the proposed footprint of the dwellinghouse to be located over this foundation. In effect, the applicant seeks to replace the pool house building that he could continue to construct on the site, with a smaller scaled dwellinghouse.

4.3 A driveway (constructed 2010) of approx. 30m length extends from the main driveway to Mylnefield House, through an entrance gate and into the application site, accessing the area of the pool house footprint.

4.4 The proposed dwellinghouse is 3 bedroom and single storey. The proposal includes parking and turning area to accommodate two cars. There is ample space for refuse/recycling bins. The parking area and paths will all be formed from permeable surfacing.

4.5 The proposed dwellinghouse is 14.5m in length, with a patio area extending 3m from the W elevation. The width of the building is in part 10.5m for the main living space and reduces to 8m for the remainder of the dwelling. It has an overall floor area of 126 sqm and height to the ridge of 5.5m. Overall, the proposed dwellinghouse is of a smaller scale than the approved pool house (dimensions of , approx. 8.4m x 16m, (area of 134 sqm) and with a height of approx. 6m.)

4.6 The proposed dwellinghouse will have white smooth render walls, grey slate effect tiles, white uPVC windows and doors and black uPVC rainwater goods (the same finishes as the pool house).

#### 5.0 PLANNING ASSESSMENT— INTRODUCTION

5.1 Scottish Planning Policy 2014 (revised 2020) (SPP) reinforces that the Town and Country Planning (Scotland) Act 1977 requires decisions to be made on planning applications in '*accordance with the development plan unless material considerations indicative otherwise. Proposals that accord with development plans should be considered acceptable in principle and the consideration should focus on the detailed matters arising*'. (SPP, para. 32)

5.2 The Development Plan which applies to this site is the Approved TAYplan Strategic Development Plan 2016—2036 (2017) and the Adopted Perth & Kinross Local Development Plan 2 (2019) (LDP2). Perth & Kinross Council's supplementary guidance is also a consideration in the assessment of this proposal, including the Housing in the Countryside Supplementary Guidance 2020 and Placemaking Supplementary Guidance 2020.

5.3 The TAYplan Strategic Development Plan 2017 is the strategic planning framework for the southeast Scotland area and sets out key areas of strategic direction for the preparation of Local Development Plans. Its strategy and policies are relevant to this proposal in several topic areas where its strategic direction is implemented through the strategy, policies and proposals of the Perth & Kinross Local Development Plan 2019 (LDP2).

## 6.0 PLANNING ASSESSMENT— PRINCIPLE OF DEVELOPMENT

6.1 The application site lies within the 'countryside', and does not adjoin a settlement boundary, as defined by the LDP2. The key LDP2 policies applying to the principle of development on this site are Policy 6: Settlement Boundaries and Policy 19: Housing in the Countryside.

6.2 LDP2 Policy 6: Settlement Boundaries indicates that for a proposal that is on a site outwith a settlement boundary or for a proposal that does not adjoin a settlement boundary, LDP2 Policy 19: Housing in the Countryside will apply.

6.3 LDP2 Policy 19: Housing in the Countryside provides support to proposals for the erection, or creation through conversion, of single houses and small groups of houses in the countryside where they fall within several specified categories. The Housing in the Countryside Supplementary Guidance (2020) provides further assistance in assessing the acceptability of proposals.

6.4 This proposal is submitted as gaining support from one of the criteria attached to this policy, i.e,

- Category 3—New Houses in the Open Countryside

The applicant's further justification for the proposal in terms of this policy is set out on the following pages.

### Category 3—New Houses in the Open Countryside

6.5 The Supplementary Guidance lists several categories of housing in the countryside that the Council will consider favourably. We believe that this proposal falls within category 3.1 Existing Gardens.

6.6 The Report of Handling for the earlier application for this proposal, 21/01825/FLL, made an assessment of the proposal in terms of the Supplementary Guidance: Category 1—Building Groups; and Category 2—Infill Development. The assessment concluded that the proposal did not gain support from either category. The Report of Handling did not assess the proposal in terms of any part of Category 3—New Houses in the Open Countryside. We contend that category 3.1 provides support for the proposal, as set out overleaf.

#### Extract from Housing in the Countryside Supplementary Guidance 2020

##### 3.1 Existing Gardens:

a) Proposals for a new house or houses within the original garden ground associated with an existing country or estate house will be supported providing that there is an appropriate landscape setting and additional development will not fundamentally affect the qualities and integrity of the site, particularly where the house is a listed building or falls within a Historic Garden or Designed Landscape. A country or estate house is defined as a large house set within its own estate or extensive grounds. This section does not apply to domestic scale gardens or where gardens have been created at a later date, for example, by the change of use of agricultural land to garden ground.

6.7 We contend that:

- Mylnefield House meets with the policy definition of a 'country or estate house' - defined as 'a large house set within its own estate or extensive grounds'.
- The proposal for a new house is within the original garden ground associated with Mylnefield House, as confirmed by the historic mapping on pages 6 and 7
- Mylnefield House is not a listed building and the grounds are not a designated Historic Garden or Designed Landscape. The proposal will not affect the qualities and integrity of Mylnefield House and is provided with an appropriate landscape setting. It will not impact on the presence of Mylnefield House or its relationship with its surrounding grounds. The site is well defined and contained by its wooded nature—capable of accommodating the proposal without impact on the surrounding grounds of Mylnefield House.

## 7.0 PLANNING ASSESSMENT – DETAILED POLICY CONSIDERATIONS

### 7.1 Residential Amenity

7.1.1 LDP2 Policy 1: Placemaking, 1A requires that development should respect the ‘amenity of the place’. The application site is large, well contained, and a considerable distance from the nearest neighbours at Mylnefield House (75m) and Dalriada (100m). The dwellinghouse will have sufficient plot ratio with spacious garden ground as set out in the Placemaking Guide (2020), i.e. ‘As a rule, it is good practice to provide a minimum of 60 square metres for private space for a 1-2 bedroomed house and 80 square metres for 3+ bedrooms. Each dwelling should have a minimum garden depth of 9m’. This proposal will meet these requirements,.

7.1.2 The Report of Handling for the earlier application 21/01825/FLL included that ‘*the location of the proposed dwellinghouse is remote from any other residential receptor, therefore it is considered that there will be no loss of amenity. There is also sufficient amenity ground provided for the scale of the proposed dwellinghouse.*’

7.1.3 We contend that the proposal can fully comply with the amenity considerations as contained within the LDP2 Policy 1: Placemaking and the Supplementary Placemaking Guide 2020.

### 7.2 Visual Amenity, Design and Layout

7.2.1 LDP2 Policy 1: Placemaking, requires development to contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. LDP2 Policy 39: Landscape aims to ensure that all development and land use change should be compatible with the distinctive characteristics and features of Perth and Kinross’s landscapes.

7.2.2 We note that in Report of Handling for 21/01825/FLL the assessment states, in terms of ‘Design and Layout’ that ‘*Overall, it is considered that there are no adverse concerns in relation to design and layout.*’ The proposal is as previously submitted—single storey, finished in white wet dash with grey tile roof—all considered appropriate in the earlier application and compatible with neighbouring properties. The Report of Handling for 21/01825/FLL refers to the scale of the building being appropriate for the site and that its siting have been chosen to minimise tree felling.

7.2.3 The application site does not lie within a designated Local Landscape Area. The site lies within the Tayside Firth Lowlands Landscape Character Type (SNH National Landscape Character Assessment), encompassing the Carse of Gowrie. The area is described as well settled, principally an agricultural area, with scattered settlements, farmsteads and hamlets. Castles and designed landscapes are noted as indicating the past wealth of the area and contributing to the landscape.

7.2.4 We contend that this proposal respects the character and amenity of the place. Mylnefield House is not a listed building and the grounds are not a designated Historic Garden or Designed Landscape. The proposal has a well established landscape setting and will not impact on the qualities, presence or integrity of the setting of Mylnefield House or its relationship with its surrounding grounds. The site is well defined and the proposed dwellinghouse will be contained by, and absorbed by, its wooded nature. The footprint of the proposed dwellinghouse is set within an area of mature trees to the north, west and east— with an established hedge and high fence screening and bounding the site to the south. We note that the consented swimming pool house was assessed as acceptable in terms of the character and visual amenity of the area and that this proposal will be similar, with the difference relating solely to design.

7.2.5 Overall, we believe that this proposal can be assessed as respecting the character and amenity of the place and compliant with LDP2 Policy 1: Placemaking and LDP2 Policy 39: Landscape.



## 7.0 PLANNING ASSESSMENT – DETAILED POLICY CONSIDERATIONS

### 7.3 Drainage and Flooding

7.3.1 LDP2 Policy 52: New Development and Flooding addresses the delivery of actions to manage flood risk. LDP2 Policy 53: Water Environment and Drainage, sub policies 53A: Water Environment includes that development of any scale and at any location should protect, and where practical improve the water environment, both ground and surface water. Sub policies 53B: Foul Drainage and 53C Surface Water Drainage set out the Council's requirements to connect to the public sewer where available and to use Sustainable Urban Drainage Systems (SUDS) measures.

7.3.2 The SEPA Flood Map shows that the site is at no risk from river or surface water flooding and we contend that the proposal will cause no increased risk of flooding elsewhere, compliant with LDP2 Policy 52.

7.3.3 There are services—new sewer and mains water—already installed at the site, as part of the development of the pool house (as shown on the photographs on page 5 and 6), compliant with LDP2 Policy 53C: Foul Drainage.

7.3.4 A surface water soakaway plan, drainage calculations and percolation test results are submitted with this application, as previously submitted with application 21/01825/FLL. The Report of Handling for that application states that these submissions '*demonstrate compliance with Policy 53C 'Water Environment and Drainage: Surface Water Drainage.'* It is anticipated that, likewise, this proposal will be assessed as compliant.

### 7.4 Built and Cultural Heritage

7.4.1 LDP2 Policy 26B: Archaeology seeks to protect areas or sites of archaeological interest, and their settings. We note that a condition was attached to the earlier swimming pool house consent, (09/00043/FUL), requiring an investigation of the site as the area was considered to have archaeological potential as the grounds of Mylnefield House were recorded as the site of a prehistoric stone circle in the early 20C. This condition was discharged, with an archaeological evaluation having been undertaken in May 2009. The Canmore entry (303584) notes that '*No deposits or features relating to the stone circle or any other prehistoric remains were identified*'. We note the in its consultation response on application 21/01825/FLL the Perth & Kinross Heritage Trust had no objection, subject to a condition. We believe this proposal can be fully compliant with LDP2 Policy 26B: Archaeology.

### 7.5 Infrastructure Impact

7.5.1 LDP2 Policy 5: Infrastructure Contributions addresses the impact of new development in relation to current and future needs for additional infrastructure, community facilities and affordable housing. The Council's Developer Contributions & Affordable Housing Supplementary Guidance (2020) explains how developer contributions will be achieved.

7.5.2 The Guidance indicates that a financial contribution towards increased primary school capacity is required in areas where there is an identified capacity constraint. The application site lies within the Invergowrie Primary School catchment. We note that The Report of Handling for the earlier application 21/01825/FLL indicates that Children's Services have no capacity concerns and we anticipate that this is likely to remain the case at this time. The guidance indicates that contributions for transport infrastructure or affordable housing would not be sought for this proposal. We believe that the proposal complies with LDP2 Policy 5: Infrastructure Contributions

## 7.0 PLANNING ASSESSMENT – DETAILED POLICY CONSIDERATIONS

### 7.6 Natural Heritage

7.6.1 LDP2 Policy 38: Environment and Conservation protects international, national and local designation sites and areas. LDP2 Policy 40: Forestry, Woodland and Trees identifies the criteria to be met to gain the Council's support, including in relation to the protection and management of trees and woodland, especially those with high natural, historic and cultural heritage value and where new woodland planting is promoted. LDP2 Policy 41: Biodiversity seeks to protect and enhance wildlife and habitats, both designated or otherwise. LDP2 Policy 42: Green Infrastructure requires all new development to contribute to the creation, protection, enhancement and management of green infrastructure. Overall, we contend that this proposal is fully compliant with these policies, as set out below. We note that the Report of Handling for 21/01825/FLL states that *'However, due to the location and scale of the proposed dwellinghouse, it is likely that the proposal development will (not) have any adverse impact upon the natural heritage and biodiversity of the area.'*

#### Protected Sites and Species

7.6.2 The information recorded on NatureScot's SiteLink shows that the site is not the subject of any statutory nature conservation designations.

#### Woodland and Trees

7.6.3 The application site includes a number of trees. The location of the proposed dwellinghouse (over the footprint of the foundations of the pool house) is within a grassed clearing and the driveway area is also clear of trees.

7.6.4 We note that the Report of Handling for 21/01825/FLL indicated that a Tree Survey and Tree Protection Plan were required to demonstrate the impact of the proposal on the existing trees on the site. The applicant has submitted a Tree Survey with this application (Arboricultural Assessment, Mylnefield House, Arboretum Internationale, 5th April 2022). This assessment identifies 10 trees within and immediately adjacent to the site. One of these trees (a cypress) is recorded as dead/dying and identified for removal due to its poor condition, irrespective of the development proposal. The assessment indicates that no other tree work (felling or pruning) is required to create space for the proposed dwellinghouse or for access. A tree constraints plan and tree protection plan, along with recommendations for tree protection are included in the report. We contend that this proposal is fully compliant with LDP2 Policy 40: Forestry, Woodland and Trees.

## 7.0 PLANNING ASSESSMENT – DETAILED POLICY CONSIDERATIONS

### 7.8 Roads, Transport and Accessibility

7.8.1 The main policy heading, LDP2 Policy 60: Transport Standards and Accessibility Requirements includes LDP2 Policy 60B: New Development Proposals. The policy aims to reduce travel demand by car and promotes access to a choice of sustainable modes of travel, including opportunities for active travel and green networks. The policy states that *All development proposals that involve significant travel generation should be well served by, and easily accessible to all modes of transport.* The proposal will not have significant travel generation but in any case is well located for sustainable travel.

#### Public Transport

7.8.2 Bus transport is accessible from the site. There is a bus stop located on the A90, approx. 600m from the site, accessible along the A90 footway. Stagecoach service X16 provides a frequent service between Dundee and Perth. The site is very close to Dundee for access to the wider public transport network—both bus and rail. There is also a rail station in Invergowrie, providing access to an hourly service between Dundee and Perth.

#### Active Travel

7.8.3 The site is well place for active travel, with an off road footway along the A90 linking into Longforan, Invergowrie and Dundee. There is a wider network of paths, readily accessible to the site and linking into the surrounding area.

#### Private Car Use

7.8.4 Travel from the site by car provides quick and direct access to the main public transport hubs Dundee and Perth, along with access to the main central Scotland road network with direct access on to the A90. The location of the site supports the reduction in unsustainable longer car journeys.

#### Access

7.8.5 Access to the proposed dwellinghouse will be along an existing driveway (approx. 35m long), constructed at the time of the initial works for the pool house. This connects to the main driveway between Mylnefield House and the A90. A new gate and gateposts have been installed (These are retrospective elements of this application and detailed drawings are submitted). The driveway and gates are shown in the photographs on pages 5 and 6.

7.8.6 We note that in relation to the earlier dwellinghouse application 21/01825/FLL, the Council's Transport Planning Team and Transport Scotland were content with the proposal, making no comments or objection and that the Report of Handling stated that *'It is therefore considered that there are no roads or access implications and the proposal complies with Policy 60B 'Transport Standards and Accessibility.'*

## 8.0 CONCLUSION

### 8.1 In conclusion:

- ◆ This proposal provides for a modestly sized dwellinghouse within the grounds of Mylnefield House, gaining support in principle from category 3.1 of LDP2 Policy 19: Housing in the Countryside and, in detail, from the range of other relevant LDP2 policies and guidance, as set out in detail in this statement.
- ◆ The proposed dwellinghouse is located on the footprint of an earlier approved swimming pool house. Construction had begun on this building more than 10 years ago, with foundations excavated and services installed. The applicant now wishes to replace the further construction of the pool house with a dwelling house. We contend that the proposal will be equally acceptable as development in this location.

8.2 We look forward to receiving the Council's comments on this proposal and would request that the case officer contact us, to request any further information sought in support of the proposal, and to update on a likely recommendation, prior to a decision being made.

# Arboricultural Assessment

## MyInefield House

**ARBORETUM  
INTERNATIONALE**



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Signed \_\_\_\_\_

5<sup>th</sup> April 2022

|               |                              |
|---------------|------------------------------|
| Version 2.0   | Issued 5 <sup>th</sup> April |
| Last reviewed | 28//03/2022                  |
| Next review   | TBC                          |
| Author        | Paul Hanson                  |
| Approved by   |                              |

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## INTRODUCTION

### Instructions:

- This tree assessment was commissioned by Roddy Paul of James Paul Architects on behalf of the site owner Mr. Mark Harris, Mylnefield House, Invergowrie, Dundee, DD2 5EH.

### Terms of Reference:

- To prepare a tree survey containing a suitable tree protection plan to demonstrate the impact of the proposed development upon the existing trees.

### Documents Supplied:

- A pdf. plan entitled Location Plan, drawing no. 747.15A at a scale of 1:1250 @ A4.
- A pdf. plan entitled Proposed New House, drawing no 747.10A, at a scale of 1:500 @ A3.
- A pdf. copy of a section drawing of the proposed new driveway, drawing no. 747.14 at a scale of 1:50 @ A4.
- A dxf. topographical plan of the site entitled Mylnefield House, Invergowrie, drawing no. 30121 Rev. 01 at a scale of 1:200 @ A1.

## 1 Scope and Limitations of Assessment

- 1.1 The assessment and this report are concerned with the arboricultural aspects of the site only. The assessment is restricted to trees within the site or those outside the site that may be affected by its development. No other trees were assessed.
- 1.2 The assessment follows guidelines detailed in British Standard 5837: 2012 'Trees in relation to design, demolition, and construction– Recommendations' (BS5837).
- 1.3 It is based on a ground level tree assessment and examination of external features only – described as the 'Visual Tree Assessment' method expounded by Mattheck et al. in *The Body Language of Trees*. Encyclopaedia of Visual Tree Assessment (2015).
- 1.4 No plant tissue samples were taken, and no internal investigation of the trees was conducted. No soil samples were taken, or soil analyses conducted.
- 1.5 The risk of tree-related subsidence to structures has not been assessed.
- 1.6 No specific assessment of wildlife habitats has been conducted.
- 1.7 It is assumed that there are underground services within the curtilage of the site; the report author is not aware of the specific routes of any such services.
- 1.8 This report should be read in conjunction with the plans and documents noted above. The plans include the position of all significant trees and existing or proposed features, they are based on the plans provided by the client or other instructed professionals.
- 1.9 The statements in this report do not take account of the effects of extremes of climate, vandalism, or accident, whether physical, chemical or fire. Arboretum Internationale cannot therefore accept any liability in connection with these factors, nor where prescribed work is not conducted in a correct and professional manner in accordance with current good practice. The authority of this report ceases at any stated time limit within it, or if none stated after one year from the date of the survey or when any site conditions change or pruning or other works unspecified in the report are conducted to, or affecting, the subject tree(s), whichever is the sooner.

## 2 Assessment Method

2.1 Measurements of the trees considered in this report were taken on site by Arboretum Internationale Ltd.

2.2 Each tree has been assessed in terms of its arboricultural, landscape, cultural and conservation values in accordance with BS5837 and placed within one of the four following categories:

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

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

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

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

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

## 3 The Site

3.1 The site is located to the south side of the A90 public road to the West of Invergowrie. The proposed development will occupy what is currently a disused, filled in, swimming pool within area of grassland surrounded on the North, East and West sides by mature trees with the garden of Mylnefield House. With regards to the planning application, Mr. Mark Harris is the applicant for the site.

3.2 The site is accessed directly from the A90, a public highway on the northern boundary of the site.

3.3 An informal track (formed from Mot Type 1 aggregate) was introduced to the site (initial crushed material laid in 2010, hardcore topping added in 2021) to facilitate the removal and subsequent infilling of the swimming pool. The proposed development identifies this track as an appropriate access to and from the proposed development.

## 4 Existing Trees

4.1 This assessment identifies 10 individual trees within and immediately adjacent to the site. Of these 1 is identified at Category U for removal due to poor condition, 1 tree is identified at Category C, 1 tree at Category B and a further 7 at Category A. This classification of trees is based on Table 1 in BS5837: 2012.

4.2 The site is not recorded on any of the Roy maps and on that basis the trees and woodland would not be considered to be ancient woodland.

- 4.3 At this time Arboretum Internationale is not aware of any formal planning restrictions pertaining to any of the trees on site.
- 4.4 The tree population on site was not considered (in this assessment) in relation to wildlife habitat or wider conservation issues.

## 5 Tree Constraints

- 5.1 The tree data recorded in the on-site assessment provides the basis for identifying the above ground and below ground constraints that may be imposed on the site by trees worthy of retention.
- 5.2 Below ground constraints are indicated by the Root Protection Area (RPA) as described for each tree which is calculated in accordance with guidance provided within paragraph 4.6 of BS5837. The RPA is the recommended area in square metres that should be left undisturbed around each tree to be retained, to ensure that damage to its roots or rooting environment is avoided. RPAs may be adjusted and locally increased to incorporate above ground protection for those trees where canopies extend beyond the RPA calculated solely for root protection.
- 5.3 In the case of open grown trees with an even, radial root distribution it would be normal for the boundaries of the RPA to be equidistant from the trunk of the tree. However, BS5837 acknowledges that the disposition of tree roots can be significantly affected by a number of factors and that the actual position of the RPA will be influenced by specific tree and site factors. These factors are to be assessed by an AE and appropriate adjustments to the siting of the RPA made. The RPA for each individual tree is detailed in the Tree Schedule in the at appendix 1 below and shown on the associated plans. Above ground constraints are indicated by the crown clearance height and crown spread recorded in the tree schedule.

## 6 Impact on Existing Trees

- 6.1 The primary objective, in arboricultural terms, is the retention of as many appropriate trees as is practicable. Quite apart from the requirement to retain some of the existing character, the presence of trees is generally accepted as being beneficial to the environment. The following is an assessment of the effects of the proposed development on existing trees and the future landscape.
- 6.2 This report clearly identifies the trees to be removed and those to be retained. Any and all tree work should be undertaken competently and in compliance with the recommendations given in BS5837 and British Standard 3998:2010 (BS3998). Specific and detailed information is prescribed below to facilitate adequate physical protection for trees on site to be installed before construction or other works commence.
- 6.3 **Tree removals and pruning to facilitate the development.**
  - 6.3.1 The proposed development of this site requires the removal of 1 of the 10 individually assessed trees. No other tree work is required to create space for or access to the area proposed for development.
  - 6.3.2 A schedule of required tree works to the individually assessed trees is described in appendix 1 below.

## 6.4 Encroachment within Root Protection Areas

6.4.1 The Tree Schedule provides details of the extent and disposition of RPAs of all trees to be retained, including any offsetting that is considered appropriate in relation to specific site conditions.

6.4.2 Ground works to prepare the existing ground for construction within or close to RPAs could, potentially, cause damage to trees and it is essential that this work is conducted in a manner that meets the criteria described herein.

## 6.5 Underground Services

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

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

# 7 Development Appraisals

- 7.1 A single tree within the site is identified for removal due to poor condition and the risk posed by its inevitable and foreseeable failure. Quite simply the proposed development does not require the removal of any other trees.
- 7.2 The current tree population is perhaps in peak condition and should be expected to naturally decline slowly from this point forward, continuing to provide a safe useful arboricultural amenity for the next 40 years or more under normal circumstances.
- 7.3 Arboretum Internationale has not been provided with details of any existing or proposed new underground services for the site.
- 7.4 Potential damage to structures by the future growth of trees is not considered herein. (See BS5837:2012 Annex A, and NHBC Standards Chapter 4.2).

# 8 Tree Protection

## General Measures

- 8.1 BS5837 requires that the RPAs of all retained trees be protected from the effects of development by the installation of protective barriers. It should be noted however, that the position of these barriers may also be influenced by the presence of any tree canopies that extend beyond the RPA and that could be damaged by construction works or where it is desirable to protect areas for future tree planting.
- 8.2 In addition to protecting retained trees, BS5837 recommends that areas of the site in which new or replacement tree planting is proposed, should also be protected from the effects of construction.
- 8.3 Protective barriers to demarcate the 'Construction Exclusion Zone' (CEZ) should be installed prior to the commencement of any construction works, including clearance or demolition. They should be maintained for the duration of the works. All weather

notices should be erected on the barriers with words such as 'Construction exclusion zone – Keep out.' Protective barriers should be in accordance with Figure 2 of BS5837:2012 (or similar accepted) – a copy is included as appendix 3.

- 8.4 The position of protective barriers should extend to adequately cover ground proposed for new tree planting; the area within the should be regarded as sacrosanct and protective fences and barriers should not be taken down without the written approval of the local planning authority, or where present, the supervising AE.
- 8.5 Ground Protection.
  - 8.5.1 Where it is necessary, for the construction operation, to permit vehicular or pedestrian access within the RPAs, for example to erect scaffolding, retained trees should be further protected by a combination of barriers and ground protection.
  - 8.5.2 Ground protection should be of sufficient strength and rigidity to prevent disturbance or compaction to the soil underneath. In areas of heavy and/or continued usage it is advised that the protection plates or mats are linked or connected and that they are placed over a bed of bark or wood chippings (100 to 150mm depth).
  - 8.5.3 Contamination of the soil by any substances should be prevented by the use of geotextile fabric.
- 8.6 Do not raise or lower soil levels or strip topsoil around trees – even temporarily; avoid disturbing the natural water table level; do not light fires near trees; do not attach notice boards, telephone cables or other services to any part of a tree.
- 8.7 No construction materials should be stored within root protection areas. Toxins such as diesel, petrol, or cement should be suitably stored to prevent such substances leaching into the soil.
- 8.8 Particular care and planning are necessary to accommodate the operational arcs of excavation, unloading, and lifting machinery, including their loads, especially large building components such as beams and roof trusses. Operations like these have the potential to cause incidental damage to trees and logistical planning is essential to avoid conflicts. Any movement of plant and materials near trees should be conducted under the supervision of a competent banksman to ensure that adequate clearance from trees is maintained at all times.

### **Specific Measures**

- 8.9 RPAs should be considered as the minimum area of ground that requires exclusion from construction works. Where a tree canopy extends beyond the measured RPAs then any protection should be extended to include the extent of the whole tree canopy.
- 8.10 It is both unreasonable and unnecessary to fence off the ground within the tree RPAs that is crossed by the informal access track. In this instance the track surface should be retained with any improvement works limited to additions to the surface material without the need for any excavation. Tree protective fencing should be installed at the edge of both sides of the existing track along its entire length to prevent construction activities from trespassing into the RPAs.

## 9 Recommendations

- 9.1 In accordance with recommendations in BS5837, the tree survey addresses preliminary recommendations for works that should be conducted in the interests of good arboricultural practice (see appendix 1 below). In this instance the removal of 1 individual tree noted at appendix one is appropriate
- 9.2 These recommendations are made in the knowledge that the site is the subject of development proposals and that the nature and extent of works would not perhaps be appropriate if the future use of the site were different. For example, BS5837 recommends that any trees 'in such condition that their existing value would be lost within 10 years should be removed' (i.e., Category C).
- 9.3 The tree protection measures detailed in section 8 above should be implemented and supervised by an appropriately qualified and experienced AE before any construction works begin.
- 9.4 Before authorising these, or any other tree works, the local planning authority should be consulted in accordance with the current version of the Town and Country Planning (Scotland) Act. All tree works should be undertaken in accordance with the current version of British Standard 3998:2010 'Tree work - Recommendations' and by a suitably qualified, competent, and insured tree contractor.

## CONCLUSIONS

These development proposals have been assessed in accordance with British Standard 5837: 2012 'Trees in relation to design, demolition, and construction—Recommendations' (BS5837).

1 tree defective/dying tree is identified for removal irrespective of the development proposals. The proposed development does not require the removal of any other trees.

Retained trees must be protected from the effects of development by means of appropriate protective barriers and ground protection throughout the duration of the works. The strict observance of the guidance herein, together with any additional guidance from the AE will ensure the successful integration of these proposals with retained trees.

## Appendix 1 Schedule of Trees

'Tree no.' Reflects the numbers detailed on the TCP and affixed to trees on site.

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

'Age Class' may have been recorded in the Tree Schedule in the following terms: **NP** (newly planted) – tree still supported by staking or other support, **Y** (young) - less than one-third life expectancy, **EM** (early-mature) – one-third to two-thirds life expectancy; **M** (mature) – more than two-thirds life expectancy, **OM** (over-mature) – beyond the normal life expectancy, **V** (veteran) - veteran tree or legacy tree is a tree which, because of its great age, size or condition, is of exceptional cultural, landscape or nature conservation value.

'Tree height' (Height) is given in metres; heights have been estimated to the nearest 1m.

'Crown height' is given in metres and indicates the average height of the lower reaches of the canopy, where GL appears the canopy is a ground level.

'Lowest branch' this figure indicates the height at which the lowest branch arises, where GL appears the canopy is a ground level.

'Direction' indicates the general cardinal point to which the lowest branch is growing, e.g., north.

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

'Crown spread' is given in metres measured in the direction of the four primary cardinal points

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

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

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

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

'Root Protection Area Radius': This figure (recorded in metres) is that to be used to determine the correct location for the erection of protective fencing based on a circular Root Protection Area.



| Tree no. | Species                  | Age class | Crown spread               | Height       | Lowest branch | DBH Single            | DBH Multiple | General condition/observations            | Management Recommendations | Contribution       | RPA Radius | Root protection area |
|----------|--------------------------|-----------|----------------------------|--------------|---------------|-----------------------|--------------|---|----------------------------|--------------------|------------|----------------------|
|          |                          |           |                            | Crown height | Direction     |                       |              |   |                            | Retention category |            | Calculations         |
| 343      | Maple                    | M         | N 7<br>S 6<br>E 5<br>W 3   | 14           | 2             | 680                   |              | Moderate damage sustained in storm Arwen. | No work required.          | >20                | 8.1        | 209.18               |
|          |                          |           |                            | 4            | W             |                       |              |   |                            | B1                 |            | 8.12                 |
|          |                          |           |                            |              |               |                       |              |   |                            |                    |            |                      |
| 344      | Aspen                    | EM        | N 6<br>S 6<br>E 7<br>W 5   | 23           | 6             | 620                   |              | No significant defects.                   | No work required.          | >40                | 7.5        | 173.90               |
|          |                          |           |                            | 6            | W             |                       |              |   |                            | A1                 |            | 7.42                 |
|          |                          |           |                            |              |               |                       |              |   |                            |                    |            |                      |
| 345      | Cypress                  | M         | N 3<br>S 2.5<br>E 3<br>W 3 | 21           | 2             | 620                   |              | 90% dead.                                 | Fall.                      | <2                 | 7.5        | 173.90               |
|          |                          |           |                            | 6            | N             |                       |              |   |                            | U                  |            | 7.42                 |
|          |                          |           |                            |              |               |                       |              |   |                            |                    |            |                      |
| 346      | Beech                    | M         | N 7<br>S 10<br>E 6<br>W 8  | 24           | 3             | 880                   |              | No significant defects.                   | No work required.          | >40                | 10.5       | 350.33               |
|          |                          |           |                            | 2            | N             |                       |              |   |                            | A1                 |            | 10.54                |
|          |                          |           |                            |              |               |                       |              |   |                            |                    |            |                      |
| 347      | Beech                    | M         | N 8<br>S 10<br>E 8<br>W 7  | 16           | 2             | 890                   |              | No significant defects.                   | No work required.          | >40                | 10.8       | 358.34               |
|          |                          |           |                            | 2            | N             |                       |              |   |                            | A1                 |            | 10.68                |
|          |                          |           |                            |              |               |                       |              |   |                            |                    |            |                      |
| 348      | Maple                    | M         | N 5<br>S 5<br>E 5<br>W 6   | 16           | 2             | 740                   |              | No significant defects.                   | No work required.          | >40                | 8.7        | 247.73               |
|          |                          |           |                            | 4            | NW            |                       |              |   |                            | A1                 |            | 8.83                 |
|          |                          |           |                            |              |               |                       |              |   |                            |                    |            |                      |
| 349      | Spruce                   | M         | N 6<br>S 5<br>E 7<br>W 4   | 22           | 2             | 1100                  |              |   | No work required.          | >40                | 13.2       | 547.39               |
|          |                          |           |                            | 1            | SE            |                       |              |   |                            | A1                 |            | 13.19                |
|          |                          |           |                            |              |               |                       |              |   |                            |                    |            |                      |
| 350      | Holly                    | Y         | N 3<br>S 4<br>E 3<br>W 6   | 8            | n/a           | 80<br>140<br>230<br>0 | 78900        | 3 stems from ground level.                | No work required.          | >10                | 3.3        | 280.89               |
|          |                          |           |                            | GI           | n/a           |                       |              |   |                            | C1                 |            | 35.69                |
|          |                          |           |                            |              |               |                       |              |   |                            |                    |            | 3.32                 |
|          |                          |           |                            |              |               |                       |              |   |                            |                    |            | Up to 5 stems        |
| 351      | Spruce                   | M         | N 4<br>S 3<br>E 3<br>W 3   | 23           | 3.5           | 680                   |              | Minor dead wood throughout.               | No work required.          | >40                | 8.1        | 209.18               |
|          |                          |           |                            | 12           | S             |                       |              |   |                            | A1                 |            | 8.12                 |
|          |                          |           |                            |              |               |                       |              |   |                            |                    |            |                      |
| 352      | Fagus sylvatica<br>Beech | M         | N 9<br>S 10<br>E 11<br>W 8 | 25           | 2             | 1020                  |              | Minor dead wood throughout.               | No work required.          | >40                | 12.3       | 470.67               |
|          |                          |           |                            | 3            | SW            |                       |              |   |                            | A1                 |            | 12.21                |
|          |                          |           |                            |              |               |                       |              |   |                            |                    |            |                      |
|          |                          |           | N<br>S<br>E<br>W           |              |               |                       |              |   |                            |                    |            |                      |
|          |                          |           | N<br>S<br>E<br>W           |              |               |                       |              |   |                            |                    |            |                      |
|          |                          |           | N<br>S<br>E<br>W           |              |               |                       |              |   |                            |                    |            |                      |
|          |                          |           | N<br>S<br>E<br>W           |              |               |                       |              |   |                            |                    |            |                      |

## Appendix 2

### Cascade chart for tree quality assessment

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

##### Trees unsuitable for retention (see Note)

##### Category U

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

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

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

##### Trees to be considered for retention Category A

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

##### Category B

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

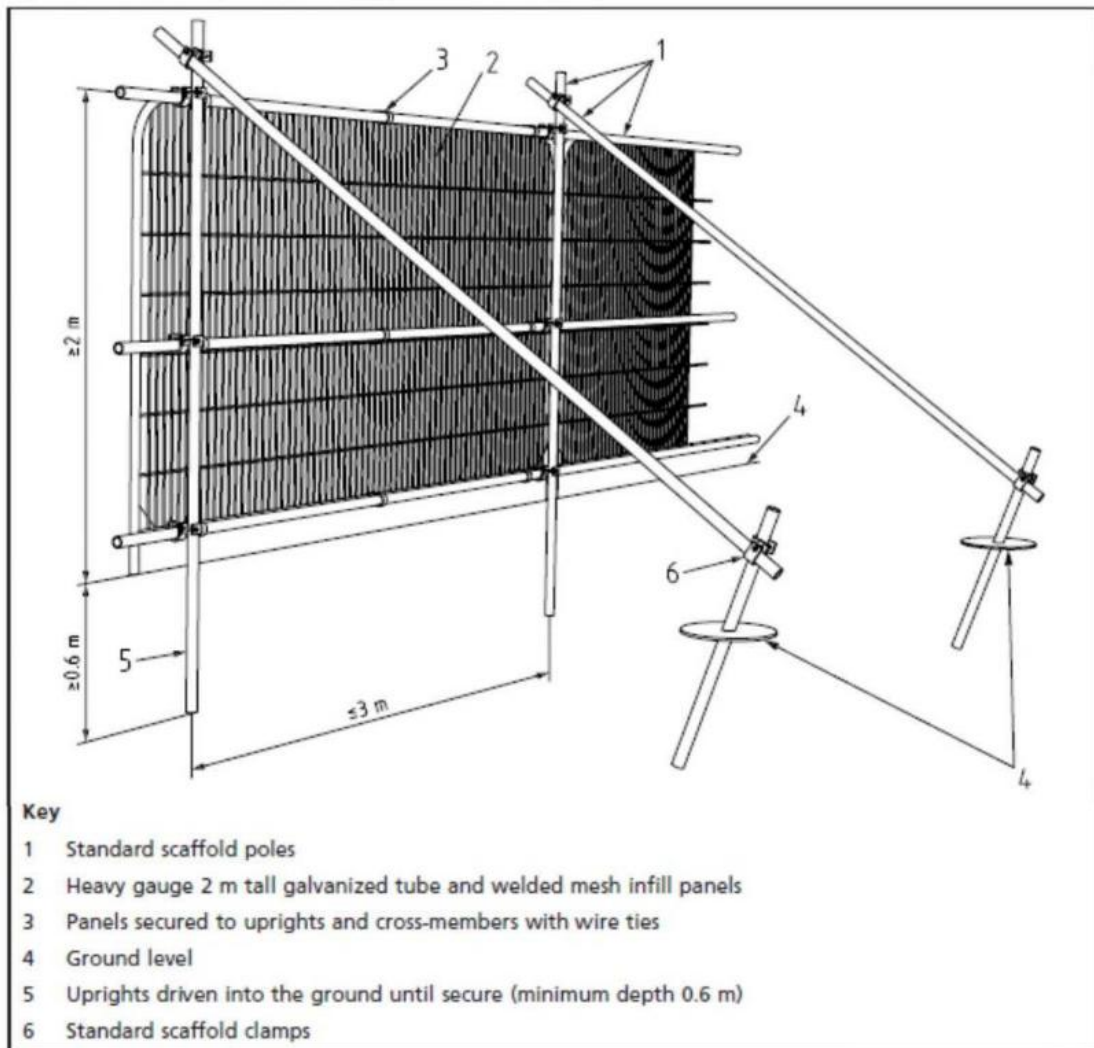
##### Category C

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

## Appendix 3

### BS5837: 2012 Figure 2

Figure 2 Default specification for protective barrier



## Appendix 4

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

Special construction methods are required for hard surfaces within root protection areas [RPAs] of retained trees. Whilst the following information provides guidance in the principles

of such construction, the final specification shall be determined in conjunction with a suitably qualified engineer and guidance from the manufacturers of the products used.

#### Important points to remember about tree roots:

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

#### 'No dig' hard surfaces near trees should:

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

#### Construction principles:

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

## Appendix 5

### Removal of Debris Near Trees

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

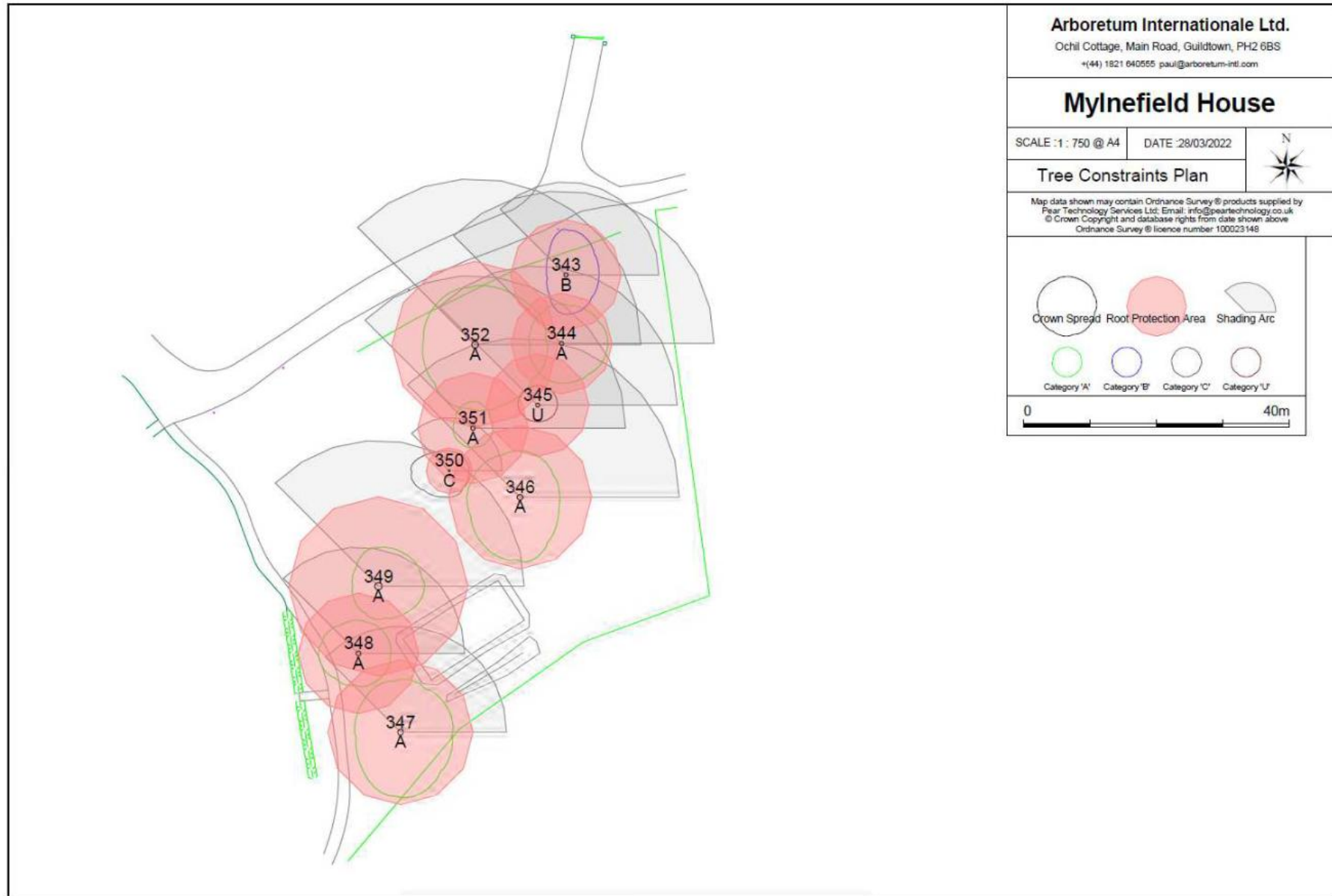
## Appendix 6

### Further Information

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

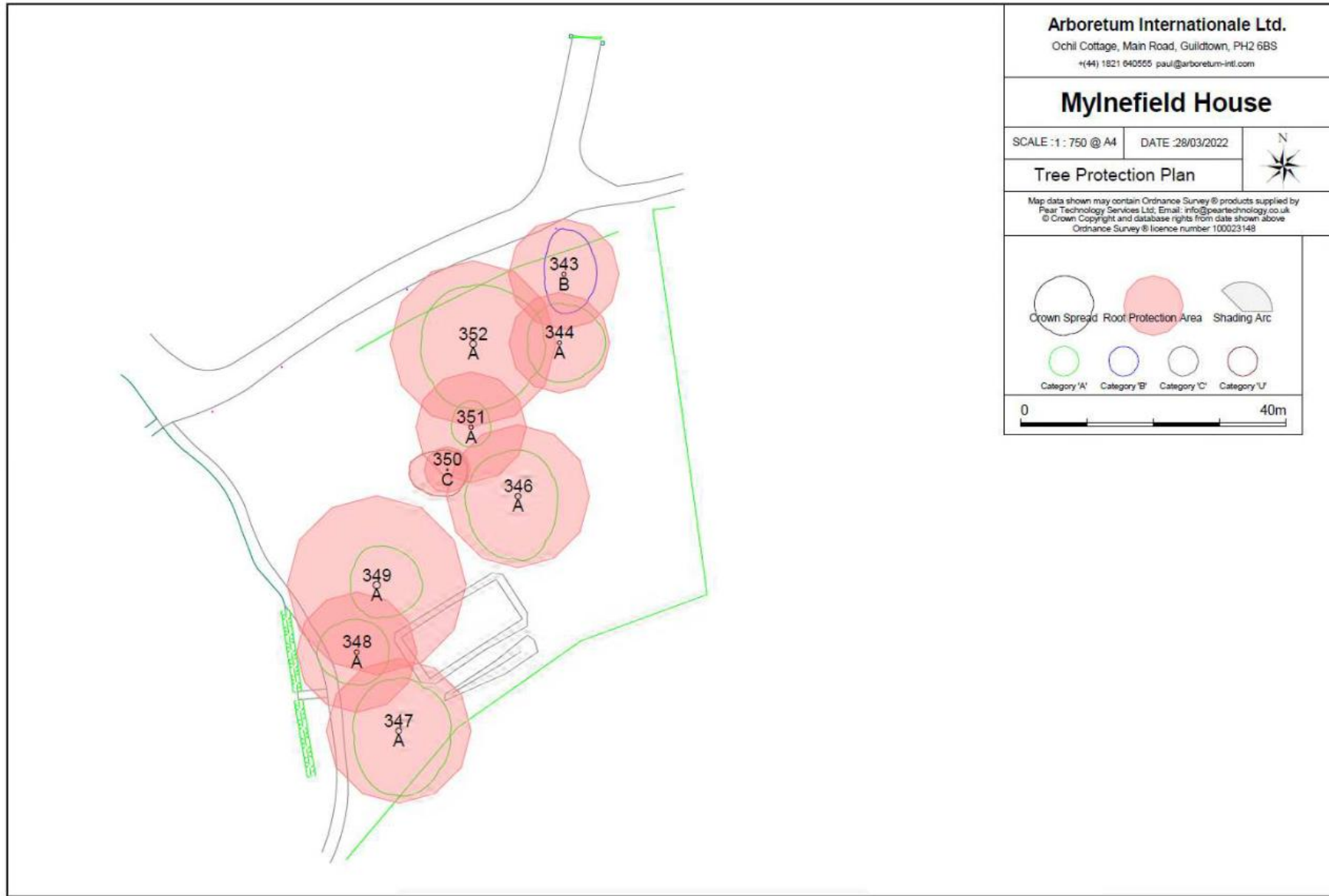
## **Appendix 7**

### **Site Plans**



**Tree Constraints Plan**





**Tree Protection Plan**

