

**LRB-2023-09**  
**22/01707/FLL – Erection of 4 dwellinghouses and 3**  
**garages, land 50 metres south east of Craighton Gardens,**  
**Cleish**

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**LRB-2023-09****22/01707/FLL – Erection of 4 dwellinghouses and 3  
garages, land 50 metres south east of Craighton Gardens,  
Cleish**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**







Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: [onlineapps@pkc.gov.uk](mailto: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 100420223-008

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	JON FRULLANI ARCHITECT		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	JON	Building Name:	
Last Name: *	FRULLANI	Building Number:	140
Telephone Number: *	01382224828	Address 1 (Street): *	Perth Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Dundee
Fax Number:		Country: *	United Kingdom
		Postcode: *	DD1 4JW
Email Address: *	jon@jfarchitect.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" value="Mawmill Farm"/>
First Name: *	<input type="text" value="Richard Scott"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Black"/>	Address 1 (Street): * <input type="text" value="Cleish"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Kinross"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="KY13 0LN"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="jon@jfarchitect.co.uk"/>	

## Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Land South of Ceardach Smiddy Cottage"/>
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Northing	<input type="text" value="698962"/>	Easting	<input type="text" value="309061"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Erection of 4 dwellinghouses and 3 garages

## Type of Application

What type of application did you submit to the planning authority? \*

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

The proposed development has been demonstrated to maintain the amenity and environmental quality of the houses adjacent to the Review Site while also complementing the rural character and appearance of the surrounding area. In this regard the Review Statement demonstrates the proposals compliance with the Development Plan contrary to the Council's Reasons for Refusal 1 and 2. The information provided in support of this Notice of Review addresses matters raised by consultees in the assessment.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Location Plan Rural Location Plan House Type 1 Floor Plans and Elevations House Type 2 Floor Plans and Elevations House Type 3 Floor Plans and Elevations Existing Site Plan Proposed Site Plan Proposed Garages Plans and Elevations Green Runoff Rate Est Phosphorus Mitigation Calculations Septic tank for upgrading address Tree Report Bat Survey Flood Risk Assessment Review Statement

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/01707/FLL

What date was the application submitted to the planning authority? \*

28/09/2022

What date was the decision issued by the planning authority? \*

22/11/2022

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☒ Yes ☐ No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## **Declare – Notice of Review**

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr JON FRULLANI

Declaration Date: 21/02/2023



# **ERECTION OF 4 DWELLINGHOUSES AND 3 GARAGES AT LAND 50 METRES SOUTH EAST OF CRAIGTON GARDENS, CLEISH**

## **REVIEW STATEMENT**

**Town and Country Planning(Scotland) Act 1997 as amended**  
**Planning Application Ref: 22/01707/FLL**  
**Appellant: Mr RS Black**  
**Date: January 2023**

### **Contents**

- 1.0 Introduction
- 2.0 Review Site
- 3.0 Proposal
- 4.0 Public Participation
- 5.0 Policy Framework
- 6.0 Evaluation of Proposed Development
- 7.0 Conclusion

Appendix A – Statement from Appealant regarding Plot 3 /HT3

## 1.0 INTRODUCTION

Mr RS Black ("the Appellant") submitted a planning application to Perth and Kinross Council ("the Council") seeking planning permission for the erection of 4 dwellinghouses and 3 garages at Land 50 metres to the south east of Craigton Gardens, Cleish ("Review Site").

The application was registered and validated on 28 September 2022. The application was refused under delegated powers.

The decision notice for planning application ref: 22/01707/FLL is dated 24 November 2022 and cites the following 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 the proposal fails to satisfactorily comply with any of the categories (1) Building Groups, (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land. The proposal is adjacent to an existing building group but results in a development which extends the building group into an area of land which is not defined as required by policy. Furthermore, the layout and location of Plots 3 and 4 at the southern end of the site fail to respect the character and building pattern of the existing roadside layout of the grouping. The scale and height of plot 3 is also significantly out of scale with the established single storey character of the existing group.*

*2. The proposal is contrary to Policy 1A and 1B, Placemaking, of the Perth and Kinross Local Development Plan 2 (2019). The proposed development and in particular plots 3 and 4 at the southern side of the site would not contribute positively to the built and natural environment or the character and building pattern of the existing small grouping due to its scale, design, layout and lack of a landscape framework.*

*3. The proposal is contrary to Policy 46B 'Loch Leven Catchment Area' of the Perth and Kinross Local Development Plan 2 (2019) as the phosphorus calculations which have been submitted do not reflect the scale and nature of the development which is proposed.*

*4. The proposal is contrary to Policy 52 'New Development and Flooding'. The Flood Risk Assessment considers a culvert to the immediate west of the site but fails to consider the impact which the blocking or overwhelming of the existing culvert to the north west of the site at the B9097 on the Colonel Burn may have on flood risk on the application site. Therefore, the submitted Flood Risk Assessment fails to provide complete clarity on the suitability of the development of the site from a flood risk perspective.*

*5. The proposal is contrary to Policy 60B 'Transport Standards and Accessibility Requirements: New Development Proposals' of the adopted Perth and Kinross Local Development Plan 2 (2019) as the plans do not demonstrate that delivery/septic tank service vehicles would be able to turn with the site. Furthermore, there is a lack of*



*clarity on footway provision both within the site and along the boundaries of the site with the public road.*

The Appellants submit that there is no evidence to support refusal of the application on the grounds of a breach of the Perth and Kinross Local Development Plan 2 (2019) and that planning permission ought to be granted for the reasons set out within this Review Statement and related Documents.

## **2.0 REVIEW SITE**

The review site comprises an area of flat open ground on the edge of the small hamlet of Craigton on the B9097, 1km northwest of Cleish as identified in Figure 1. The site is located on the south side of the B9097 to the east of the Colonel Burn.

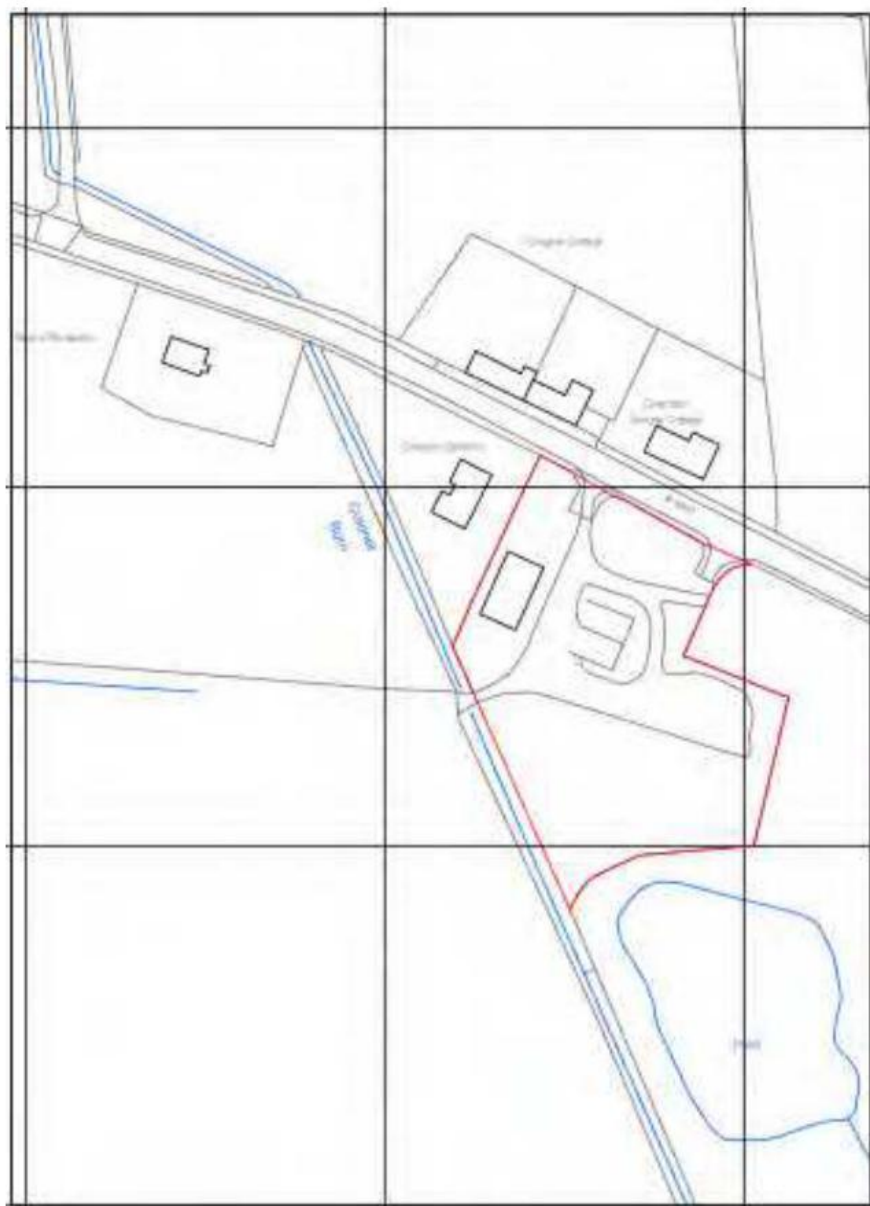


Figure 1: Location Plan

The northern area of the site contains a single storage building and an area of hard standing. The frontage of the site onto the B9097 is delineated by trees. The southern area of the site is overgrown and open to the surrounding farmland.

The site was used for the storage of gravel and machinery associated with the former Craigton Gravel Quarry and whilst it is quite overgrown, it still appears to be in use to some degree for the storage of equipment and materials.

Access to the site is taken from a single junction onto the public road in the north west corner of the site with a secondary field access that is in an overgrown condition located in the north west corner of the site.

The existing small group of buildings adjacent to the site on the northern side of the B9097 and to the west beyond the Colonel Burn comprise of five single storey cottages, all of which are roadside plots.

### **3.0 PROPOSAL**

The proposal seeks planning permission for the erection of 4 dwellinghouses and 3 garages. Two dwellings shall be situated in the northern sector of the site and two in the southern sector. Detached garages will be erected in the grounds of Plots 1,2 and 4 with the dwellinghouse in Plot 3 being served by an integral garage.

Access to the site will be formed by upgrading the existing field access in the north eastern corner. An access road terminating in turning head along the south western boundary of the site will serve each of the proposed dwellinghouses. The layout and design of the proposed development is illustrated by the Proposed Site Plan shown in Figure 2.

The proposed dwellinghouses on Plots 1 and 2 are four bedroom single storey units that will front onto the B9097. Each is proposed to be 6.5m in height and will be finished in a mixture of timber cladding, natural stone and off-white render with a slate roof. The remaining dwellinghouses are proposed to the south of the site. Plots 1,2 and 4 will comprise of identical single storey dwellinghouses with Plot 3, the southern most unit proposed to be a larger dwelling, extending to 8.5m to ridge, with accommodation over two levels.

Previous to the submission of planning application ref: 22/01707/FLL, planning application ref: 21/00955/FLL was refused planning permission for the erection of 5 dwellinghouses on the Review Site. Planning application ref: 21/00955/FLL was refused for being contrary to Policy 19: Housing in the Countryside, Policies 1A and B: Placemaking, Policy 46B: Loch Leven Catchment Area, Policy 52: Flood Risk, Policy 60B Parking Requirements, Policy 41: Bio Diversity and Policy 40: Woodland and Trees. Planning application ref: 22/01707/FLL sought to address the previous reasons for refusal by reducing the number of proposed units from 5 to 4 and included detailed supporting information to address the previous reasons for refusal.

A pre-application enquiry relating to the redevelopment of the Review Site was submitted to the Council in March/April 2022 (22/00111/PREAPP) following the refusal of planning application ref: 21/00955/FLL.



Figure 2: Proposed Site Plan

#### 4.0 PUBLIC PARTICIPATION

In assessing planning application ref: 22/01707/FLL the Council followed the statutory neighbour notification procedure. A total of 1 letters of representation was received from Cleish and Blairadam Community Council in support of the proposed development with matters relating to road safety to be addressed by the proposed development.

These matters are addressed in Section 6.0 of this statement.

## 5.0 POLICY FRAMEWORK

### Development Plan

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

#### TAYplan Strategic Development Plan 2016-2036

TAYplan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”

#### Perth and Kinross Local Development Plan 2

The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, “Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.” It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 19: Housing in the Countryside
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 46A: Loch Leven Catchment Area
- Policy 46B: Loch Leven Catchment Area
- Policy 52: New Development and Flooding
- 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

#### Other Policies

Housing in the Countryside Supplementary Guidance March 2020- This document sets out the Council's policies on Developer Contributions in relation to Primary



Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

Placemaking Supplementary Guidance 2020- The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

## **6.0 EVALUATION OF PROPOSED DEVELOPMENT**

Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 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, this involves considerations of the Council's other approved policies and supplementary guidance, namely Placemaking Guide 2020 and the Housing in the Countryside 2020.

The determining factors in this application are as follows

- Principle of Development
- Design and Layout
- Landscape and Visual Amenity
- Residential Amenity
- Roads and Access
- Drainage- Loch Leven
- Flooding
- Natural Heritage and Biodiversity
- Contamination

### **Principle of Development**

Policy 19 - Housing in the Countryside and the associated Supplementary Guidance (SG) acknowledge that opportunities exist for housing in rural areas to support the viability of communities and 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. Therefore, the development of single houses or groups of houses that fall within one of the six identified categories below will be supported.

- 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 SG
- 4) Renovation or replacement of houses
- 5) Conversion or replacement of redundant non-domestic buildings
- 6) Development on rural brownfield land

Categories 1 and 6 is are applicable to the proposed development as the site is situated within an existing building grouping and is brownfield due to its historic use as a quarry storage yard.

The Housing in the Countryside Supplementary Guidance defines a building grouping as:

*3 or more existing buildings of a size at least equivalent to a traditional cottage and which, when viewed within their landscape setting, appear as a group. The majority of the buildings in the group should be either residential or be suitable for conversion to residential under Category 5 of this guidance.*

The aerial photograph in Figure 3 shows the Review Site within the context of the surrounding building group at Craigton.



Figure 3: Aerial Photograph of Craigton with Review Site Outlined in Red

The existing building group comprises of 3 single storey dwellinghouses located on the north side of the B9097 opposite the site, a new build single storey dwelling to the west of the site and a remaining quarry storage building.

Under Category 1 the Supplementary Guidance goes on to state:

*Permission will be granted for houses within building groups providing it can be demonstrated that:*

- *New housing will respect the character, scale and form of the existing group, and will be integrated into the existing layout and building pattern.*
- *New housing will not detract from the visual amenity of the group when viewed from the wider landscape.*
- *A high standard of residential amenity will be provided for both existing and new housing.*

The site is contained to the north by the B9097, the west by the property at Craigton Gardens, the south west and south by Colonel Burn and to the east by farmland. Although there is no defined boundary between the Review Site and the farmland to the east the aerial photograph in Figure 3 demonstrates that the historic use of the site has rendered it largely unusable for agriculture hence it has not been colonised by vegetation and appears barren. In this context the Review Site appears out of character with the lush fertile green fields surrounding Craigton.

The layout of the new development maintains the appearance of the Craigton streetscape with Plots 1 and 2 in the northern sector of the Review Site fronting on to the B9097 mirroring the pattern of development on the north side of the public road. Plots 3 and 4 are situated in the southern sector of the site set back from the B9097. However, there is precedent within the building group for sizeable buildings distanced from the B9097. Craigton Gardens sits gable-on to the B9097 with the principal elevation facing west while the house at Ceardoch Smiddy Cottage directly opposite the Review Site has a large building to its rear.

In this regard the location of the proposed development and its layout do not detract from the appearance of the Craigton building grouping but rather complement its setting by mirroring the positioning of housing both fronting on to and set back from the B9097. Further, the layout of the proposed development when viewed within the wider landscape will appear as a contiguous part of the Craigton building group.

Turning to the design of the proposed houses, the undulating topography of the site allows for the houses on Plots 1, 2 and 4 to be single storey with a ridge height 6.5m above ground level. The site drops in level at Plot 3 and this allows for a slightly larger house to be developed on this plot. The proposed house on Plot 3 is of a bespoke design with a pitched roof and ridge height 8.5m above ground level. This allows for accommodation to be spread over 2 levels unlike the other 3 plots which have accommodation spread over ground floor level only. However, the appearance, finish and ridge heights of the new houses are similar to those of the existing houses to the north and west of the site which are also new build. As such the proposed development will not detract from the visual amenity of the building grouping with all of the houses appearing as a cohesive grouping.

The location of the proposed houses in relation to neighbouring properties contributes to this sense of cohesion with the new development sharing a boundary with Craigton



Gardens to the west of the site and the houses on Plots 1 and 2 mirroring the pattern of development on the northern side of the B9097 albeit set back from the public road to safeguard the privacy and southern outlook of the existing houses.

The layout and design of the proposed development is such that there will be no adverse impact on neighbouring properties by virtue of overlooking, overshadowing or overbearing impact. Within the new development itself the proposed houses have been sensitively designed and located within their respective plots to ensure they are served with sufficient off street parking facilities, extensive garden grounds and that they do not overlook each other. In this regard the proposed development by virtue of scale and design will not impact on the visual or residential amenity of the existing building group or the new houses.

Taking the above reasoning into account the proposed development accords with Category 1 of Policy 19 and the associated Housing in the Countryside Supplementary Guidance.

Category 6 of Policy 19 allows for the redevelopment of rural brownfield land. This category is intended to allow small scale housing proposals on cleared sites which have been significantly degraded by a former use or activity, and where the redevelopment of the site for housing is the only means by which it is viable to remediate the site. The associated Housing in the Countryside Supplementary Guidance under Category 6 states:

*'Rural Brownfield Land' is defined as: Derelict land which was at one time occupied by buildings or structures but these have now been removed, or land directly linked to former buildings or structures which has been so damaged by a former use that it cannot be left to naturalise or be reused for another purpose without first being improved.*

In cases where contamination which requires remediation is present, the Housing in the Countryside Supplementary Guidance requires that a contaminated land investigation and remediation plan be submitted as part of any planning application.

Further, the Guidance highlights that the scale of the proposal should be commensurate with the scale of remediation works required, for example, if only a small area of the site requires remediation this will not justify the redevelopment of a much larger area for housing.

The Council's Environmental Health Service has confirmed that the Review Site was the subject of quarrying activity with the type and volume of material used to backfill the quarry and indeed the Review Site unknown. The presence of contamination on the site is understood by the failure for vegetation to establish only around its periphery. The Environmental Health Service has recommended that planning permission is granted subject to a 4-part condition requiring the submission of a contaminated land risk assessment and remediation statement as well as validation statements once the works to remediate the site have been completed. As such the principle of housing on the Review Site is established by the proposal's compliance with Category 6 of Policy 19 of the adopted Local Development Plan.



Contrary to Reason for Refusal 1, the proposed development has been demonstrated to unequivocally satisfies the relevant criteria of the Housing in the Countryside Supplementary Guidance as it pertains to Category 1 and Category 6 development. As such the proposed development fully complies with Policy 19 Housing in the Countryside of the adopted Local Development Plan.

### **Design and Layout**

The Local Development Plan requires that the design and scale of development should respect its surroundings and adhere to Policies 1A and B, which relate to placemaking. Further guidance is also provided within the associated Placemaking Supplementary Guidance.

The layout, scale and massing of the existing buildings within the Craigton building group will be largely replicated, and the proposals by virtue of their scaling, massing, design and position on the site are respectful of the rural and agricultural setting of the site and its surroundings. The proposed palette of materials blends with those existing and is therefore sympathetic to the traditional character and appearance of the buildings and their rural setting. The two new dwellinghouses in the northern sector of the site have been purposefully sited and designed to be read as part of the existing group of buildings on the northern side of the B9097 and by virtue of their scale, massing, design and finish sit comfortably alongside these buildings in fronting the street.

In this regard the proposed development is of an appropriate scale and design that is conducive to the rural character and visual amenity of the area. Therefore, contrary to Reason for Refusal 2, the proposed development satisfies the criteria of Policies 1A and 1B Placemaking of the adopted Local Development Plan.

### **Landscape and Visual Amenity**

Policy 39 Landscape requires development proposals to be compatible with the landscape character of the area. Proposals should be a good fit with the landscape and amongst other things, not erode local distinctiveness. Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Policy 39 goes on to state that development proposals will only be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.

The criteria contained within Policy 39 seeks to safeguard the qualities of an area's landscape, safeguard local distinctiveness and the visual and scenic qualities of the landscape. Policy 39 also requires proposals to align with the Tayside Landscape Character Assessment prepared by Scottish Natural Heritage.

The Tayside Landscape Character Assessment (TLCA) identifies this area within which the application site is located as part of the Lowland Hills – Tayside area. It states that the area is characterised by modern settlements limited to scattered farmsteads and hamlets, with some main roads and pylons.

The immediate landscape surroundings of the site are characterised by undulating topography with large areas of mature woodland and small groups of buildings.

In this instance the proposed development would not have an adverse impact on surrounding local landmarks, views or skylines. Sensitive positioning and landscaping will prevent the new development from appearing as a modern addition to the landscape when viewed from the south and east. Therefore, subject to conditions the proposed development by virtue of high quality, sensitive design and finishing materials would complement the established landscape character of the area and complies with Policy 39.

### **Residential Amenity**

The proposed development is acceptable in respect to the sizes of each individual plot and provision of private amenity space. Each plot is substantial in area and features large areas of garden ground as to be expected in rural settings. The layout and positioning of the proposed dwellinghouses does not have any impact on adjacent properties in terms of overlooking and overshadowing.

### **Roads and Access**

The proposal will have a singular vehicular access onto the B9097 extending centrally into the site providing access to each of the plots.

The Council's Transport Planning Service has indicated that the access junction to the site and parking arrangements are acceptable in principle and that detailed design matters could be controlled by planning condition.

However, they also queried elements of the layout, including the ability of the site to accommodate a septic tank/delivery vehicle and have sought a swept path to demonstrate this. They have also sought clarity on the layout and whether footways are proposed to be installed as no key has been provided. The plans also show paths out to the public road network and along the B9097, it is unclear if these will be linking to a footway along the B9097. Without links to a footway, the Roads Maintenance Partnership have concerns about these being provided directly onto the B9097 and clarity on this is required.

The Council's Public Transport Unit has requested rural bus boarders at and opposite the development to facilitate school bus boarding/alighting and to install dropped kerbs at a suitable crossing point.

Additional plans have been provided with this Review submission addressing the matters raised above. Had the Council raised these matters with the Appellant prior to refusing planning permission this information would have been provided to the Council to address the matters raised by the Transport Planning Service and Public Transport Unit. The appellant, on agreeance by the council, is happy to provide rural bus boarders at and opposite the development to facilitate school bus boarding/alighting and to install dropped kerbs.

### **Drainage- Loch Leven**

The site is located with Loch Leven Catchment Area where foul drainage from new development is strictly control and the levels of phosphorous from foul waste must demonstrate at least 125% betterment.

In this regard the Appellant submitted drainage calculations based on the installation of biodisc package treatment plant serving the entire development along with the upgrading of an existing septic tank at a remote property as part of planning application ref: 22/01707/FLL.

In reviewing the submitted phosphorus mitigation calculations, SEPA raised concern that the mitigation calculations submitted as part of planning application ref: 22/01707/FLL show five properties and are a replication of the previous application.

Had these matters been brought to the Appellants attention the calculations would have been revised and resubmitted to the Council. As such, the revised calculations are now submitted as part of this Review submission and address in full the matters raised by SEPA. It should be noted that the games room in Plot 3 is intended to serve as an upstairs lounge/games room and not to be used as a bedroom and a condition to restrict this would be welcomed. The revised calculations continue to demonstrate that the proposed drainage solution has sufficient capacity to service the proposed development without adverse impact on the Loch Level Catchment and complies in full with the requirements of Policy 53B and 53C. It should also be noted that the address of the septic tank for upgrading was submitted as part of planning application ref: 22/01707/FLL.

### **Flooding**

Due to the site's close proximity to the Colonel Burn, a Flood Risk Assessment (FRA) was submitted in support of the proposed development demonstrating that the development is not within a 1 in 200 year floodplain plus climate change.

The Council's Structures and Flooding Team concluded from the FRA that should the culvert to the immediate west of the site become partially blocked during a flood event the flood water would dissipate to the south west and away from the site due to the topography in the area.

However, the Structures and Flooding Team also identified that a further culvert of the Colonel Burn to the north west of the site which travels under the B9097 public road.

Despite this information being requested by the Structures and Flooding Team, the Planning Case Officer omitted to inform the Appellant of the need for this additional information and instead opted to use the lack of this information as a reason to refuse planning application ref: 22/01707/FLL.

Consultation with Goodson Associates confirms that this culvert was considered in their report and that the land to the West falling away from the site would mean that in

the event of flooding from the burn the flood waters would head away from the proposed site and that modelling of this would show the same.

The appellant welcomes a condition to provide Flood risk modelling for the culvert of the Colonel Burn to the north west of the site prior to the commencement of works.

### **Natural Heritage and Biodiversity**

The northern area of the site adjacent to the public road is quite densely wooded with a mixture of mature trees and vegetation. This belt of trees is well established and screens much of the site from view when driving along the B9097. As per the requirements of Policy 40, there is a presumption in favour of retain existing tree and where trees are potentially affected a tree survey that accords with BS5837:2012 should be submitted for consideration.

A Tree Survey was submitted in support of the proposed development. The Tree Survey demonstrates that the 28 existing trees on site do not merit retention. However, it also recommends compensatory planting and this is reflected in the Proposed Site Plan in Figure 2. The case officer agreed with the recommendations of the Tree Survey and that the compensatory planting could be secured by condition should planning permission be granted.

A protected species survey was submitted as part of application ref: 22/01707/FLL given the possibility of the existing trees containing habitat. This was reviewed by the Council's Biodiversity Officer and determined to be acceptable subject to conditions to ensure the mitigation measure within the report are adhered to and to ensure the provision of bird boxes within the site.

Taking the above matters into consideration the proposal accords with Policy 40 and 41 of the Local Development Plan.

### **Contamination**

Historical mapping indicates that there were formerly quarrying activities on the Review Site. The nature and volume of material used to infill this quarry site is unknown and therefore there is the potential for it to be a source of contamination which could impact upon the suitability of the site for the proposed development.

The Council's Environmental Health Service recommended that a standard four-part contamination condition be applied to an approval of planning permission in order to ensure that any ground contamination is investigated, and mitigation measures undertaken as part of the development.

## **7.0 CONCLUSION**

The purpose of this statement has been to demonstrate that the proposal aligns with the requirements of the Perth and Kinross Local Development Plan.

The proposed development has been demonstrated to maintain the amenity and environmental quality of the houses adjacent to the Review Site while also complementing the rural character and appearance of the surrounding area. In this regard the Review Statement demonstrates the proposals compliance with the Development Plan contrary to the Council's Reasons for Refusal 1 and 2.

The information provided in support of this Notice of Review addresses matters raised by consultees in the assessment of application ref: 22/01707/FLL that had not been passed on to the Appellant to address but rather formed the basis of Reasons for Refusal 3, 4 and 5.

Taking these matters into consideration it is respectfully requested that, having regard to the requirements of Sections 25 and 37 of the Town and Country Planning (Scotland) Act, 1997, as amended, this Review is supported and planning permission granted.

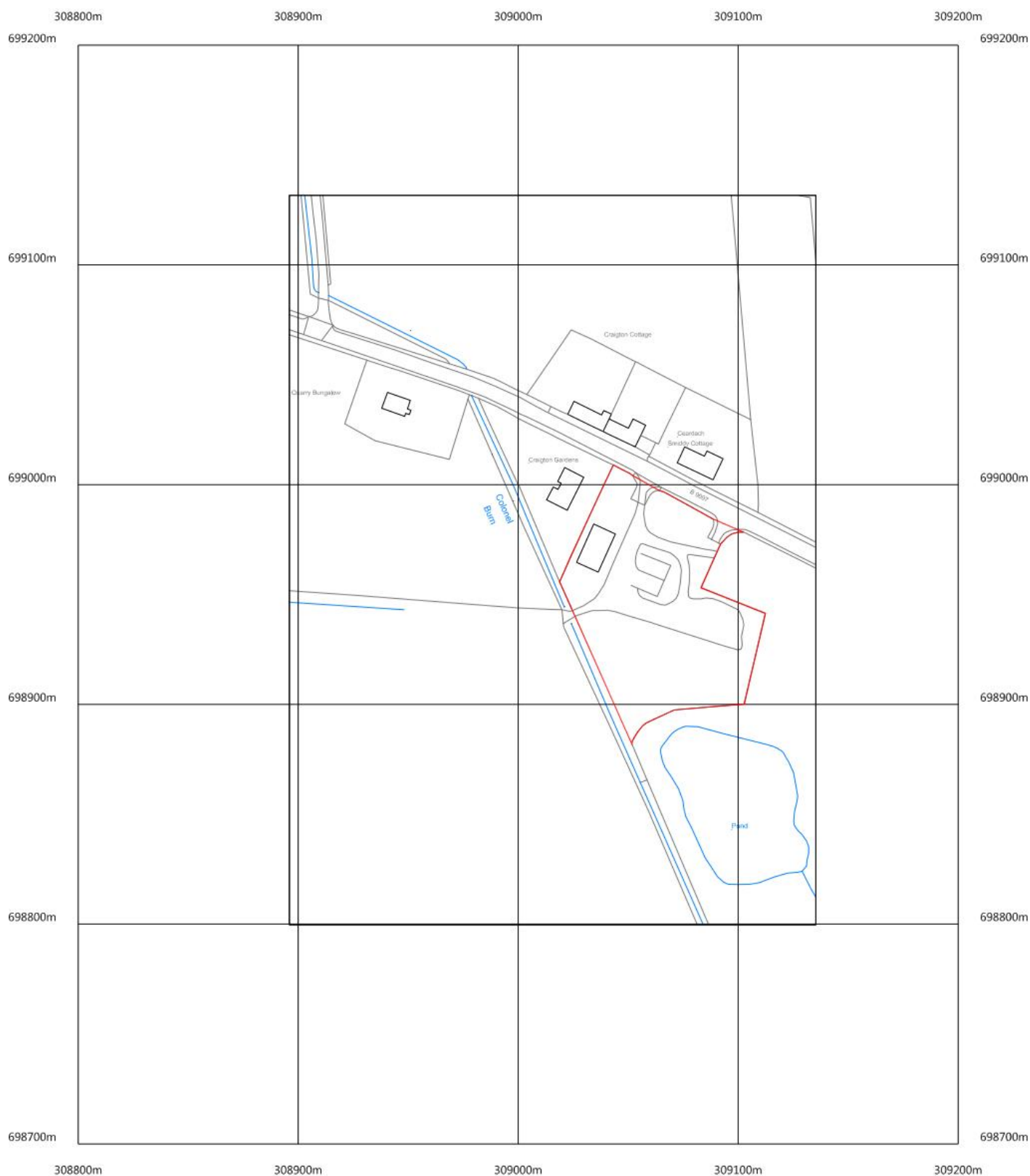


## Appendix A –

The applicant aims to construct Plot 3 – House Type 3 as a family/retirement home for Scott and Elaine Black. The house will provide accommodation for a key farm worker (Scott Black) within close proximity of the farm whilst providing a house that accommodates the needs of Elaine's wheelchair.

Statement from the appellant's family:

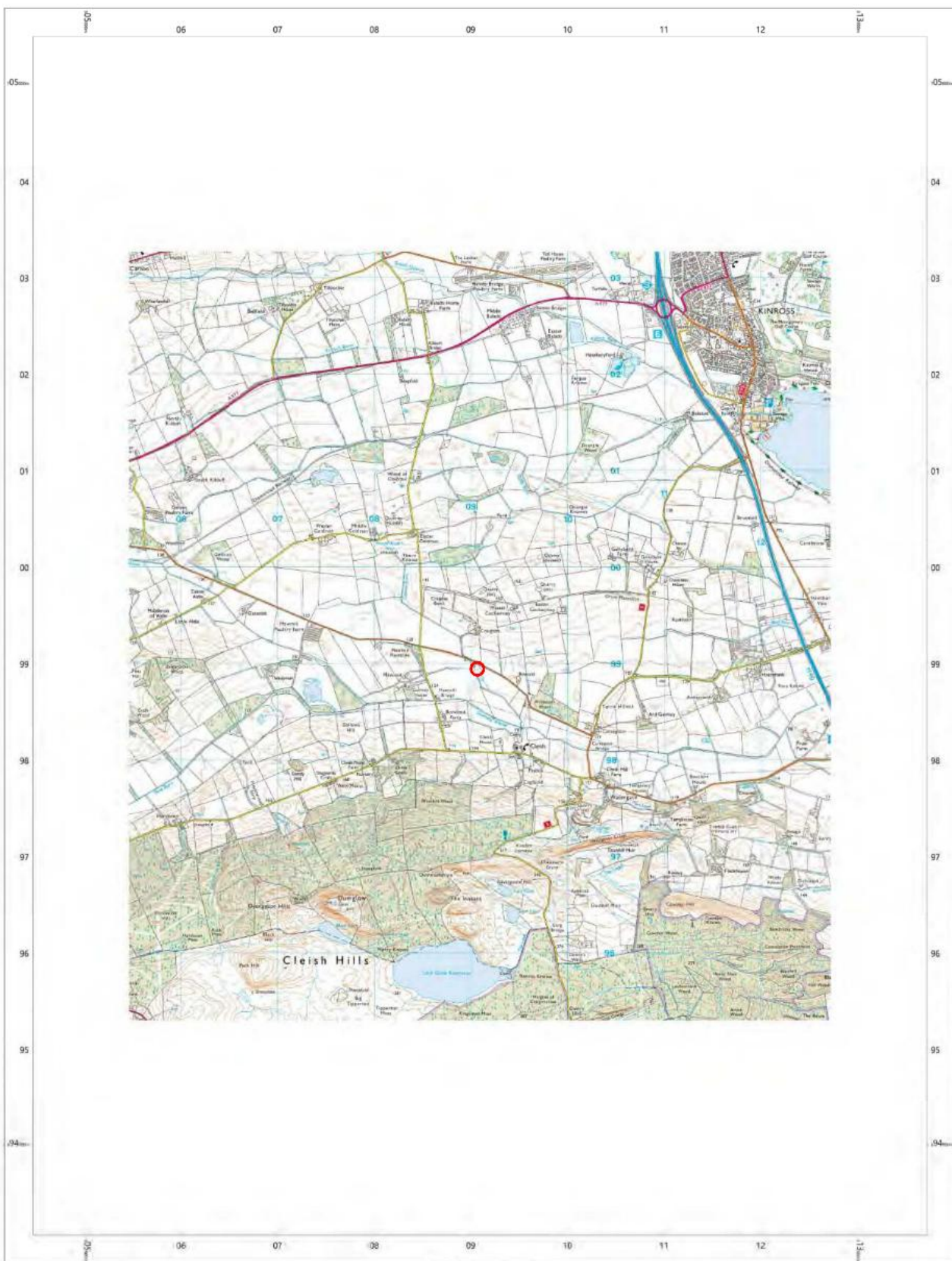
*Scott and Elaine have lived on the family farm since 1993. It's a 700 acre arable and potato farm which requires someone to be present for large portions of the year to load lorry's of grain and potatoes early and late at night as well as operate cold stores and grain handling equipment. Unfortunately due to Elaine's Multiple Sclerosis, Scott has had to spend more time caring for her and is gradually reducing the work he does on the farm. Their two sons have stepped up to help with the workload. We hope that David (Scott and Elaine's son) can move into the existing farmhouse to take responsibility for the majority of the above-mentioned tasks. At busy times of the year Scott will still be required to help and the new house being in close proximity to the farm is essential. This will allow not only Scott, but also David, to be close enough to help Elaine at meal times as well as being close in the event she has a fall or requires assistance. The house has been specifically designed to accommodate Elaine in her electricwheel chair giving her far more freedom than she has at the moment. Unfortunately, the multi-level layout of the existing farm house leaves Elaine trapped in different sections without the assistance of Scott or one of the boys to help her move. The new house would provide a new freedom for Elaine as well as having the provision for a live in carer to stay in the bedroom downstairs should her condition deteriorate. The family have been involved members of the local community all the time they have stayed with both boys attending the local Cleish Primary School. Scott was heavily involved and influential within the committee that fund raised and purchased Cleish community Park for everyone in the area to enjoy. He has now stepped up as Junior vice president of Kinross show again sacrificing time and effort for the benefit of the wider community. In times of heavy snow Scott and his sons have often cleared roads and driveways of the wider community. All of this done for no financial benefit and purely in community spirit. Scott and Elaine are hardworking members of the community who have made very close friends with many of the local residents. In approaching their retirement, it would be extremely difficult if not impossible to find a suitable house for Elaine's condition in the area and would be devastating for them personally and as a family business if they were forced to move further afield.*



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Revisions :  
n/a  
Notes :  
n/a

Project: Housing Development		 <b>JON FRULLANI</b> ARCHITECTS	
Address: Land East of Mains Road Craigton, Glasgow G11 13 2LX		Planning: 1000 - 1000	
Date: May 2021	Scale: 1:1000 @ A2	Sheet: 1	Total: 1



OS 25k scale order:  
Friday, June 23, 2021, 10:25:00  
map@johnnewright.com

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johnnewright



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642

Project 6605		 <b>JON FRAULANI</b> ARCHITECT	
Client -			
Address Craigton Quarry Maxwell, Cleish Kinross		Drawing Title Location Plan - 1:25,000	
		Issue Status Planning	Drawing No. 6605_P_300
Designer RS	Date June 2021	Scale 1:25000 @ A1	Revision -

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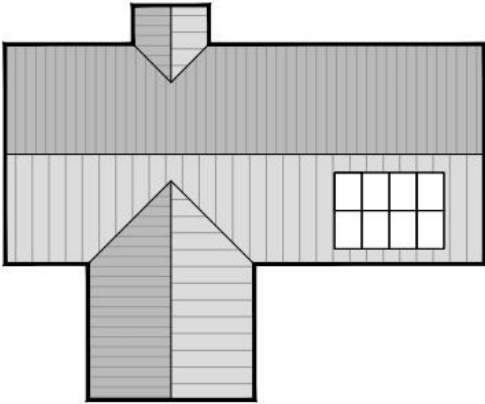
[jon@jonfrulani.co.uk](mailto:jon@jonfrulani.co.uk) | [www.jonfrulani.co.uk](http://www.jonfrulani.co.uk) | [Facebook.com/jonfrulani](https://www.facebook.com/jonfrulani)  
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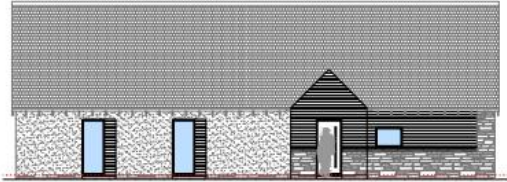
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Roof Plan



Front Elevation



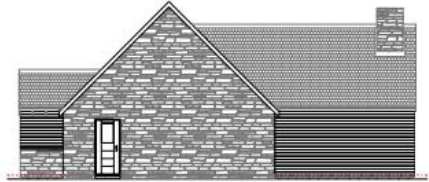
Rear Elevation



Ground Floor Plan



Side Elevation



Side Elevation

Material Specification

External Walls

- Off-white Render
- Natural Timber Cladding
- Denford Stone

Cills

- Pre-cast concrete Cills

Roof

- Slate

Rainwater Goods

- Aluminium (Grey)

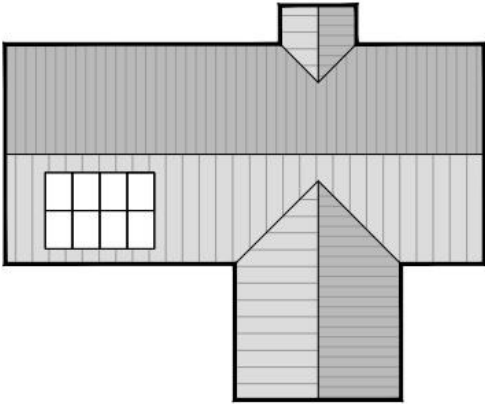
Windows

- High Quality Double Glazed Aluminium-clad Windows (Grey)

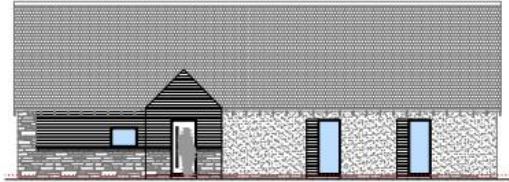
Revisions :  
A RS Oct 2022  
Solar Panels.

Project Housing Development	 <b>JON FULLANI</b> ARCHITECT		
Client Mr. Black	Drawing Title House Type 1 - Plans & Elevations		
Address Land East of Mawmill Farm Cleish, Kinross KY13 0LN	Issue Status Planning	Drawing No. 6605 - 303	
Designer RS	Date Feb 2022	Scale 1:100 @ A1	Revision A
t: 01382 224600 m: 07999 726200 e: jon@jonfullani.co.uk w: jonfullani.co.uk f: facebook.com/jonfullaniarch a1 and 5. dated 10. greenmarkat, dundee, 551 App This drawing is prepared for the design. It may not be reproduced or used for any other purpose without the written permission of Jon Fullani Architect Ltd.			

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Roof Plan



North-East Elevation



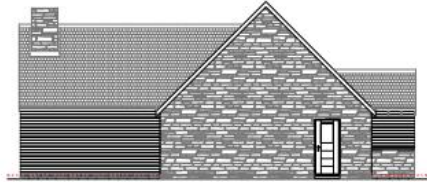
South-West Elevation



Ground Floor Plan



North-West Elevation



South-East Elevation

Material Specification

External Walls

- Off-white Render
- Natural Timber Cladding
- Denford Stone

Chills

- Pre-cast concrete Chills

Roof

- Slate

Rainwater Goods

- Aluminium (Grey)

Windows

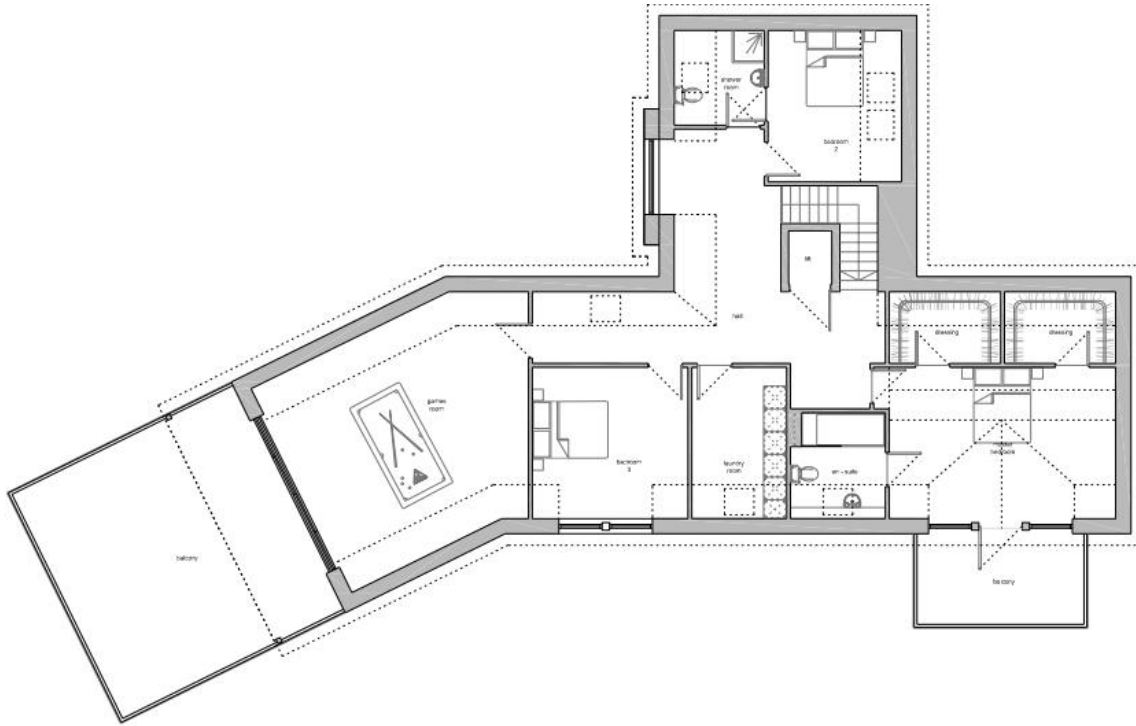
- High Quality Double Glazed Aluminium-clad Windows (Grey)

Revisions :

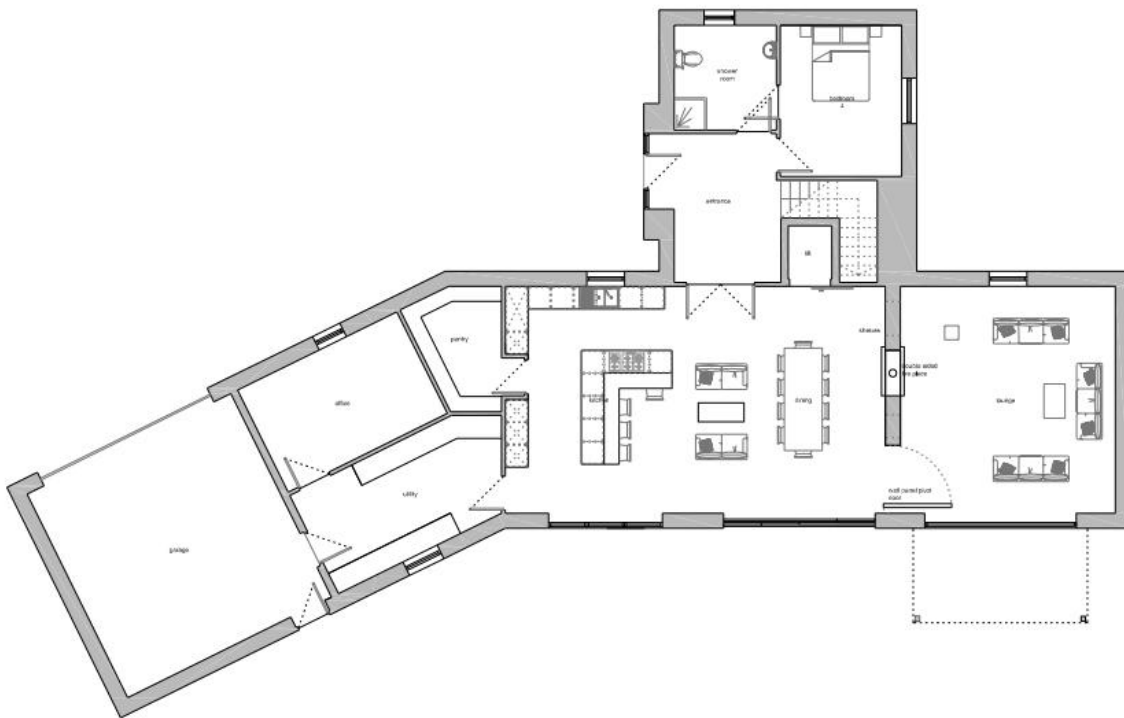
A RS Oct 2022

Solar Panels.

Project	Housing Development		
Client	Mr. Black		
Address	Land East of Mawmill Farm Cleish, Kinross KY13 0LN	Drawing Title House Type 2 - Plans & Elevations	
Designer	RS	Scale	1:100 @ A1
Date	Feb 2022	Revision	B
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First Floor Plan




Ground Floor Plan



0 2 4 6 8 10  
SCALE 1:100 (A2) LENGTHS SHOWN IN METRES

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Project Housing Development		 <b>JON FRULLANI</b> <b>ARCHITECT</b>	
Client Mr. Black			
Address Land East of Mawmill Farm Cleish, Kinross KY13 0LN		Drawing Title House Type 3 - Plans	
		Issue Status Planning	Drawing No. 6605 - 305
Designer RS	Date March 2022	Scale 1:100 @ A2	Revision -

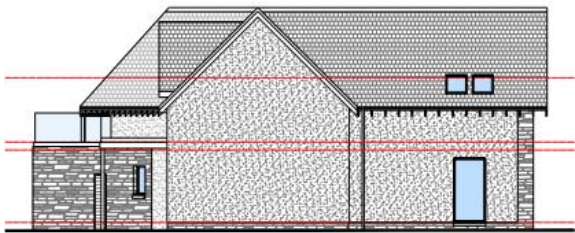
t: 01382 224828 m: 07806 726306  
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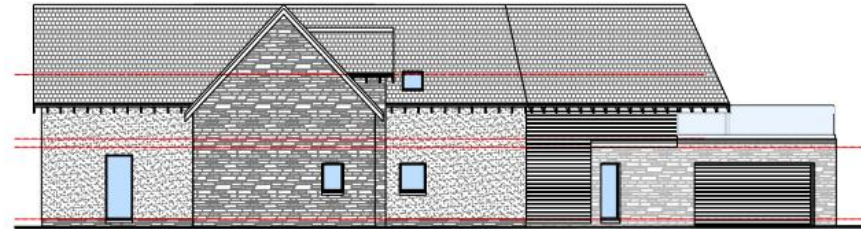
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South-East Elevation



North-East Elevation



North-West Elevation



South-West Elevation

**Material Specification**

**External Walls**

- Off-white Render
- Natural Timber Cladding
- Densified Stone

**Cills**

- Pre-cast concrete Cills

**Roof**

- Slate

**Rainwater Goods**

- Aluminium (Grey)

**Windows**

- High Quality Double Glazed Aluminium-clad Windows (Grey)

**Rooflights**

- High Quality Double Glazed Velux Rooflights (Grey)

Revisions :  
B RS Oct 2022  
Solar Panels.

Project Housing Development			
Client Mr. Black			
Address Land East of Mawmill Farm Clash, Kinross KY13 0LN		Drawing Title House Type 3 - Elevations	
Drawing No. 6605 - 306		Issue Status Planning	
Designer RS	Date March 2022	Scale 1:100 @ A1	Revision B
© 01302 224828 or 07809 730300 © jon@architect.co.uk or jon@architect.co.uk   jon@architect.co.uk 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 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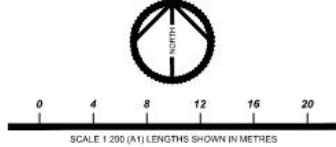
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SCALE 1:500 (A3) LENGTHS SHOWN IN METRES



Revisions :  
A RS 20.08.2021  
Topography added.

Project Housing Development		 <b>JON FRULLANI ARCHITECT</b>	
Client Mr. Black			
Address Land East of Maunill Farm Cleish, Kinross KY13 0LN		Drawing Title Existing Site Plan	
Designer KM		Issue Status Planning	Drawing No. 6605 - 301
Date May 2021		Scale 1:500 @ A3	Revision A
<p>1:07392 224826 en: 07609 729396 e: jon@jonfrullani.co.uk w: jonfrullani.co.uk f: facebook.com/jonfrullani a: unit 6, 69/80, To, gloucester rd, Oxted, S11 4AP</p> <p><small>This drawing is protected by copyright. It may not be reproduced or any part of it may be used for any purpose without written permission from Jon Frullani Architect.</small></p>			





All dimensions and levels to be checked on site prior to the commencement of work. Architect to be informed of any discrepancies prior to the commencement of work. Unspecified dimensions are not to be scaled off this drawing. All dimensions are in millimetres unless stated otherwise. If any dimensions or details conflict please notify the Architect immediately. This drawing is to be used for STATUTORY purposes only. This is not a CONSTRUCTION drawing.



- Notes :
- Site
- Area = 6.291m<sup>2</sup>
- Plot 1 - House Type 1**
- Plot = 1700m<sup>2</sup>  
Dwelling footprint = 180m<sup>2</sup>  
Garage footprint = 35m<sup>2</sup>  
Plot coverage = 12.8%  
Private amenity = 1170m<sup>2</sup>  
Bedrooms = 4  
Parking = 3 spaces  
FFL = 123.90  
Ridge Level = 130.38
- Plot 2 - House Type 2**
- Plot = 1100m<sup>2</sup>  
Dwelling footprint = 180m<sup>2</sup>  
Garage footprint = 35m<sup>2</sup>  
Plot coverage = 19.5%  
Private amenity = 600m<sup>2</sup>  
Bedrooms = 4  
Parking = 3 spaces  
FFL = 123.90  
Ridge Level = 130.38
- Plot 3 - House Type 3**
- Plot = 2120m<sup>2</sup>  
Dwelling footprint = 245m<sup>2</sup>  
Intc. integrated garage  
Plot coverage = 11.5%  
Private amenity = 1020m<sup>2</sup>  
Bedrooms = 4  
Parking = 3 spaces  
FFL = 122.85  
Ridge Level = 130.68
- Plot 4 - House Type 1**
- Plot = 1365m<sup>2</sup>  
Dwelling footprint = 180m<sup>2</sup>  
Garage footprint = 35m<sup>2</sup>  
Plot coverage = 15.5%  
Private amenity = 690m<sup>2</sup>  
Bedrooms = 4  
Parking = 3 spaces  
FFL = 123.15  
Ridge Level = 129.63

ALL DRAINAGE SHOWN IS  
INDICATIVE DRAINAGE SUBJECT  
TO DETAIL DESIGN.

Footpath:

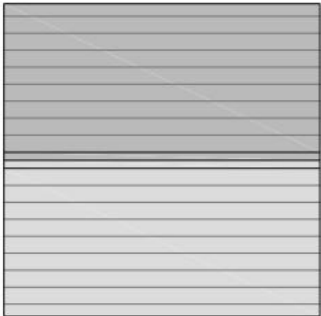
Revisions :

G RS February  
Footpath key + turning space.

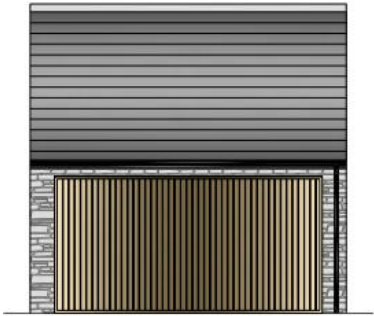
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Housing Development			
Client		Drawing No. Proposed Site Plan	
Mr. Black			
Address		Issue Status	Drawing No.
Land East of Mawmill Farm		Planning	6605 - 302
Clack, Kinross			
KY13 0LN			
Designer	Date	Scale	Revision
RS	Feb 2022	1:200 @ A1	G
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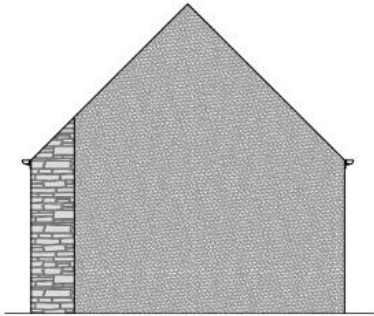
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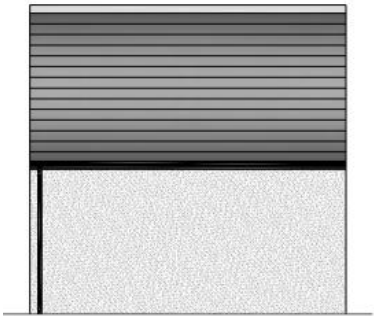
Floor Plan



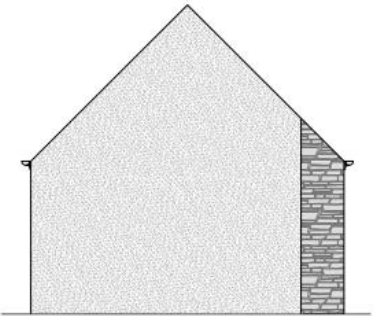
Front Elevation



Side Elevation



Rear Elevation




Side Elevation

**Material Specification**

- External Walls**
- Off-white Render
  - Natural Timber Cladding
  - Denfind Stone

- Roof**
- Slate

- Rainwater Goods**
- Aluminium (Grey)

Project Housing Development		 <b>JON FRULLANI</b> ARCHITECT
Client Mr. Black		
Address Land East of Maxwell Farm Cleash, Kinross KY13 0LN		Drawing Title Proposed Garages
Issue Status Planning		Drawing No. 8805 - 307
Designer RS	Date May 2022	Scale 1:100 @ A3
Revision -		
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Calculated by:

Site name:

Site location:

This is an estimation of the greenfield runoff rates that are used to meet normal best practice criteria in line with Environment Agency guidance "Rainfall runoff management for developments", SC030219 (2013), the SuDS Manual C753 (Ciria, 2015) and the non-statutory standards for SuDS (Defra, 2015). This information on greenfield runoff rates may be the basis for setting consents for the drainage of surface water runoff from sites.

## Site Details

Latitude:

Longitude:

Reference:

Date:

## Runoff estimation approach

## Site characteristics

Total site area (ha):

## Methodology

$Q_{BAR}$  estimation method:

SPR estimation method:

## Soil characteristics

	Default	Edited
SOIL type:	3	3
HOST class:	N/A	N/A
SPR/SPRHOST:	0.37	0.37

## Hydrological characteristics

	Default	Edited
SAAR (mm):	1051	1051
Hydrological region:	2	2
Growth curve factor 1 year:	0.87	0.87
Growth curve factor 30 years:	1.95	1.95
Growth curve factor 100 years:	2.63	2.63
Growth curve factor 200 years:	2.99	2.99

## Notes

### (1) Is $Q_{BAR} < 2.0$ l/s/ha?

When  $Q_{BAR}$  is  $< 2.0$  l/s/ha then limiting discharge rates are set at 2.0 l/s/ha.

### (2) Are flow rates $< 5.0$ l/s?

Where flow rates are less than 5.0 l/s consent for discharge is usually set at 5.0 l/s if blockage from vegetation and other materials is possible. Lower consent flow rates may be set where the blockage risk is addressed by using appropriate drainage elements.

### (3) Is $SPR/SPRHOST \leq 0.3$ ?

Where groundwater levels are low enough the use of soakaways to avoid discharge offsite would normally be preferred for disposal of surface water runoff.

## Greenfield runoff rates

	Default	Edited
$Q_{BAR}$ (l/s):	3.19	3.19
1 in 1 year (l/s):	2.77	2.77
1 in 30 years (l/s):	6.22	6.22
1 in 100 year (l/s):	8.39	8.39
1 in 200 years (l/s):	9.54	9.54

This report was produced using the greenfield runoff tool developed by HR Wallingford and available at [www.uksuds.com](http://www.uksuds.com). The use of this tool is subject to the UK SuDS terms and conditions and licence agreement, which can both be found at [www.uksuds.com/terms-and-conditions.htm](http://www.uksuds.com/terms-and-conditions.htm). The outputs from this tool are estimates of greenfield runoff rates. The use of these results is the responsibility of the users of this tool. No liability will be accepted by HR Wallingford, the Environment Agency, CEH, Hydrosolutions or any other organisation for the use of this data in the design or operational characteristics of any drainage scheme.



Population Equivalent determined using British Water document "Flows and Loads 4"

**Mitigating Property**

Septic tank serving existing dwelling (Grid Reference NT 08028 99167)

No of bedrooms (n) = 5

Population Equivalent (pe) = (n) + 2

=> pe = 5 + 2 = 7

**Post Mitigation**

- 1) Total phosphorus loading from the existing property must be reduced by at least 125% of the phosphorus loading likely to be generated by the new development.
- 2) Replace the existing septic tank serving the dwelling with a packaged treatment plant include phosphorus dosing. Provide a packaged treatment plant with phosphorus dosing to serve the proposed residential development.

**New Development - Proposed Residential Development**

Plot 1 (House Type 1)

No of bedrooms (n) = 4

Population Equivalent (pe) = (n) + 2

=> pe = 4 + 2 = 6

Plot 2 (House Type 2)

No of bedrooms (n) = 4

Population Equivalent (pe) = (n) + 2

=> pe = 4 + 2 = 6

Plot 3 (House Type 3)

No of bedrooms (n) = 4

Population Equivalent (pe) = (n) + 2

=> pe = 4 + 2 = 6

Plot 4 (House Type 1)

No of bedrooms (n) = 4

Population Equivalent (pe) = (n) + 2

=> pe = 4 + 2 = 6

Total pe from proposed dwellings = 6 + 6 + 6 + 6  
= 24

From "British Water Flows and Loads 4", Section 5 adjust pe to allow for balancing effect  
adjusted pe = 24 x 0.9 = 21.6 (round up to 22)

**Determination of Phosphorus Discharge**

Mitigating property = pe x flow x phosphorus  
= 7pe x 150l/pe x 10mg/pe  
= 7pe x 150 litres x 10 mg P  
= 10,500 mg/l P

Upgraded mitigating property = pe x flow x phosphorus  
= 7pe x 150l/pe x 2mg P  
= 7pe x 150 litres x 2mg P  
= 2,100 mg/l P

New residential development = pe x flow x phosphorus  
= 22pe x 150l/pe x 2mg P  
= 22pe x 150 litres x 2mg P  
= 6,600 mg/l P

Mitigation required from new development = New development discharge x 125%  
= 6,600 mg/l P x 1.25  
= 8,250 mg/l P

Mitigation provided = mitigating property - upgraded mitigation  
= 10,500 mg/l P - 2,100 mg/l P  
= 8,400 mg/l P

**Summary - mitigation provided is greater than mitigation required**

Address of septic tank for phosphorus mitigation calculations:

The New Bungalow

Easter Balgedie

KINROSS

KY13 9HQ

# **Arboricultural Impact Assessment**

## **Craigton Quarry, Mawmill, Cleish**



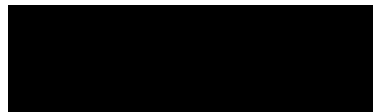
Prepared for: **Richard Scott**  
Black of Mawmill Farm  
Cleish  
Kinross  
KY13 0LN

Prepared by: **Paul Hanson**  
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Tel: 01821 640 555

E-mail: [paul@arboretum-intl.com](mailto:paul@arboretum-intl.com)

Signed \_\_\_\_\_

A black rectangular box redacting the signature of Paul Hanson.

31<sup>st</sup> January 2022

Version 1.0	Issued 3 <sup>1st</sup> January 2022
Last reviewed	31/01/2022
Next review	TBC
Author	Paul Hanson
Approved by	

/

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- 2 Survey Method
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- 4 Existing Trees
- 5 Recommended Tree Works
- 6 Tree Constraints

### **Part 2 – Proposed Development in Relation to Trees**

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- 8 Arboricultural Implications Assessment

### **Part 3 – Arboricultural Method Statement**

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## SUMMARY

The proposed development at Mawmill Farm, Cleish, is located within the authority of Perth and Kinross Council's planning department. It will occupy ground between existing dwellings and the Clone Burn to the west, agricultural ground to the south and east, with the B9097 to the north. The plot comprises a derelict agricultural holding, access is taken directly from the B9097.

This arboricultural impact assessment considers the likely impact of the proposed development and the associated infrastructure on the tree population as found within the site described in the Tree Constraints Plan (TCP) below. The proposed development is comprehensive, requiring the removal of the majority of the existing unremarkable trees.

## INTRODUCTION

The purpose of the survey is to provide information on the trees in line with the provisions of the British Standard document, BS 5837: 2005 'Trees in relation to construction – recommendations', to support an application to Perth and Kinross Council for residential development.

This report, consisting of twenty-three pages (including the cover), is the result of site investigations carried out by Arboretum Internationale Ltd. in January 2022. At that time, notes were made regarding the size and condition of the trees within and immediately adjacent to the site. Identifying the suitability of trees for retention within the proposed development, and recommendations for remedial works where necessary. These notes form appendix one of this report. The information provided on these trees in appendix one places particular emphasis on their physical dimensions and condition, which will determine their suitability for retention and, the extent of the protection zone required around retained trees to minimise the potential tree damage during the construction phase.

This report is prepared on the basis that Arboretum Internationale Ltd. has taken all reasonable steps to meet the requirements of its clients and that this report should only be considered valid at the time of inspection.

## Instructions:

This tree survey and report was commissioned by Jon Frullani architect on behalf of the site owner Mr. Richard Scott.

## Terms of Reference:

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

## **Documents Provided**

- An electronic dxf. plan of the site entitled Topographic Survey – 2d, drawing no. 740/1 at a scale of 1:200 @ AO, prepared by Benchmark Land Surveys, dated 16/821.
- An electronic pdf. plan of the site entitled Location Plan, drawing no. 6605\_P\_300 at a scale of 1:500 @ A3 prepared by Jon Frullani architect, dated May 21.
- An electronic pdf. plan of the site entitled Existing Site Plan, drawing no. 6605\_P\_301, Rev A, at a scale of 1:500 @ A3 prepared by Jon Frullani architect, dated May 21.
- An electronic pdf. plan of the site entitled Proposed Site Plan, drawing no. 6605\_P\_302 at a scale of 1:1250 @ A2 prepared by Jon Frullani architect, dated May 21.



## Part 1 TREE SURVEY

### 1 Scope and Limitations of Survey

- 1.1 The survey and this report are concerned with the arboricultural aspects of the site only.
- 1.2 This survey is restricted to trees within the site or those outside the site that may be affected by the proposed development. No other trees were inspected.
- 1.3 The survey was carried out following guidelines detailed in British Standard 5837:2012 'Trees in relation to design, demolition, and construction– Recommendations' (BS5837).
- 1.4 It is based on a ground level tree assessment and examination of external features only – described as the 'Visual Tree Assessment' method expounded by Mattheck and Breloer (The Body Language of Trees, DoE booklet Research for Amenity Trees No. 4, 1994).
- 1.5 In general, self-set trees with a stem diameter at 1.5m above ground level of less than 150mm have been excluded unless they have particular merit that warrants comment. Woody shrub species are not included.
- 1.6 No plant tissue samples were taken, and no internal investigation of the trees was carried out. No soil samples were taken, or soil analyses carried out.
- 1.7 The risk of tree-related subsidence to structures has not been assessed.
- 1.8 No specific assessment of wildlife habitats has been carried out.
- 1.9 It is assumed that there are underground services within the curtilage of the site; their exact positions are not described herein.
- 1.10 This report should be read in conjunction with the TCP, the plans include the position of all significant man made and boundary features and is based on the plans provided by the client or other instructed professionals.
- 1.11 The recommendations contained in this report may be used to inform, but do not in themselves constitute, a specification for any tree work which the client may wish to have undertaken as a result of those recommendations. Arboretum Internationale Ltd. will be pleased to draw up a tree-work specification for tendering purposes, should this be required.

### 2 Survey Method

- 2.1 Trees have been considered individually and recorded as such. The trees are uniquely identified on site with tags, fixed to the tree stems at circa 1.5-2m above ground level (nos. 315 to 342 inclusively). These numbers are referred to in the tree schedule, which forms appendix 1 of this report, those same numbers are annotated onto the site plans at appendix 8.
- 2.2 BS5837 requires trees to be assessed in terms of arboricultural, landscape, cultural and conservation values 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 BS5837 (see appendix 2) gives clear guidance on the appropriate criteria for categorising trees and, in particular, the factors that would assist the arboriculturist in determining the suitability of a tree for retention. BS 5837 makes a clear distinction between trees on development sites and trees in other situations where the factors that determine the retention and management of trees may be different.
- 2.3 The tree assessment was undertaken from ground level. Measurements recorded are given on the understanding that due to the constraints of fencing and other man-made structures not all are exact. Where reasonably practicable non-critical measurements have been estimated.

### 3 The Site

- 3.1 The site is a derelict agricultural holding, long out of agricultural use, made up of an empty silage clamp, rough yard, and defunct barn. Access is to be taken from the B9097 public highway to the north directly into the site. The site falls gently away from the highway towards the fields to the South.

### 4 Tree Assessment

- 4.1 The tree cover appears as a group of pines on the roadside boundary with individual trees on the boundary with the Colonel Burn to the West and a small number of individual trees in the northwestern corner of the plot.
- 4.2 28 significant, individual trees and group of trees within the site were identified in the assessment and included herein as they may, potentially, be affected by the proposals or their presence may have some other bearing on the proposed development or the appearance of the site.
- 4.3 Group 1 consisting of a planting of lodgepole pine trees (unmanaged to date) poses significant concerns relating to tree hazard and risk management. Several have fallen onto the B9097 recently, with others exhibiting evidence of quite dramatic historic failure. Further failure of individual trees within this group should be expected in adverse weather.
- 4.4 None of the trees have sufficient arboricultural or landscape value to warrant a Category A or B grading.
- 4.5 15 trees of low quality, low individual landscape value, and/or limited safe useful life expectancy are identified with a Category C grading.
- 4.6 13 trees are in a condition that warrants early removal as they are either hazardous, dead, or dying.

- 4.7 The individually surveyed trees are listed in the tree schedule at appendix one which includes a key with explanatory notes. A tree location plan based on the existing topographical survey provided is included as the TCP.
- 4.8 It must be understood that even apparently healthy and structurally sound trees can fail under extreme weather conditions and the safety of any tree can never be guaranteed.

## 5 Tree Constraints

- 5.1 Construction of the proposed development will largely occupy what is the current yard, silage clamp and barn. The removal of all the trees on site is necessary to facilitate the development and the associated construction activities.
- 5.2 Potential damage to structures by the future growth of trees is not considered here. (See BS5837:2012 Annex A, and NHBC Standards Chapter 4.2)

## 6 Recommendations

- 6.1 In accordance with recommendations in BS5837, the tree survey addresses preliminary recommendations for works that should be carried out in the interests of good arboricultural practice (see appendix one below). In this instance the removal of Group 1 and 13 trees individual trees noted at appendix one is appropriate.
- 6.2 The 15 trees that are not identified for removal as per 5.1 are entirely unremarkable, their removal and replacement with more appropriate tree species as part of any development on the site should be welcomed
- 6.3 Formal inspection of the trees on site by the property owners and/or managers during summer and winter periods will help to identify any change in tree condition. Careful consideration of trees post adverse weather will be required to monitor for tree damage. Once all remedial works are complete a formal tree inspection by a suitably qualified tree inspector should be undertaken on a five-yearly cycle as a minimum.
- 6.4 These recommendations are made in the knowledge that the site is the subject of development proposals and that the nature and extent of works would not perhaps be appropriate if the future use of the site were different. For example, BS5837 recommends that any trees 'in such condition that their existing value would be lost within ten years' should be removed, this is not appropriate in sites where development is not being considered.
- 6.5 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.
- 6.6 All tree works should be carried out in accordance with the current version of British Standard 3998: 'Tree work - Recommendations' and by a suitably qualified and insured tree contractor.
- 6.7 Once any development proposals have been approved all remedial tree works (see appendix one below) should be undertaken before any construction work begins.
- 6.8 All tree works should be carried out in accordance with British Standard 3998: 2010 'Tree work - Recommendations' and by a suitably qualified and insured tree contractor.

- 6.9 Ground protection measures detailed in this report should be implemented and supervised by an appropriately experienced arboriculturist.
- 6.10 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 carried out in a correct and professional manner in accordance with current good practice. The authority of this report ceases at any stated time limit within it, or if none stated after one year from the date of the report or when any site conditions change or pruning or other works unspecified in the report are carried out to, or affecting, the subject tree(s), whichever is the sooner.

## **Part 2 ARBORICULTURAL IMPLICATIONS ASSESSMENT**

### **7 Development Appraisal**

- 7.1 Development of the site is feasible arboriculturally, the loss of poor quality trees should not be prohibitive.
- 7.2 The proposed site has sufficient garden ground to accommodate appropriate compensatory replacement tree planting to provide a sustainable arboricultural amenity for the long term.

### **8 Impact on Existing Trees**

- 8.1 The report's primary objective, in arboricultural terms, is the analysis of the woody plants growing on the site and to determine the extent, number, and type of trees and shrubs, which can be removed, or retained, as appropriate. Quite apart from the requirement to retain some of the existing character, the presence of trees is generally accepted as being beneficial to the environment. The following is an assessment of the effects of the proposed development on existing trees and the future landscape.
- 8.2 The loss of trees is always regrettable, on this site quite simply none of the trees identified warrant retention. Those identified for removal are of poor quality and/or sit in inappropriate locations where there is a clear conflict with existing infrastructure and public safety and the trees have a short safe useful life expectancy.
- 8.2.1 The construction phase of the proposed development will not require careful protection of the RPAs of any trees and a Tree Protection Plan is not required.

## **Part 3 ARBORICULTURAL METHOD STATEMENT**

### **9 Tree Protection - General Measures**

- 9.1 BS 5837 recommends that areas of the site in which new or replacement tree planting is proposed should be protected from the effects of construction.
- 9.2 Protective barriers to demarcate the 'Construction Exclusion Zone' 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 three.

- 9.3 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 arboricultural engineer.
- 9.4 Ground Protection
  - 9.4.1 Where it is necessary, for the construction operation, to permit vehicular or pedestrian access within proposed tree planting areas, for example to erect scaffolding, the ground should be further protected by a combination of barriers and ground protection.
  - 9.4.2 Ground protection should be of sufficient strength and rigidity to prevent disturbance or compaction to the soil underneath. In areas of heavy and/or continued usage it is advised that the protection plates or mats are linked or connected and that they are placed over a bed of bark or wood chippings (100 to 150mm depth).
  - 9.4.3 Contamination of the soil by any substances should be prevented by the use of geotextile fabric. Do not raise or lower soil levels or strip topsoil around trees – even temporarily.
  - 9.4.4 Avoid disturbing the natural water table level.
  - 9.4.5 No construction materials should be stored within protected areas. Toxins such as diesel, petrol, or cement should be suitably stored to prevent such substances leaching into the soil.

## 10 Underground Services

- 10.1 Where possible all new underground services shall be routed to avoid passing through the proposed new planting areas.

## 11 Arboricultural Supervision

- 11.1 The arboricultural engineer (AE) shall attend an initial site meeting with the project manager and the site manager prior to the commencement of **ANY** works on site. At this meeting, the programme of works will be reviewed and an outline schedule of visits by the AE will be determined and agreed.
- 11.2 Site visits by the AE should coincide with key stages of the development and in particular:
  - Any preliminary arboricultural works or site clearance
  - The installation of planting protection measures
  - Any works within protected planting areas such as the removal of hard surfaces or installation of underground services or new hard surfaces.
  - Any change in site or project manager personnel
- 11.3 A copy of the outline schedule of visits by the AE will be submitted to the LPA for their records who will be informed by phone, email or in writing of any changes, variations, or amendments.

- 11.4 Particular attention must be given to any works of any nature that have to be undertaken within protected areas. These must be carried out under the direct supervision of the AE.
- 11.5 The AE should be available to attend any site meetings at the request of the Local Planning Authority (LPA).
- 11.6 The AE should keep a written log of the results of all site inspections and note any changes to the schedule of site visits. Any contraventions of the protection measures shall be brought to the attention of the site manager in the form of a written report. Copies of the inspection log and any contravention reports will be available at the site for inspection by the local planning authority at all times.

## **12 Conclusions**

- 12.1 These development proposals have been assessed in accordance with British Standard 5837: 2012 'Trees in relation to design, demolition, and construction—Recommendations' (BS5837).
- 12.2 The removal of all trees on site is required to progress the development.
- 12.3 Areas for compensatory planting will be protected from the effects of development by means of appropriate protective barriers and ground protection throughout the duration of the works.
- 12.4 The strict observance of the arboricultural method statement, 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 carried out. Where an '?' appears in this column further work is required to determine the retention category.

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

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

Tree no.	Species	Age class	Height	Lowest branch	DBH Single	DBH Multiple	Crown spread	General condition/observations	Management Recommendations	Contribution	RPA Radius
			Crown height	Direction						Retention category	
315	<i>Acer pseudoplatanus</i> Sycamore	Y	6	N	160		N 3	No significant defects.	No work required.	>20	1.8
			1	E			S 2 E 2.5 W 1.5			C	
316	<i>Crataegus monogyna</i> Hawthorn	EM	4.5	0.5	100		N 2	No significant defects.	No work required.	>20	0.9
			0.5	S			S 2 E 1.5 W 1.5			C	
317	<i>Salix caprea</i> Goat willow	Y	5	0.5		70 90 40 30	N 3 S 3 E 3 W 2	Multi-stemmed from ground level.	No work required.	>20	0.9
			0.5	S			N 2 S 2 E 2 W 1.5			C	
318	<i>Acer pseudoplatanus</i> Sycamore	Y	6	1	90		N 2	No significant defects.	No work required.	>20	0.9
			1	W			S 3 E 2 W 1.5			C	
319	<i>Acer pseudoplatanus</i> Sycamore	Y	6	1	220		N 2	Poor, major fire damage to stem.	Fell.	<5	2.4
			1	E			S 3 E 2 W 2.5			U	
320	<i>Crataegus monogyna</i> Hawthorn	M	3.5	1		70 80 40 20	N 2 S 2 E 2 W 2	2 stems from ground, separating to four stems.	No work required.	>20	0.9
			1	SE			N 3 S 3 E 2 W 2			C	
321	<i>Acer pseudoplatanus</i> Sycamore	Y	7	2		180 100 0 0	N 3 S 3 E 2 W 2	No significant defects.	No work required.	>20	2.1
			2	W			N 1 S 2 E 3 W 2			C	
322	<i>Acer pseudoplatanus</i> Sycamore	Y	7	1.5	150		N 4	No significant defects.	No work required.	>20	1.8
			1	NW			S 3 E 4 W 4			C	
323	<i>Ulmus glabra</i> Wych elm	Y	7	2.5	210		N 3	No significant defects.	No work required.	>20	2.4
			1	SW			S 1 E 3 W 3			C	
324	<i>Acer pseudoplatanus</i> Sycamore	Y	7	1.5	160		N 3	No significant defects.	No work required.	>20	1.8
			1.5	W			S 6 E 3 W 3			C	
325	<i>Ulmus glabra</i> Wych elm	Y	6	0.25		210 150 90 30	N 5 S 6 E 3 W 4	5 stems from ground level with failing unions.	Fell.	<5	4.2
			1	NE			N 4 S 6 E 4 W 3			U	
326	<i>Salix caprea</i> Goat willow	M	5	1	400		N 4	Poor, major dead wood throughout.	Fell.	<5	4.6
			4	SE			S 5 E 3.5 W 0.5			U	
327	<i>Salix caprea</i> Goat willow	M	9	1.5		210 200 0 0	N 4 S 5 E 3.5 W 0.5	2 stems from ground level, major asymmetry to south west. Fruiting bodies of <i>Phellinus contiguus</i> present.	Fell.	<5	3.6
			4	S			N 0.1 S 5 E 5 W 0.1			U	
328	<i>Salix caprea</i> Goat willow	EM	7	S	220		N 0.1	90% dead.	Fell.	<5	2.4
			3	SW			S 5 E 5 W 0.1			U	

Tree no.	Species	Age class	Height	Lowest branch	DBH Single	DBH Multiple	Crown spread	General condition/observations	Management Recommendations	Contribution	RPA Radius
			Crown height	Direction						Retention category	
329	<i>Salix caprea</i> Goat willow	M	12	S	140	724700	N 6	4 stems above 1m with moderate included bark. Minor dead wood throughout.	Crown clean.	>20	10.2
			3	NE			S 5			C	
							E 7				
330	<i>Ulmus glabra</i> Wych elm	Y	6	1	150		N 3	No significant defects.	No work required.	>20	1.8
			2	E			E 2.5			C	
							W 3				
331	<i>Pinus contorta</i> Lodgepole pine	M	10	1.5	510		N 2.5	Dead, ivy clad.	Fell.	<1	6
			2	SE			S 3.5			U	
							E 2				
332	<i>Pinus contorta</i> Lodgepole pine	M	13	0.5	540		N 5	Leaning east at 5°. Moderate included bark at 6m. Low canopy over public road B9097.	Fell.	<5	6.3
			1	S			S 4			U	
							E 4				
333	<i>Pinus contorta</i> Lodgepole pine	M	12	1	370		N 4	Broken storm damaged upper canopy. Stem damaged by adjacent fencing.	Fell.	<5	4.6
			1	SW			S 4			U	
							E 5.5				
334	<i>Pinus contorta</i> Lodgepole pine	M	14	1	540		N 1	Leaning south at 5°. Major asymmetry biased south. Moderate included bark union from 6 to 8m.	Fell.	<5	6.3
			1	SE			S 6			U	
							E 4				
335	<i>Ulmus glabra</i> Wych elm	Y	7	1.5	140		N 1	No significant defects.	No work required.	>20	1.6
			1	NW			S 3			C	
							E 2.5				
336	<i>Pinus contorta</i> Lodgepole pine	Y	6	1	110		N 1	No significant defects.	No work required.	>20	0.9
			1	S			S 1			C	
							E 1				
337	<i>Pinus contorta</i> Lodgepole pine	Y	6	1	110		N 1	No significant defects.	No work required.	>20	0.9
			1	S			S 1			C	
							E 1				
338	<i>Salix caprea</i> Goat willow	Y	7	1	220		N 5	Major asymmetry to south, major decay to 1m.	Fell.	<5	2.4
			1	N			S 0.5			U	
							E 2				
339	<i>Salix caprea</i> Goat willow	M	11	0.25	150	496900	N 4	4 stems from ground level, moderate included bark. Minor to moderate dead wood throughout.	Fell.	<5	8.4
			4	E			S 3			U	
							E 5				
340	<i>Salix caprea</i> Goat willow	M	11	0.25	200	248100	N 1.5	Moderate dead wood, moderate decay in stem to 1.5m.	Fell.	<5	6
			3	SE			S 7			U	
							E 6				
341	<i>Salix caprea</i> Goat willow	Y	5	0.25	140	57400	N 3	Multi-stemmed from ground level.	No work required.	>10	2.7
			0.5	E			S 2			C	
							E 3.5				
342	<i>Salix caprea</i> Goat willow	Y	8	GL	180	180	N 4	Growing around steel girder.	Fell.	<5	6.6
			GL	SE			S 4.5			U	
							E 5.5				

## 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

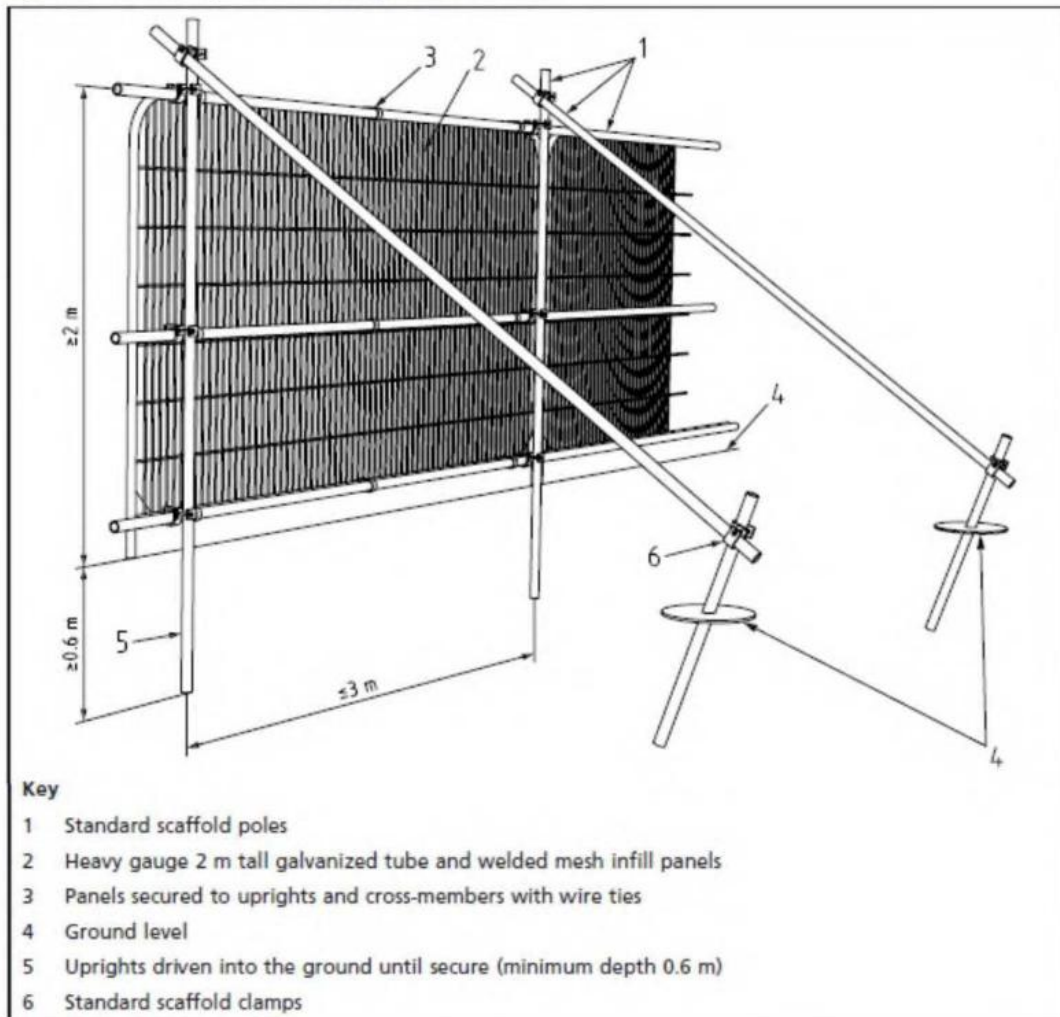
**Trees of low quality** with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm. Unremarkable trees of limited merit or such impaired condition that they do not qualify in higher categories. Trees present in groups or woodlands, but without 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,
- very fine, fibrous roots are just as important as large woody roots, they are easily damaged and prone to drying out,
- roots need moisture and oxygen to survive,
- soil compaction kills roots by reducing the soil's capacity to hold water and oxygen,
- 80% of compaction is caused by the first passage of a vehicle over soil,
- non-permeable surfaces and damage to the soil surface such as smearing or panning prevents water penetration and gaseous exchange.

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

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

## Appendix 7

### Author's Qualifications Paul Hanson

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#### Description of current role (from 1997)

Managing director of Arboretum Internationale Ltd., responsible for the day-to-day operations of the company, charged with maintaining high standards of quality and safety. Arboretum Internationale delivers a professional consultancy service addressing issues of tree safety, personal injury at work and the increasingly complicated field of trees within the planning system. Our team works as expert witnesses guiding legal counsel in matters relating to injuries and property damage where there is an arboricultural involvement. Since its inception in 2005 (revised in 2012) we have employed the guidance given in BS5837 'Recommendations for trees in relation to construction', liaising with architects, town planners, developers, and homeowners to achieve a maximum return financially and aesthetically allowing appropriate development in proximity to trees. Arboretum Internationale has extensive experience of working with clients to achieve sensible compromise solutions for trees located in Conservation Areas, or subject to Tree Preservation Orders and Planning Conditions throughout Scotland. Hazard tree and tree safety inspections are an integral part of our normal tree reporting systems, in addition to which we provide a bespoke dedicated tree assessment under the auspices of QTRA (Quantified Tree Risk Assessment). In recent years we have become one of the leading exponents of veteran tree management, striving to retain old, often defective trees with invaluable and dependent flora and fauna in locations with high public use.

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#### Previous experience

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

#### MEMBERSHIP OF PROFESSIONAL BODIES

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

#### COMMITTEE WORK & OTHER ACTIVITIES

Arboricultural industry representative on Scottish Government's Ash Dieback Risk Group from 2019  
Arboricultural advisor to iCONic from 2010  
Committee member of the Arboricultural Association's Scottish Branch (2008- 2016)  
Arboricultural industry representative for amenity trees on the Scottish Government's Tree Health Advisory Group (2011-2014)  
Trustee of the Arboricultural Association (2001-2004)  
Chairman of the Arboricultural Association's Scottish Branch (2008-2015)  
Arboricultural industry representative for National Occupational Standards on the Trees and Timber Industry Group (2006 -09)  
Arboricultural industry Scottish representative for UK and Ireland Chapter of the International Society of Arboriculture (2006 -09)  
Chairman of the Arboricultural Association's Scottish Branch (1997-2001)  
Scottish representative on the Arboricultural Association's Commercial Committee (1996-98)

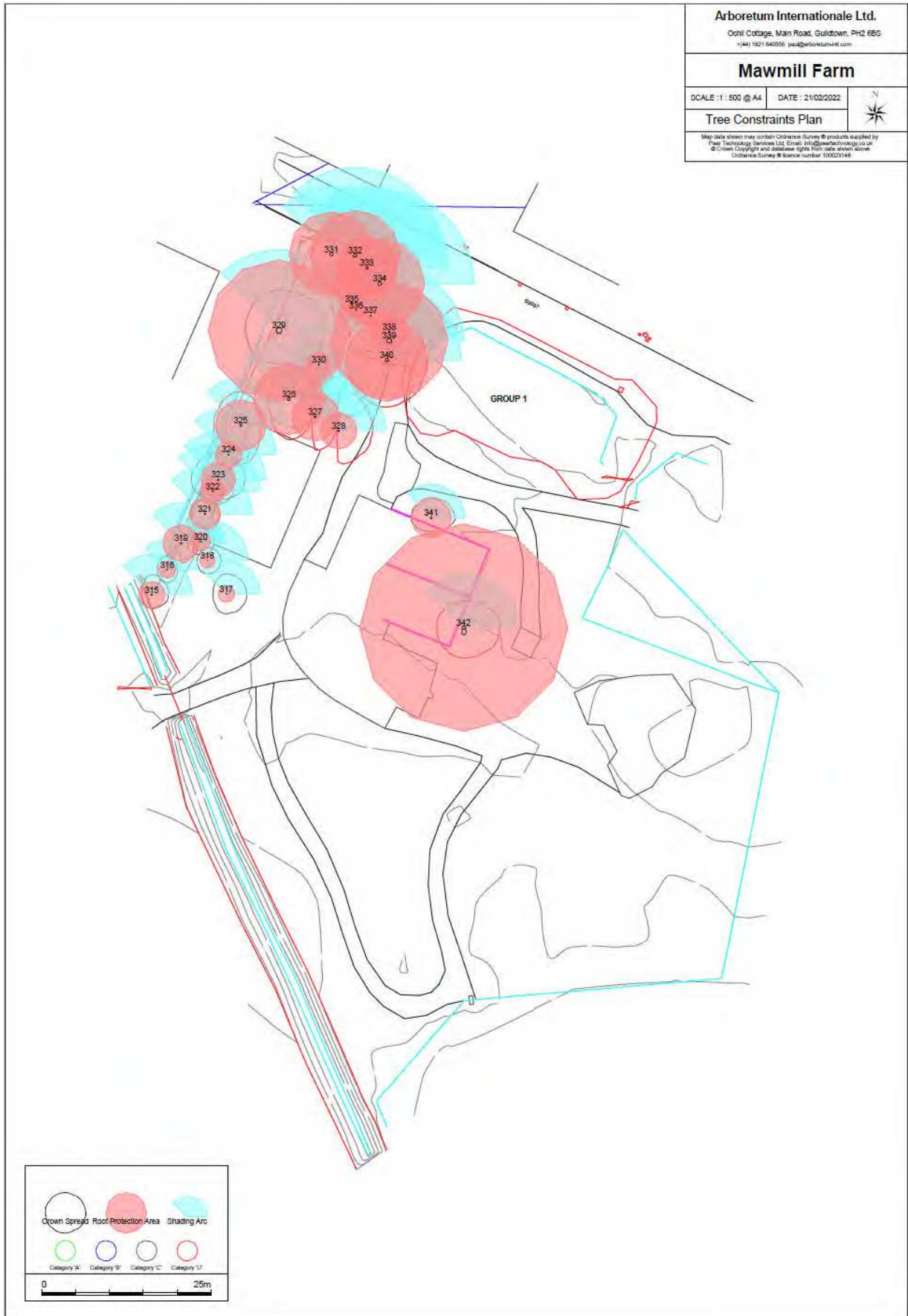
#### RELEVANT QUALIFICATIONS

FdSc Arboriculture, University of Central Lancashire  
Construction Skill Certification Scheme Reg. no. 03985432 (Consultant)  
LANTRA Professional Tree Inspector  
The Civil Procedure Rules for Expert Witnesses Certificate (Bond Solon)  
AA Technicians Certificate  
Quantified Tree Risk Assessment System  
LOLER inspector for arboriculture (NPTC Cert. No. 302786)  
ISA Certified Arborist (1997- 2009)  
RFS Certificate in Arboriculture

## **APPENDIX 8**

### **Site Plans**





**Tree Constraints Plan**

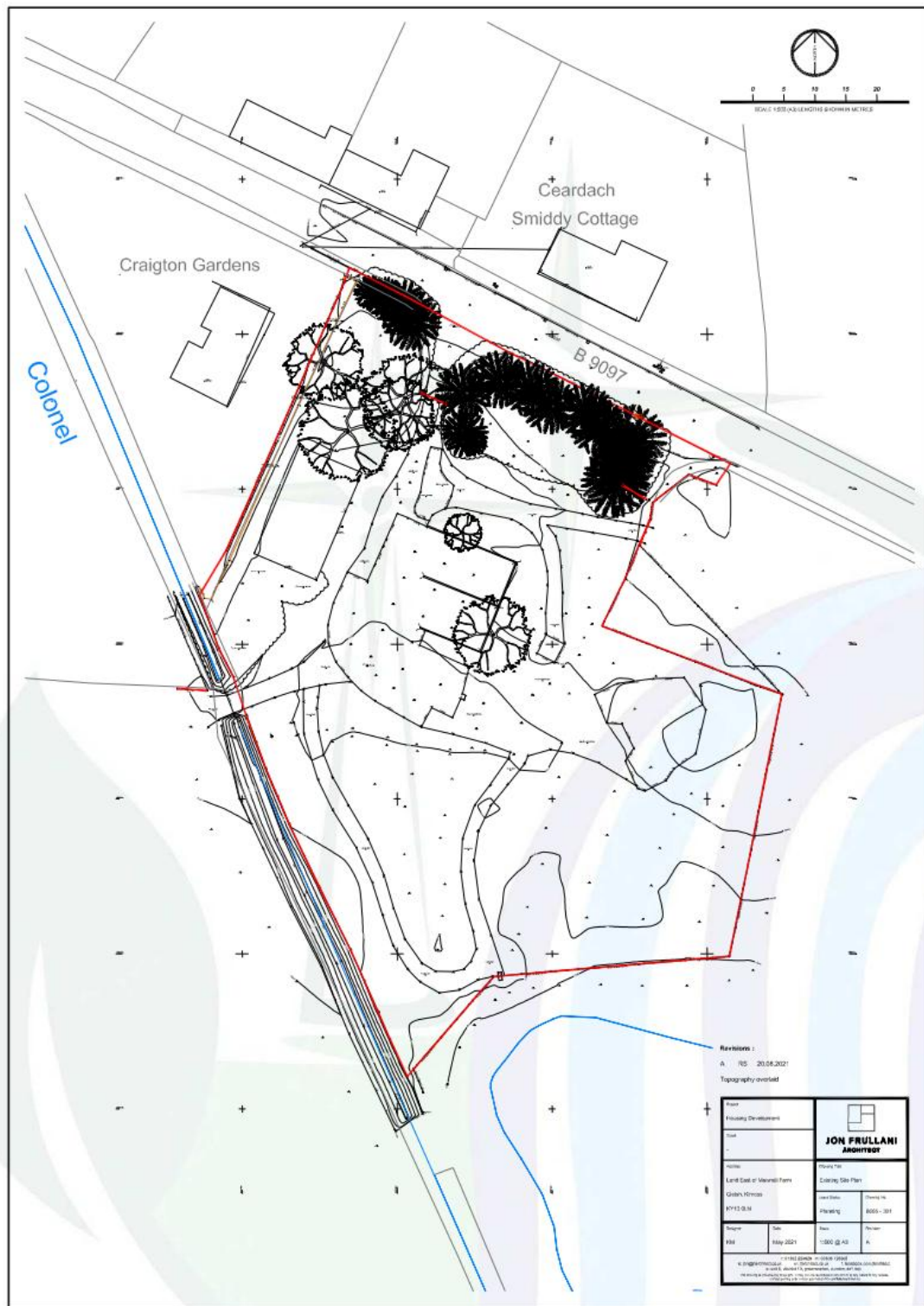


## **Bat Survey Report**

**Land East of Mawmill Farm  
Cleish  
Kinross  
KL13 0LN**

**June 2022**





**Figure 1. Existing site plan**



## **Introduction**

**1.1** Licensed bat worker Dr Garry Mortimer was commissioned to carry out bat surveys on a detached barn and trees located on land east of Mawmill Farm, Cleish, Kinross KY13 0LN. A separate tree survey report by Arboretum International Ltd 2022 is available. Surveys are as required by Council due to proposed demolition of barn and felling of trees on site.

## **1.2 Aims and Objectives**

To determine if any bat species are present and roosting in the barn or trees on site.

## **1.3 Species Protection Status**

Bats are protected under Annex IIa and IVa of the EC Habitats Directive (92/43/EC) as applied in Scotland under the Conservation (Natural Habitats &c.) Regulations 1994, as amended by the Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations of 2004, 2007 and 2009. This creates a series of criminal offences that can result in substantial fines and/or imprisonment. These offences are listed below and make it illegal;

- To deliberately or recklessly capture, injure or kill bats
- To deliberately or recklessly harass a bat or group of bats
- To deliberately or recklessly disturb a bat wherever they occur in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young
- To deliberately or recklessly disturb a bat while it is hibernating or migrating
- To deliberately or recklessly disturb a bat in a manner that is, or is likely to significantly affect the local distribution or abundance of the species to which it belongs
- To deliberately or recklessly disturb a bat while it is rearing or otherwise caring for its young
- To deliberately or recklessly disturb a bat while it is occupying a structure or place which it used for shelter or protection
- To deliberately or recklessly obstruct access to a breeding site or resting place of a bat, or otherwise deny the animal use of the breeding site or resting place



(note that this protection exists even when the bat is not in occupation)

- To damage or destroy a breeding site or resting place (Note this is a strict liability offence and the prosecution do not have to prove deliberate or reckless intent, merely that the roost was damaged or destroyed)
- To possess or control or transport any live or dead bat which has been taken from the wild or anything derived from a bat or any such part of a bat
- In addition to the above offences it is an offence to knowingly cause or permit such offences to be committed.

### Site Description

**1.4** The site east of Mawmill Farm, a derelict agricultural holding, is located adjacent to the B9097 in a rural farming setting with scattered residential buildings in the general area. On site a run-down detached barn is present and a copse of semi-mature coniferous/deciduous trees. The dominant construction methodology of the barn is rendered brickwork with corrugated sheeting onto wooden joists. It is proposed to demolish the barn and fell the trees on site (Figures 2-5).



**Figure 2. Barn to be demolished.**



**Figure 3. Interior of barn with low bat roost potential.**



**Figure 4. Interior of barn with low bat roost potential.**





**Figure 4. Trees in close proximity of barn with no bat roost potential.**

### **1.5 Standards and Guidance Followed for Bat Surveys**

In May 2022 a roost inspection bat survey (Preliminary Roost Assessment) of the barn and adjacent trees by Dr. G Mortimer was carried out in accordance with guidance from the BCT.

### **1.6 Buildings Inspections**

The outside and inside of the barn was inspected using ladders, endoscope and 10 x 40 binoculars where possible. The building was checked for any potential bat access points, droppings on floors, walls or windows, urine stains, grease marks or other indications that a roost was present.

### **1.7 Tree Survey**

Trees were assessed in a similar manner following BCT Guidance. These assessments place trees into specific categories (negligible, low, moderate, high) that identify the bat roost potential of individual trees. The report states that a minimum 13 trees (sycamore, goat willow, lodgepole pine, Wyche elm) are to be felled.

## **Results**

### **1.8 Barn**

Due to the overall condition of the brickwork, stonework and corrugated roof sheets there were potential bat access points available. No signs of bats were recorded around the exterior of the building. No cavity walls or loft spaces are present and the building has no heating and is open to the elements in places. The building was assessed as having low bat roost potential with the possibility of a maternity roost being negligible to very low.

Following BCT Guidance recommendations it was considered that dawn and dusk activity surveys would be required.

### **1.9 Tree Bat Roost Assessment**

All trees surveyed were classed as having negligible bat roost potential.

### **1.10 Dawn & Dusk Activity Surveys**

Three bat surveyors carried out a dusk and dawn bat activity surveys in suitable conditions on the dates below.

05/05/2022 – Dusk - Start 20.25 – End 23.00; Sunset 21.01; Weather: 4/8 Oktas cloud cover; Wind: Force 2-3 W, Temperature: 13 Celsius.

06/06/2022 – Dusk - Start 02.55 – End 05.00; Sunrise 04.27; Weather: 8/8 Oktas cloud cover; Wind: Force 1 NE, Temperature: 10 Celsius.

### **1.11 Results**

No signs of bats were recorded either entering or leaving the building during the dawn and dusk activity surveys.

## **Discussion of Survey Results**

**1.12** The bat surveys were undertaken to assess whether there were roosting bats present in the barn or trees at Mawmill.

**1.13** No trees to be felled have bat roost potential.

**1.14** Following BCT Guidance and survey protocol no signs of bats were recorded during the building or dawn dusk activity surveys. Very small numbers of soprano pipistrelles (<2) are present in the general area where other buildings with good bat roost potential are present. No further survey work will be required if the following mitigation is undertaken.

### **1.15 Mitigation**

Due to the age and derelict state of the barn there is small possibility that a bat could be roosting within the barn. The following mitigation is considered necessary.

- The workforce should be made aware that bats are could be present in the building.
- That all roof coverings and corrugated sheets are to be removed by hand.
- Prior to any works commencing a suitable bat box will be placed on a suitable tree or building.
- If bats are found by workmen when the bat consultant is not present, attempts should be made to repair or cover the affected area without damaging the bats and whilst providing an access point (e.g. replace sheet if bat found underneath it, or if this is not possible temporarily protect with plastic sheet that still allows bats to crawl out if they wish).
- If bats are disturbed and active allow them to fly away of own volition.
- If torpid they are to be left insitu and not disturbed.
- If any bats are found when the licensed bat worker contact GLM Ecology who will deal with the issue in the appropriate manner.



### **1.16 Conclusion**

The building has low bat roost potential and no signs of bats were recorded roosting or active during the dusk activity surveys and none are considered to be present. It is considered that the proposed building works poses a negligible risk of death or disturbance to European Protected Species and it is safe to proceed if the mitigation outline above is followed.



•

## **DISCLAIMER**

This report has been prepared by Dr Garry Mortimer of GLM Ecology, with all reasonable skill and care within the terms of the agreement with the client. Dr Mortimer disclaims any responsibility to any parties in respect of matters outside this scope.

Best efforts were made to meet the objectives of this study through desktop study and field survey.

Information supplied by the client or any other parties and used in this report is assumed to be correct and GLM Ecology accepts no responsibility for inaccuracies in the data supplied.

It should be noted, that whilst every endeavour is made to meet the client's brief, no site investigation can guarantee absolute assessment or prediction of the natural environment. Numerous species are extremely mobile or only evident at certain times of year and habitats are subject to seasonal and temporal change.

GLM Ecology accepts no responsibility to third parties who duplicate, use, or disclose this report in whole or in part. Such third parties rely upon this report at their own risk.


Document Prepared By  
Dr Garry Mortimer  
GLM Ecology

## FLOOD RISK ASSESSMENT

**LAND AT MAWMILL FARM  
KINROSS  
KY13 0LJ**



**Client:** Jon Frullani Architect  
**Date:** October 2022  
**Project No:** P15267  
**Document Ref:** -

		SIGNATURE	DATE
Prepared by	Blane Notman		October2022
Checked by	Gordon Hunt		October 2022
Version	1.0		

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## 1.0 INTRODUCTION

Goodson Associates was appointed by Jon Frullani Architects to prepare a Stage 1 Flood Risk Assessment to supplement an application to obtain planning permission for a residential development located near Mawmill Farm in Kinross.

The following assessment has been completed in accordance with guidance presented within Perth and Kinross's 'Flood Risk and Flood Risk Assessment' Supplementary Guidance and takes cognisance of Scottish Planning Policy (SSP)<sup>1</sup>, the National Planning Framework for Scotland 3 (NPF3) and the Flood Risk Management (Scotland) Act 2009.

The aim of the Stage One FRA is to assess any potential flooding to the development site from all potential sources (coastal, fluvial [watercourse], pluvial [surface water] or groundwater). This is primarily evaluated through carrying out a desktop study of available data relating to site flood risk.

In relation to the reporting, Goodson Associates carried out the following work: -

- Review of any publicly available information on flood risk for the area.
- Liaised with the Local Authority to identify any available information on historical flooding in the area.
- Consultation of the SEPA NGR Flood Maps to obtain information on flood risk specific to the development site.
- Assessed the Flood Risk from all other sources.

## 2.0 EXISTING SITE

The proposed development site is located within a parcel of farmland located immediately south of the B9097 close to the town of Kinross in Perth and Kinross. The total site area occupies 0.7 hectares and is centred on National Grid Reference 309069, 698965.

The surrounding land uses are summarised as follows:

- To the north: open agricultural land with further agricultural fields beyond. The small village of Coldrain is situated approximately 1.5km from the proposed development site.
- To the east: open agricultural land. Loch Leven is located approximately 5km to the east of the site. The town of Kinross is located approximately 4.5km northeast from the development site.
- To the south: open agricultural land. The town of Dunfermline is situated approximately 11.5km south of the development site. At approximately 430m south of the site, there is a watercourse which runs from west to east, the Gairney Water.
- To the west: Immediately west of the site, there is a watercourse which runs from north to south, the Colonel Burn, which discharges into the Gairney Water. Open agricultural land is situated beyond this watercourse, with Mawmill Farm and Mawmill Poultry Farm situated further beyond.



SITE LOCATION PLANS

Development Plan



Aerial Photograph







### 3.0 SITE TOPOGRAPHY

A site wide topographical survey was carried out by Benchmark Land Surveys in August 2021.

The survey information shows the existing topography within the site to be generally flat, with levels ranging from 121.97m AOD to 124.1m AOD. The topography within the site generally has a small gradient running from north to south and from west to east.

### 4.0 EXISTING NATURAL DRAINAGE FEATURES

The river basin management plan (RBMP) developed by SEPA is available via the Water Classification Hub, providing resource information as to the status of classified inland and coastal water bodies within a specific RBMP catchment area.

A review of local mapping shows a watercourse, the Gairney Water, located approximately 430m south of the development site boundary. The watercourse, the Gairney Water is a river in the River Leven (Fife) catchment of the Scotland River Basin District. The main stem is approximately 13.1 kilometres in length. The water body has a 'good' overall condition classification.

### 5.0 PROPOSED DEVELOPEMNT

The proposed development is the construction of four large houses with associated access roads, driveways, and green space. Each individual property will have its own cellular storage attenuation system for surface water runoff, which is then diverted towards the Colonel Burn via a proposed surface water sewer where it will discharge. Foul discharge from the site will be diverted towards a treatment plant via a proposed foul water sewer system prior to discharge into the Colonel Burn.

### 6.0 FLOODING

In accordance with Perth and Kinross Council guidelines, SPP and PAN 69, all possible sources of flooding have been considered for the development and are discussed in the subsequent sections.

## 6.1 HISTORICAL FLOODING

Perth and Kinross Council have been consulted regarding their records of historical flooding information for the site and its surrounding area. Perth and Kinross Council have confirmed that they currently have no historical records of any flooding within the area of the development site.

## 6.2 FLUVIAL FLOODING

The Scottish Planning Policy (SPP) requires that all new developments be free from unacceptable flood risk for all flood events up to the 1 in 200-year return period. Using the GIS RBMP tool, the nearest classified surface water feature is a river, the Gairney Water (Fife), located approximately 430m south of the site (at its closest point).

With regards to fluvial flooding, the SEPA flood map (available at <http://map.sepa.org.uk/floodmap/map.htm>) does not highlight any issues for a 1:10 (High), 1:200 (Medium) or a 1:1000 (Low) flood event. The SEPA flood map also shows that all site boundaries are away from the Gairney Water, and no significant out of bank flooding has been noted. There is an area just south of the development site which has a high probability of surface water flooding, however this should not affect the development site. The extent of flooding from this area during a 1:1000 flood event is shown within the flooding overmark in **Appendix 2**, which illustrates that there is no risk of flooding affecting the development site during this storm event. The proposed site levels for the development will be approximately +122.50m, with a minimum finished floor level of 122.65m to the proposed buildings. Both the distance and the levels of the flood plains indicate that fluvial flooding of the site will be unlikely, and that the development complies with the requirements of the SPP.

There is also a small watercourse which runs along the western boundary of the site, the Colonel Burn. The SEPA flood maps also illustrates that there is no risk of flooding to the site during a 1:10 (High), 1:200 (Medium) or a 1:1000 (Low) flood event. If the Colonel Burn was ever to be partially blocked and flooding was to occur, the flow paths for any flooding would be over the southern banks and away from the development site due to the topographic levels. This is illustrated on the overmark within **Appendix 2**.

## 6.3 TIDAL FLOODING

The proposed development site sits elevated at an approximate level of 122.50m AOD, 20km from the coast and a minimum of 120m above sea level. Considering both distance and levels, tidal flooding of the site is highly unlikely and again the proposed development complies with the requirements of the SPP.

## 6.4 SEWER FLOODING

Scottish Water asset plans show there is no presence of adopted surface water drainage infrastructure within the development site boundary or within the surrounding area. Therefore, it can be concluded that there is no risk of sewer flooding caused by surcharge or blockages of existing surface water sewers within the area of the development site.

There is also no Scottish Water combined sewerage network within the site boundary or within the surrounding area of the site. If localised flooding was to occur during a combined sewer surcharge event, the development would not be at risk from flooding of this type.

## 6.5 GROUND WATER FLOODING

The superficial deposits beneath the site are mapped by the BGS as glaciofluvial sheet deposits. Glaciofluvial sheet deposits are typically a mixture of gravel, sand, and silt. The closest borehole with available information confirms the ground to be made up initially of alluvium down to a level of around 4.4m, with glaciofluvial Gravel and Sand present within the ground below down to a level of around 11m, prior to the borehole being abandoned. The historical borehole record also indicates that groundwater was encountered at a depth of approximately 1.2m below ground level, at a level of 121.9m AOD.

Considering the high permeability of the existing ground conditions close to ground, and the potential high ground water table, it is recommended that ground water monitoring be undertaken as part of the site investigation to ascertain the potential for ground water flooding within the site.



## 6.6 PLUVIAL FLOODING

Surface water flooding, otherwise referred to as pluvial flooding, can be defined as flooding which occurs due to rainfall causing overland flow and temporary ponding prior the runoff entering any watercourse, drainage, or sewer system. On review of the SEPA Pluvial Flood Maps, it is assessed that the site is not at risk from Pluvial Flooding in the low, medium, and high likelihood events.

The Water Environment (Controlled Activities) (Scotland) Regulations 2011 requires that all surface water runoff from new developments is treated by sustainable urban drainage systems (SUDS) prior to being discharged into the water environment. The aim of SUDS is to replicate natural drainage mechanisms by which surface water may return to the water environment thus ensuring any new development does not increase the flood risk elsewhere. The proposed surface water drainage network shall be designed to contain flood flows generated up to and including the 1 in 200-year plus climate change storm events within the site, without damage to buildings, essential services, or neighbouring developments.

We would expect that through the development of the site and the upgrade of the local surface water drainage arrangement, any local surface water flooding issues would be improved. The on-site surface water attenuation will be provided using Scottish Water adoptable standard SuDS measures with appropriate freeboard provided between design top water levels and the finished floor levels of the residential dwellings.

## 6.7 CLIMATE CHANGE

The nature of climate change at a regional level will vary; for the UK more frequent short-duration high intensity rainfall and more frequent period of long-duration rainfall might be expected.

In compliance with Perth and Kinross Council Flood Risk Requirements, the development will be designed to ensure that it is not at risk of flooding from a 1 in 200 plus 35% climate change event. An additional 10% roof area has also been included within the calculation and analysis to ensure the development is not at risk of flooding.

The proposed surface water drainage network shall be designed to contain flood flows generated up to and including the 1 in 200-year plus climate change storm events within the site, without damage to buildings, essential services or neighbouring developments.

## 7.0 CONCLUSIONS

In conclusion, the guidelines in the latest planning policies and advice notes have been observed and consideration of all possible sources of flooding made. Historical flood records have been consulted and the council have confirmed that they currently hold no historical records of flooding within the site area. Flood maps have been used to determine the location of fluvial and tidal flood plains under extreme flood events and it has been determined that the proposed site is located outside these zones. Borehole information has been reviewed, and it is recommended that groundwater monitoring should be undertaken as part of a site investigation to determine the risk of ground water flooding to the development site. Finally, the surface water drainage for the scheme has been designed to ensure that pluvial, or overland, flooding does not occur.

## APPENDIX 1 PROPOSED DEVELOPMENT LAYOUT





All dimensions and levels to be checked on site prior to the commencement of work. Architect to be informed of any discrepancies prior to the commencement of work. Unspecified dimensions are not to be scaled off this drawing. All dimensions are in millimeters unless stated otherwise. If any dimensions or details conflict please notify the Architect immediately. This drawing is to be used for STATUTORY purposes only. This is not a CONSTRUCTION drawing.

Notes :

Site

Area = 6,291m<sup>2</sup>

Plot 1 - House Type 1

Plot = 1700m<sup>2</sup>

Dwelling footprint = 180m<sup>2</sup>

Garage footprint = 35m<sup>2</sup>

Plot coverage = 12.6%

Private amenity = 1170m<sup>2</sup>

Bedrooms = 4

Parking = 3 spaces

FFL = 123.30

Ridge Level = 130.38

Plot 2 - House Type 2

Plot = 1100m<sup>2</sup>

Dwelling footprint = 180m<sup>2</sup>

Garage footprint = 35m<sup>2</sup>

Plot coverage = 19.5%

Private amenity = 800m<sup>2</sup>

Bedrooms = 4

Parking = 3 spaces

FFL = 123.30

Ridge Level = 130.38

Plot 3 - House Type 3

Plot = 2120m<sup>2</sup>

Dwelling footprint = 245m<sup>2</sup>

Inc. integrated garage

Plot coverage = 11.5%

Private amenity = 1020m<sup>2</sup>

Bedrooms = 4

Parking = 3 spaces

FFL = 122.95

Ridge Level = 130.68

Plot 4 - House Type 1

Plot = 1305m<sup>2</sup>

Dwelling footprint = 180m<sup>2</sup>

Garage footprint = 35m<sup>2</sup>

Plot coverage = 15.5%

Private amenity = 890m<sup>2</sup>

Bedrooms = 4

Parking = 3 spaces

FFL = 123.15

Ridge Level = 129.63

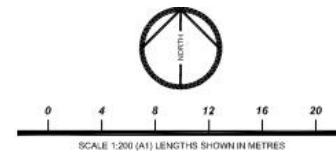
Revisions :  
E RS September 2022  
Drainage added to site plan.

Project: Housing Development		 <b>JON FRULLANI</b> ARCHITECT	
Client: Mr. Black			
Address: Land East of Mawmill Farm		Drawing Title: Proposed Site Plan	
City/State/Postcode: Killesh, Kinross KY13 0LN		Issue Status: Planning	Drawing No.: 6605 - 302
Designer: RS	Date: Feb 2022	Scale: 1:200 @ A1	Revision: E
1:01332 024328 m: 07809 726396 e: jon@jonfrullani.co.uk w: jonfrullani.co.uk f: facebook.com/jonfrullani a: 0151 4846156 g: jonfrullani.architect a1: 0151 4846156 This drawing is prepared for copyright. It may not be reproduced or any form or by any means for any purpose, without the prior written permission from Jon Frullani Architect.			



## APPENDIX 2 FLOODING OVERMARK

ton Gardens



All dimensions and levels to be checked on site prior to the commencement of work. Architect to be informed of any discrepancies prior to the commencement of work. Unspecified dimensions are not to be scaled off this drawing. All dimensions are in millimetres unless stated otherwise. If any dimensions or details conflict please notify the Architect immediately. This drawing is to be used for STATUTORY purposes only. This is not a CONSTRUCTION drawing.



Notes :

Site

Area = 6.291m<sup>2</sup>

Plot 1 - House Type 1

Plot = 1700m<sup>2</sup>  
Dwelling footprint = 180m<sup>2</sup>  
Garage footprint = 35m<sup>2</sup>  
Plot coverage = 12.6%  
Private amenity = 1170m<sup>2</sup>  
Bedrooms = 4  
Parking = 3 spaces  
FFL = 123.90  
Ridge Level = 130.38

Plot 2 - House Type 2

Plot = 1100m<sup>2</sup>  
Dwelling footprint = 180m<sup>2</sup>  
Garage footprint = 35m<sup>2</sup>  
Plot coverage = 19.5%  
Private amenity = 880m<sup>2</sup>  
Bedrooms = 4  
Parking = 3 spaces  
FFL = 123.90  
Ridge Level = 130.38


Plot 3 - House Type 3

Plot = 2120m<sup>2</sup>  
Dwelling footprint = 245m<sup>2</sup>  
Inc. integrated garage  
Plot coverage = 11.5%  
Private amenity = 1020m<sup>2</sup>  
Bedrooms = 4  
Parking = 3 spaces  
FFL = 122.65  
Ridge Level = 130.68

Plot 4 - House Type 1

Plot = 1365m<sup>2</sup>  
Dwelling footprint = 180m<sup>2</sup>  
Garage footprint = 35m<sup>2</sup>  
Plot coverage = 15.5%  
Private amenity = 880m<sup>2</sup>  
Bedrooms = 4  
Parking = 3 spaces  
FFL = 123.15  
Ridge Level = 129.63

Revisions :  
E RS September 2022  
Drainage added to site plan.

Project Housing Development		 <b>JON FRULLANI</b> ARCHITECT	
Client Mr. Black			
Address Land East of Mawmill Farm Cleish, Kinross KY13 5LN		Drawing Title Proposed Site Plan	
		Issue Status Planning	Drawing No. 6605 - 302
		Designer RS	Date Feb 2022
		Scale 1:200 @ A1	Revision E
t:01332 204242 e:info@jfr.co.uk w:jon@jfr.co.uk c:100			

**LAND AT MAWMILL FARM**  
P15267  
**FLOODING OVER MARK**  
**GOODSON ASSOCIATES**  
28/ 09/ 2022

698

KEY

- BLOCKAGE
- BURN FLOW DIRECTION
- OVERLAND FLOW DIRECTION

## APPENDIX 3 HISTORIC BOREHOLE RECORD

Institute of Geological Sciences

IMAU borehole log form

NT 09 NE 100 0889 9880

Burnbank

Block B,

Surface level +123.07m

Groundwater level +121.9m

250mm percussion and shell

November 1981

Summary

Overburden

Mineral I

Waste

Mineral II

Thickness (m)

0.3m

3.5m


0.6m

6.6m+

LOG

Geological classification	Lithology	Thickness m	Depth m
	Soil	0.3	0.3
Alluvium a	Gravel	3.5	3.8
	Gravel: fine and coarse, some cobbles. Coarse gravel subrounded to well rounded, fine gravel more angular. Chiefly basalt, lava and tuff with some felsite, friable sandstone, fine-grained quartzite and porphyry.		
	Sand: medium with coarse and some fine, 'sharp', 'quartz' and rock chips		
	Fines: Very silty in uppermost metre, some streaks of clayey silt, orange-brown		
	Sand, very fine-grained and clayey silt with scattered 'pebbles', crudely banded, moderate brown	0.6	4.4
Fluvio-glacial sand and gravel b	Gravel	6.6+	11.0
	Gravel: coarse and fine, many cobbles, composition 'as above'		
	Sand: chiefly coarse and medium with some 'fine', 'sharp', rock chips with some quartz		
	Fines: silt, disseminated and as rare streaks, moderate brown becoming rusty brown downwards. Fines being lost below 6m		
	Borehole abandoned because of piping conditions, 'perhaps' at a basal bed of boulders		



Millard Consulting		Page 1
Seabraes 18 Greenmarket Dundee	Job No 16747 Craigton Quarry, Mawmill 0.022ha to be attenuated	
Date 23/07/2021 14:27 File 16747 - 0.022ha - Polystorm...	Designed by Checked by	
Innovyze	Source Control 2017.1.2	


### Summary of Results for 200 year Return Period (+35%)

Half Drain Time : 43 minutes.

Storm Event	Max Level (m)	Max Depth (m)	Max Infiltration (l/s)	Max Control (l/s)	Max Σ Outflow (l/s)	Max Volume (m³)	Status
15 min Summer	0.240	0.240	0.0	1.4	1.4	4.1	O K
30 min Summer	0.305	0.305	0.0	1.6	1.6	5.2	O K
60 min Summer	0.349	0.349	0.0	1.7	1.7	6.0	O K
120 min Summer	0.331	0.331	0.0	1.7	1.7	5.7	O K
180 min Summer	0.308	0.308	0.0	1.6	1.6	5.3	O K
240 min Summer	0.285	0.285	0.0	1.6	1.6	4.9	O K
360 min Summer	0.247	0.247	0.0	1.4	1.4	4.2	O K
480 min Summer	0.218	0.218	0.0	1.3	1.3	3.7	O K
600 min Summer	0.194	0.194	0.0	1.3	1.3	3.3	O K
720 min Summer	0.175	0.175	0.0	1.2	1.2	3.0	O K
960 min Summer	0.145	0.145	0.0	1.1	1.1	2.5	O K
1440 min Summer	0.108	0.108	0.0	0.9	0.9	1.8	O K
2160 min Summer	0.078	0.078	0.0	0.7	0.7	1.3	O K
2880 min Summer	0.062	0.062	0.0	0.6	0.6	1.1	O K
4320 min Summer	0.049	0.049	0.0	0.5	0.5	0.8	O K
5760 min Summer	0.043	0.043	0.0	0.4	0.4	0.7	O K
7200 min Summer	0.039	0.039	0.0	0.4	0.4	0.7	O K
8640 min Summer	0.036	0.036	0.0	0.3	0.3	0.6	O K
10080 min Summer	0.034	0.034	0.0	0.3	0.3	0.6	O K
15 min Winter	0.271	0.271	0.0	1.5	1.5	4.6	O K
30 min Winter	0.347	0.347	0.0	1.7	1.7	5.9	O K
60 min Winter	0.391	0.391	0.0	1.8	1.8	6.7	O K
120 min Winter	0.359	0.359	0.0	1.8	1.8	6.1	O K

Storm Event	Rain (mm/hr)	Flooded Volume (m³)	Discharge Volume (m³)	Time-Peak (mins)
15 min Summer	119.164	0.0	4.9	16
30 min Summer	84.243	0.0	6.9	27
60 min Summer	55.866	0.0	9.2	44
120 min Summer	33.235	0.0	11.0	78
180 min Summer	24.668	0.0	12.2	112
240 min Summer	20.020	0.0	13.2	144
360 min Summer	14.976	0.0	14.8	208
480 min Summer	12.229	0.0	16.1	270
600 min Summer	10.466	0.0	17.3	332
720 min Summer	9.226	0.0	18.3	392
960 min Summer	7.574	0.0	20.0	512
1440 min Summer	5.731	0.0	22.7	750
2160 min Summer	4.359	0.0	25.9	1104
2880 min Summer	3.594	0.0	28.5	1468
4320 min Summer	2.731	0.0	32.4	2200
5760 min Summer	2.249	0.0	35.6	2904
7200 min Summer	1.933	0.0	38.3	3624
8640 min Summer	1.710	0.0	40.6	4320
10080 min Summer	1.544	0.0	42.8	5096
15 min Winter	119.164	0.0	5.5	16
30 min Winter	84.243	0.0	7.8	29
60 min Winter	55.866	0.0	10.3	48
120 min Winter	33.235	0.0	12.3	84




Millard Consulting		Page 2
Seabraes 18 Greenmarket Dundee	Job No 16747 Craigton Quarry, Mawmill 0.022ha to be attenuated	
Date 23/07/2021 14:27 File 16747 - 0.022ha - Polystorm...	Designed by Checked by	
Innovyze	Source Control 2017.1.2	

Summary of Results for 200 year Return Period (+35%)

Storm Event	Max Level (m)	Max Depth (m)	Max Infiltration (l/s)	Max Control (l/s)	Max Σ Outflow (l/s)	Max Volume (m³)	Status
180 min Winter	0.321	0.321	0.0	1.7	1.7	5.5	O K
240 min Winter	0.287	0.287	0.0	1.6	1.6	4.9	O K
360 min Winter	0.234	0.234	0.0	1.4	1.4	4.0	O K
480 min Winter	0.194	0.194	0.0	1.3	1.3	3.3	O K
600 min Winter	0.165	0.165	0.0	1.2	1.2	2.8	O K
720 min Winter	0.142	0.142	0.0	1.1	1.1	2.4	O K
960 min Winter	0.111	0.111	0.0	0.9	0.9	1.9	O K
1440 min Winter	0.076	0.076	0.0	0.7	0.7	1.3	O K
2160 min Winter	0.054	0.054	0.0	0.6	0.6	0.9	O K
2880 min Winter	0.047	0.047	0.0	0.5	0.5	0.8	O K
4320 min Winter	0.040	0.040	0.0	0.4	0.4	0.7	O K
5760 min Winter	0.035	0.035	0.0	0.3	0.3	0.6	O K
7200 min Winter	0.032	0.032	0.0	0.3	0.3	0.5	O K
8640 min Winter	0.030	0.030	0.0	0.2	0.2	0.5	O K
10080 min Winter	0.028	0.028	0.0	0.2	0.2	0.5	O K

Storm Event	Rain (mm/hr)	Flooded Volume (m³)	Discharge Volume (m³)	Time-Peak (mins)
180 min Winter	24.668	0.0	13.7	120
240 min Winter	20.020	0.0	14.8	154
360 min Winter	14.976	0.0	16.6	218
480 min Winter	12.229	0.0	18.1	280
600 min Winter	10.466	0.0	19.3	342
720 min Winter	9.226	0.0	20.5	402
960 min Winter	7.574	0.0	22.4	520
1440 min Winter	5.731	0.0	25.4	754
2160 min Winter	4.359	0.0	29.0	1084
2880 min Winter	3.594	0.0	31.9	1468
4320 min Winter	2.731	0.0	36.3	2156
5760 min Winter	2.249	0.0	39.9	2936
7200 min Winter	1.933	0.0	42.9	3680
8640 min Winter	1.710	0.0	45.5	4400
10080 min Winter	1.544	0.0	47.9	5048

Millard Consulting		Page 3
Seabraes 18 Greenmarket Dundee	Job No 16747 Craigton Quarry, Mawmill 0.022ha to be attenuated	
Date 23/07/2021 14:27 File 16747 - 0.022ha - Polystorm...	Designed by Checked by	
Innovyze	Source Control 2017.1.2	

### Rainfall Details


Rainfall Model	FEH	Winter Storms	Yes
Return Period (years)	200	Cv (Summer)	0.750
FEH Rainfall Version	2013	Cv (Winter)	0.840
Site Location	GB 309028 698980 NT 09028 98980	Shortest Storm (mins)	15
Data Type	Point	Longest Storm (mins)	10080
Summer Storms	Yes	Climate Change %	+35

### Time Area Diagram

Total Area (ha) 0.022

Time (mins)	Area
From:	To: (ha)

0	4 0.022
---	---------

Millard Consulting		Page 4
Seabraes 18 Greenmarket Dundee	Job No 16747 Craigton Quarry, Mawmill 0.022ha to be attenuated	
Date 23/07/2021 14:27 File 16747 - 0.022ha - Polystorm...	Designed by Checked by	
Innovyze	Source Control 2017.1.2	

### Model Details

Storage is Online Cover Level (m) 1.000


### Cellular Storage Structure

Invert Level (m) 0.000 Safety Factor 1.0  
Infiltration Coefficient Base (m/hr) 0.00000 Porosity 0.95  
Infiltration Coefficient Side (m/hr) 0.00000

Depth (m)	Area (m <sup>2</sup> )	Inf. Area (m <sup>2</sup> )	Depth (m)	Area (m <sup>2</sup> )	Inf. Area (m <sup>2</sup> )	Depth (m)	Area (m <sup>2</sup> )	Inf. Area (m <sup>2</sup> )
0.000	18.0	18.0	0.400	18.0	26.8	0.500	0.0	26.8

### Orifice Outflow Control

Diameter (m) 0.038 Discharge Coefficient 0.600 Invert Level (m) 0.000


Millard Consulting		Page 1
Seabraes 18 Greenmarket Dundee	Job No 16747 Craigton Quarry, Mawmill 0.029ha to be attenuated	
Date 23/07/2021 14:57 File 16747 - 0.029ha - Polystorm...	Designed by Checked by	
Innovyze	Source Control 2017.1.2	

### Summary of Results for 200 year Return Period (+35%)

Half Drain Time : 48 minutes.

Storm Event	Max Level (m)	Max Depth (m)	Max Infiltration (l/s)	Max Control (l/s)	Max Σ Outflow (l/s)	Max Volume (m³)	Status
15 min Summer	0.241	0.241	0.0	1.7	1.7	5.5	O K
30 min Summer	0.309	0.309	0.0	2.0	2.0	7.0	O K
60 min Summer	0.354	0.354	0.0	2.1	2.1	8.1	O K
120 min Summer	0.341	0.341	0.0	2.1	2.1	7.8	O K
180 min Summer	0.320	0.320	0.0	2.0	2.0	7.3	O K
240 min Summer	0.300	0.300	0.0	1.9	1.9	6.8	O K
360 min Summer	0.263	0.263	0.0	1.8	1.8	6.0	O K
480 min Summer	0.234	0.234	0.0	1.7	1.7	5.3	O K
600 min Summer	0.210	0.210	0.0	1.6	1.6	4.8	O K
720 min Summer	0.190	0.190	0.0	1.5	1.5	4.3	O K
960 min Summer	0.160	0.160	0.0	1.4	1.4	3.6	O K
1440 min Summer	0.120	0.120	0.0	1.2	1.2	2.7	O K
2160 min Summer	0.088	0.088	0.0	1.0	1.0	2.0	O K
2880 min Summer	0.071	0.071	0.0	0.8	0.8	1.6	O K
4320 min Summer	0.055	0.055	0.0	0.6	0.6	1.3	O K
5760 min Summer	0.048	0.048	0.0	0.5	0.5	1.1	O K
7200 min Summer	0.044	0.044	0.0	0.5	0.5	1.0	O K
8640 min Summer	0.041	0.041	0.0	0.4	0.4	0.9	O K
10080 min Summer	0.038	0.038	0.0	0.4	0.4	0.9	O K
15 min Winter	0.272	0.272	0.0	1.8	1.8	6.2	O K
30 min Winter	0.351	0.351	0.0	2.1	2.1	8.0	O K
60 min Winter	0.399	0.399	0.0	2.3	2.3	9.1	O K
120 min Winter	0.372	0.372	0.0	2.2	2.2	8.5	O K

Storm Event	Rain (mm/hr)	Flooded Volume (m³)	Discharge Volume (m³)	Time-Peak (mins)
15 min Summer	119.164	0.0	6.5	16
30 min Summer	84.243	0.0	9.1	28
60 min Summer	55.866	0.0	12.1	44
120 min Summer	33.235	0.0	14.4	80
180 min Summer	24.668	0.0	16.1	112
240 min Summer	20.020	0.0	17.4	146
360 min Summer	14.976	0.0	19.5	210
480 min Summer	12.229	0.0	21.3	272
600 min Summer	10.466	0.0	22.8	334
720 min Summer	9.226	0.0	24.1	396
960 min Summer	7.574	0.0	26.3	518
1440 min Summer	5.731	0.0	29.9	752
2160 min Summer	4.359	0.0	34.1	1108
2880 min Summer	3.594	0.0	37.5	1472
4320 min Summer	2.731	0.0	42.8	2200
5760 min Summer	2.249	0.0	46.9	2936
7200 min Summer	1.933	0.0	50.4	3672
8640 min Summer	1.710	0.0	53.5	4344
10080 min Summer	1.544	0.0	56.4	5096
15 min Winter	119.164	0.0	7.2	16
30 min Winter	84.243	0.0	10.2	30
60 min Winter	55.866	0.0	13.6	48
120 min Winter	33.235	0.0	16.2	86


Millard Consulting		Page 2
Seabraes 18 Greenmarket Dundee	Job No 16747 Craigton Quarry, Mawmill 0.029ha to be attenuated	
Date 23/07/2021 14:57 File 16747 - 0.029ha - Polystorm...	Designed by Checked by	
Innovyze	Source Control 2017.1.2	

Summary of Results for 200 year Return Period (+35%)

Storm Event	Max Level (m)	Max Depth (m)	Max Infiltration (l/s)	Max Control (l/s)	Max Σ Outflow (l/s)	Max Volume (m³)	Status
180 min Winter	0.338	0.338	0.0	2.1	2.1	7.7	O K
240 min Winter	0.306	0.306	0.0	2.0	2.0	7.0	O K
360 min Winter	0.253	0.253	0.0	1.8	1.8	5.8	O K
480 min Winter	0.213	0.213	0.0	1.6	1.6	4.8	O K
600 min Winter	0.182	0.182	0.0	1.5	1.5	4.2	O K
720 min Winter	0.158	0.158	0.0	1.4	1.4	3.6	O K
960 min Winter	0.125	0.125	0.0	1.2	1.2	2.8	O K
1440 min Winter	0.087	0.087	0.0	0.9	0.9	2.0	O K
2160 min Winter	0.061	0.061	0.0	0.7	0.7	1.4	O K
2880 min Winter	0.053	0.053	0.0	0.6	0.6	1.2	O K
4320 min Winter	0.044	0.044	0.0	0.5	0.5	1.0	O K
5760 min Winter	0.039	0.039	0.0	0.4	0.4	0.9	O K
7200 min Winter	0.036	0.036	0.0	0.3	0.3	0.8	O K
8640 min Winter	0.034	0.034	0.0	0.3	0.3	0.8	O K
10080 min Winter	0.031	0.031	0.0	0.3	0.3	0.7	O K

Storm Event	Rain (mm/hr)	Flooded Volume (m³)	Discharge Volume (m³)	Time-Peak (mins)
180 min Winter	24.668	0.0	18.0	120
240 min Winter	20.020	0.0	19.5	156
360 min Winter	14.976	0.0	21.9	220
480 min Winter	12.229	0.0	23.8	284
600 min Winter	10.466	0.0	25.5	346
720 min Winter	9.226	0.0	27.0	406
960 min Winter	7.574	0.0	29.5	528
1440 min Winter	5.731	0.0	33.5	764
2160 min Winter	4.359	0.0	38.2	1104
2880 min Winter	3.594	0.0	42.0	1472
4320 min Winter	2.731	0.0	47.9	2204
5760 min Winter	2.249	0.0	52.6	2936
7200 min Winter	1.933	0.0	56.5	3608
8640 min Winter	1.710	0.0	60.0	4400
10080 min Winter	1.544	0.0	63.2	5128



Millard Consulting		Page 3
Seabraes 18 Greenmarket Dundee	Job No 16747 Craigton Quarry, Mawmill 0.029ha to be attenuated	
Date 23/07/2021 14:57	Designed by	
File 16747 - 0.029ha - Polystorm...	Checked by	
Innovyze	Source Control 2017.1.2	


#### Rainfall Details

Rainfall Model	FEH	Winter Storms	Yes
Return Period (years)	200	Cv (Summer)	0.750
FEH Rainfall Version	2013	Cv (Winter)	0.840
Site Location	GB 309028 698980 NT 09028 98980	Shortest Storm (mins)	15
Data Type	Point	Longest Storm (mins)	10080
Summer Storms	Yes	Climate Change %	+35

#### Time Area Diagram

Total Area (ha) 0.029

Time (mins)	Area
From:	To: (ha)
0	4 0.029

Millard Consulting		Page 4
Seabraes 18 Greenmarket Dundee	Job No 16747 Craigton Quarry, Mawmill 0.029ha to be attenuated	
Date 23/07/2021 14:57 File 16747 - 0.029ha - Polystorm...	Designed by Checked by	
Innovyze	Source Control 2017.1.2	

### Model Details

Storage is Online Cover Level (m) 1.000

### Cellular Storage Structure

Invert Level (m) 0.000 Safety Factor 1.0  
Infiltration Coefficient Base (m/hr) 0.00000 Porosity 0.95  
Infiltration Coefficient Side (m/hr) 0.00000

Depth (m)	Area (m <sup>2</sup> )	Inf. Area (m <sup>2</sup> )	Depth (m)	Area (m <sup>2</sup> )	Inf. Area (m <sup>2</sup> )	Depth (m)	Area (m <sup>2</sup> )	Inf. Area (m <sup>2</sup> )
0.000	24.0	24.0	0.400	24.0	32.8	0.500	0.0	32.8

### Orifice Outflow Control

Diameter (m) 0.042 Discharge Coefficient 0.600 Invert Level (m) 0.000

# Cleish and Blairadam Community Council



Development Management  
Perth & Kinross Council  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD

16 November 2022

Dear Sirs,  
**22/01707/FLL Erection of 4 dwelling houses at land 50m South East of Craigton  
Gardens, Cleish**

The Community Council is content with this revised proposal for a reduced development in keeping with the scale and character of the existing building group, and supportive of special needs accommodation.

The Community Council and residents at Craigton have, over many years, lobbied Perth and Kinross Council's Roads Authority to address residents continuing concerns at the excessive speed of traffic along this stretch of the B9097.  
With the increase in population that this development will bring we request that as part of the planning application process PKC gives consideration to bringing forward measures to address road safety issues.

Yours Faithfully

Secretary,  
Cleish & Blairadam Community Council

c/c local members



**LRB-2023-09**  
**22/01707/FLL – Erection of 4 dwellinghouses and 3**  
**garages, land 50 metres south east of Craighton Gardens,**  
**Cleish**

**PLANNING DECISION NOTICE** *(included in*  
*applicant's submission, pages 713-715)*

**REPORT OF HANDLING** *(included in applicant's*  
*submission, pages 717-728)*

**REFERENCE DOCUMENTS** *(part included in*  
*applicant's submission, pages 641-647, 649-651 and 653-*  
*708)*







Mr Richard Scott Black  
c/o Jon Frullani Architect  
Jon Frullani  
140 Perth Road  
Dundee  
DD1 4JW

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date of Notice: **24th November 2022**

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

Application Reference: **22/01707/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 28th September 2022 for Planning Permission for **Erection of 4 dwellinghouses and 3 garages Land 50 Metres South East Of Craigton Gardens Cleish**

**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 the proposal fails to satisfactorily comply with any of the categories (1) Building Groups, (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land. The proposal is adjacent to an existing building group but results in a development which extends the building group into an area of land which is not defined as required by policy. Furthermore the layout and location of Plots 3 and 4 at the southern end of the site fail to respect the character and building pattern of the existing roadside layout of the grouping. The scale and height of plot 3 is also significantly out of scale with the established single storey character of the existing group.
2. The proposal is contrary to Policy 1A and 1B, Placemaking, of the Perth and Kinross Local Development Plan 2 (2019). The proposed development and in particular plots 3 and 4 at the southern side of the site would not contribute positively to the built and natural environment or the character and building pattern of the existing small grouping due to its scale, design, layout and lack of a landscape framework.

3. The proposal is contrary to Policy 46B 'Loch Leven Catchment Area' of the Perth and Kinross Local Development Plan 2 (2019) as the phosphorus calculations which have been submitted do not reflect the scale and nature of the development which is proposed.
4. The proposal is contrary to Policy 52 'New Development and Flooding'. The Flood Risk Assessment considers a culvert to the immediate west of the site but fails to consider the impact which the blocking or overwhelming of the existing culvert to the north west of the site at the B9097 on the Colonel Burn may have on flood risk on the application site. Therefore, the submitted Flood Risk Assessment fails to provide complete clarity on the suitability of the development of the site from a flood risk perspective.
5. The proposal is contrary to Policy 60B 'Transport Standards and Accessibility Requirements: New Development Proposals' of the adopted Perth and Kinross Local Development Plan 2 (2019) as the plans do not demonstrate that delivery/septic tank service vehicles would be able to turn with the site. Furthermore, there is a lack of clarity on footway provision both within the site and along the boundaries of the site with the public road.

### **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**

**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	22/01707/FLL	
Ward No	P8- Kinross-shire	
Due Determination Date	27th November 2022	
Draft Report Date	24th November 2022	
Report Issued by	JW	Date 24 Nov 2022

**PROPOSAL:** Erection of 4 dwellinghouses and 3 garages

**LOCATION:** Land 50 Metres South East Of Craigton Gardens Cleish  
**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

This application relates to an area of flat open ground on the edge of the small hamlet of Craigton on the B9097, 1km northwest of Cleish. The existing small group of buildings adjacent to the site comprises of five single storey cottages, all of which are roadside plots. The northern area of the proposed site contains a single storage building and an area of hard standing. The frontage of the site onto the B9097 is currently occupied by trees. The southern half of the site is overgrown and open to the surrounding farmland. The site was used for the storage of gravel and machinery associated with the former Craigton Gravel Quarry and whilst it is quite overgrown, it still appears to be in use to some degree for the storage of equipment and materials. Access to the site is presently taken via single junction onto the public road but there is also an additional field access into the site, but it is quite overgrown.

Full planning permission is being sought for the erection of 4 detached dwellinghouses. Plots 1 and 2 are four bedroom single storey units which are proposed to front onto the B9097. Each is proposed to be 6.5m in height and be finished in a mixture of timber cladding, natural stone and off white render with a slate roof. Two further detached units are proposed to the rear/south of the site. Plot 3 is proposed to be identical to plot 1, being single storey with plot 4, the southern most unit proposed to be a larger dwelling, extending to 8.5m to ridge, with accommodation over two levels. A new vehicular access is proposed to the east of plot 2 which is proposed to serve all units. Detached garages and driveways for plots 1 and 2 are proposed to the south/rear of the houses. A turning head is proposed at the end of the access with Plots 3 and 4 provided with driveways off the southern side of the new access.

This application is a re-submission following a previous refusal for five detached houses (21/00955/FLL). The previous application was refused as being contrary to Policy 19: Housing in the Countryside, Policies 1A and B: Placemaking, Policy 46B: Loch Leven Catchment Area, Policy 52: Flood Risk, Policy 60B Parking Requirements, Policy 41: Bio Diversity and Policy 40: Woodland and Trees. This revised submission seeks to

address the reasons for refusal by reducing the number of proposed units from 5 to 4 and includes supporting information which seeks to address the previous reasons for refusal.

A pre-application discussion regarding the site was undertaken in March/April 2022 (22/00111/PREAPP). This resulted in the submission of an application for two dwellinghouses on the site (22/00988/FLL) in May/June. These fronted onto the B9097 and were proposed to be single storey. This application was subsequently returned to the applicant as invalid. No further discussions took place and then the current application for four units was submitted.

## **SITE HISTORY**

91/01505/FUL WINNING & WORKING OF MINERALS AT 29 May 1992 Application Refused

97/00615/FUL Retention of shed building, associated hardstanding and ponds for agricultural purposes at 4 August 1997 Application Approved

21/00955/FLL Erection of 5 dwellinghouses and associated works 28 September 2021 Application Refused

22/00988/FLL Erection of 2 dwellinghouses and garages 14 July 2022 – application returned as invalid.

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: 22/00111/PREAPP

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019).

### **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

## **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 5: Infrastructure Contributions

Policy 6: Settlement Boundaries

Policy 19: Housing in the Countryside

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

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

Policy 41: Biodiversity

Policy 46A: Loch Leven Catchment Area

Policy 46B: Loch Leven Catchment Area

Policy 52: New Development and Flooding

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

### **OTHER POLICIES**

Housing in the Countryside Policy 2020

Developer Contributions Guide 2020

### **CONSULTATION RESPONSES**

#### **EXTERNAL**

Cleish And Blairadam Community Council – support application for revised proposal and consider it to be in keeping with character of grouping and supportive of the special needs of the applicant. Consideration should be given to addressing road safety issues on public road.

Scottish Water – no objection

Scotland Gas Networks Plc – no objection

Scottish Environment Protection Agency – further clarity on phosphorus calculations required

Health and Safety Executive – does not advise against

## INTERNAL

Transport Planning – clarity sought on ability of site to accommodate service vehicles, clarity required on footpath provision on site. Further clarity also required in relation to ability of site to accommodate bus boarders.

Development Contributions Officer – no contributions required

Biodiversity/Tree Officer – no objection subject to condition

Environmental Health (Contaminated Land) – condition recommended for contaminated land assessment

Structures And Flooding – Flood Risk Assessment requires to consider culvert on Colonel Burn to the west of the site and the implications which blockage of this culvert may have on flood risk on the site.

## REPRESENTATIONS

1 representation was received from the Cleish and Blairadam Community Council which supports the application for revised proposal and consider it to be in keeping with character of grouping and supportive of the special needs of the applicant. Consideration should be given to addressing road safety issues on public road.

## ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Habitats Regulations AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Flood Risk Assessment Ecology Survey Tree Survey Supporting Statement

## 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 for the area comprises the approved TAYplan and the adopted LDP2.

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**

Following refusal of the previous application discussions were undertaken between the previous Case Officer and the architect regarding what scope there is for development on this site. This was undertaken over the telephone but the Case Officer, who has now left the Council, left a set of notes of the discussions. The extent of these discussions do not appear to reflect the understanding of the applicant's agent as referenced in the submission. This is referenced in more detail below.

As the site lies within the landward area in the adopted Perth and Kinross Local Development Plan 2 2019 (LDP2), the proposal falls to be principally considered against Policy 19 'Housing in the Countryside' and its associated SPG on Housing in the Countryside 2020 (HiCG), which is the most recent expression of Council policy towards new housing in the open countryside.

Policy 1A and 1B which relate to placemaking also state that all development must contribute positively, to the quality of the surrounding built and natural environment.

It is considered that the most relevant categories of the HiCG to assess the proposed development are 1) Building Groups and 6) 'Rural Brownfield'.

Under the building groups category of the guide, it outlines that consent may be granted for houses which extend an existing the group into definable sites formed by existing topography, roads or well-established existing landscape features.

In this instance it is considered that the wider site lies on the edge of the existing building group, visually separated by the existing mature tree belt. This site is also within an area of open land which lacks sufficient established boundary treatment to provide adequate containment to the proposed new development, particularly in relation to the southern and eastern boundaries. As such, it is considered that the proposed site is not a viable extension to the existing building group as it would not expand the site into a readily definable site as per the requirements set out in the HiCG. The previous refusal made it clear that the site did not represent an extension of an existing building group into a definable site, however this revised application, whilst reducing the number of units, still proposes development on the same site footprint seeking to extend the building onto an area of land which is not defined which is contrary to Policy 19. This is the same conclusion which was reached on the previously refused application. The layout which has been submitted was subject to pre application discussions with the previous Case Officer in April this year. This was subject to a telephone conversation between the agent and the Case Officer. The notes on file indicate that the revised scheme did not address the fundamental concerns in respect of the previous refusal, particularly the two plots proposed to the rear/south of the site. The larger two storey dwelling is not in keeping with the existing small scale built development within the wider group of houses. The plots adjacent to the road side were indicated to be more acceptable and potentially have scope to be supported if access was to be taken from



the public road. However the layout has not been altered to reflect these discussions. Overall, it is concluded that the site has a lack of landscape containment and cannot be considered to be the extension of a building group into a definable site. The applicant's agent was advised that a proposal solely for the two roadside units may have more scope to comply with the Housing in the Countryside Policy.

Furthermore, the guide also states that proposals must demonstrate that:

- o New housing will respect the character, scale and form of the existing group, and will be integrated into the existing layout and building pattern.
- o New housing will not detract from the visual amenity of the group when viewed from the wider landscape.
- o A high standard of residential amenity will be provided for both existing and new housing.

Similar to the previous refusal, it is considered that the design and layout of the development fails to respect the character, scale and form of the buildings within this small scale, single storey existing building group. It would result in a substantial increase in size of the group, extending it to the south away from the road which does not respect the existing roadside layout of the grouping. As was intimated during pre application discussions, should the proposal be revised to only include the two units fronting the road this would have more scope to be supported as it would better reflect the character, form and building pattern of the group as required by Policy 19 and the associated Housing in the Countryside Supplementary Guidance (SG).

It is noted that the supporting statement also suggests that the site is a viable brownfield site, and that the development will remove the dereliction of the site and result a significant environmental improvement.

In this first instance it should be highlighted that the HiCG defines 'Rural Brownfield Land' as:

"Derelict land which was at one time occupied by buildings or structures but these have now been removed, or land directly linked to former buildings or structures which has been so damaged by a former use that it cannot be left to naturalise or be reused for another purpose without first being improved."

It is noted that the existing building still stands on site and appears to still be in operational use or at least has recently been in use. It may be that the applicant is no longer using the buildings for any purpose but that does not render the site derelict and the fact that the building still stands on site means that the site cannot comply with category 6 of the HiCG.

Notwithstanding the above, there is no reasonable justification based on the suggested environmental improvement of the site being redeveloped. From a visual perspective, the site is largely screened from view and whilst the site is somewhat overgrown, it does not represent an eyesore in respect to the character of the wider area. In respect to the any argument regarding the decontamination of the site, whilst it is accepted that there is a potential for contamination which would need to be addressed if housing were approved on this specific site, the HiCG states the following:

"Many sites which were formerly occupied by buildings have little or no environmental impact and can be left to return to a natural state over time. Even sites where some contamination is present may not require to be remediated if there is no significant risk to human health or the wider environment. This category of the policy is not intended to allow the redevelopment of sites like these, nor is it intended to permit the redevelopment of sites for housing where buildings have simply been allowed to fall into disrepair. This category is intended to allow small scale housing proposals on cleared sites which have been significantly degraded by a former use or activity, and where the redevelopment of the site for housing is the only means by which it is viable to remediate the site."

Based on the information submitted, it is not considered that the proposed site presents itself as a viable development site for the proposed level of housing, even if the site were derelict. It is considered to be similar to many agricultural sites where there may be some contamination present due to its historic use, but it is presently neither a risk to the environment or human health in its present state. It's present state also does not significantly detract from the character or amenity of the area and, as noted above, the scale and design of the proposals will in itself detract from the character of the existing building group.

As such it is considered that, in principle, the proposed development remains contrary to the requirements of Policy 19 of LDP2 and the associated Housing in the Countryside Supplementary Guidance 2020.

### **Scale, Design and Layout**

The existing building group comprises of 5 existing single storey dwellings, all built along the roadside. This proposed development will represent a significant increase in the scale of the small rural building group. Whilst this proposal reduces the number of proposed units from 5 to 4 this level of development still represents a substantial increase in the size of the building group. As mentioned in the previous refusal all of the buildings within the group are single storey. Three of the four units now proposed are to be single storey but there remains a large scale 8.5m high detached dwelling proposed to the south of the site which fails to respect the design and form of development within the group.

The design and layout of the proposed development also do not accord with the existing prevailing design and pattern of development within the existing group. As noted above, all of the existing houses are single storey and have been developed along the roadside, with no tandem or backland development. The proposal has reduced the scale of the three of the units but there remains a large scale 8.5m high dwelling to the rear of the site and a further dwelling to the rear of the site which results in a layout which fails to respect the established layout and building pattern of the group, therefore failing to respect the character of the existing building group as required by policy. This issue was identified as part of the refusal of the previous application and has not been addressed in this revised submission.

As such, it is considered that the scale, design and layout of the revised proposed development will have an unacceptable impact on the character and amenity of the area and is therefore contrary to Placemaking Policies 1A and 1B, as well as the requirements of Policy 19 of LDP2 and its associated HiCG.

## **Landscape and Visual Amenity**

Whilst the development of the site will not necessarily result in any significant adverse impact on the character of the wider landscape, as discussed above, it would introduce development that will impact on the character and visual amenity of the immediate locality. The scale and layout of the proposed development will result in the expansion of a small rural roadside building group into a large open area of ground which would be at odds with the prevailing style and character of development in the locale. Whilst the number of units on site has been reduced in comparison with the previous refusal the issue of failing to respect the character of the grouping remains. The proposals will also result in the loss of a relatively substantial belt of mature trees which sit on the road frontage which is a landscape feature within the existing group.

The previous refusal also raised concerns regarding the lack of a detailed landscaping and planting scheme for the site which was identified as being important given the size of the site. The proposal now includes some indicative planting on the west boundary and to the south and east and hedge planting along the access. No details of species or density of planting has been provided but generally the landscaping scheme is considered to address the previous concerns subject to a condition securing details of density and species should the application be approved.

## **Residential Amenity**

The proposed development itself is acceptable in respect to the sizes of each individual plot and provision of private amenity space. Each plot is quite substantial and features relatively large areas of garden ground. The revised layout is not considered to have any impact on adjacent properties in terms of overlooking and overshadowing and therefore the concerns regarding residential amenity of the previous refusal have been addressed.

## **Roads and Access**

The proposal will have a singular vehicular accesses onto the B9097 extending centrally into the site with each plot accessed from this access.

Transport Planning have indicated that the access junction and parking arrangements are acceptable subject to condition. They have, however queried some elements of the layout, including the ability of the site to accommodate a septic tank/delivery vehicle and have sought a swept path to demonstrate this. They have also sought clarity on the layout and whether footways are proposed to be installed as no key has been provided. The plans also show paths out to the public road network and along the B9097, it is unclear if these will be linking to a footway along the B9097. Without links to a footway, the Roads Maintenance Partnership have concerns about these being provided directly onto the B9097 and clarity on this is required.

The Public Transport Unit have requested rural bus boarders at and opposite the development to facilitate school bus boarding/alighting and to install dropped kerbs at a suitable crossing point. In order to consider this clarity is required on the nature of the proposed footways as outlined above.

The plans also indicate the provision of a path to the south west of the site through the applicant's land which is proposed to connect to Cleish. No information has been provided as to how this path would be delivered and it is not within the application site.

Given that the principle of development is not considered acceptable in terms of the Policy 19 'Housing in the Countryside', the above information has not been requested as it would have been unreasonable given that the application would have been refused regardless. However, to ensure that this matter is considered as part of any potential appeal, the lack of information in relation to road layout has been added as a reason for refusal under Policy 60B of LDP2.

### **Drainage - Loch Leven**

The site is located with Loch Leven Catchment Area where foul drainage from new development is strictly control and the levels of phosphorous from foul waste must demonstrate at least 125% betterment.

In this regard the applicant has submitted drainage calculations based on the installation of biodisc package treatment plant serving the entire development along with the upgrading of an existing septic tank at a remote property. SEPA have reviewed the information and disagree with the calculations. The plans show a proposal for 3 x 4 bedroom houses. This would give 3 x 6 PE (population equivalent) properties. One of the houses has a large games room on the same floor as the bedrooms and SEPA consider that this should be considered as a potential bedroom in line with Perth and Kinross Council Guidance. Furthermore, the mitigation calculations show five properties and are a replication of the previous application. The calculations require to be updated with the correct number of houses and correct number of bedrooms for each property. The calculations therefore require to be updated.

Given that the principle of development is not considered acceptable in terms of the Policy 19 'Housing in the Countryside', this information has not been requested as it would have been unreasonable given that the application would have been refused regardless. However, to ensure that this matter is considered as part of any potential appeal, the lack of updated phosphorus mitigation calculations has been added as a reason for refusal under Policy 46B of LDP2.

### **Flood Risk**

Due to the site's close proximity to the Colonel Burn, the Structures and Flooding Team have advised that a Flood Risk Assessment (FRA) is required to ensure that the development is not within a 1 in 200 year floodplain plus climate change. They have also advised that it is important to consider the culvert located to the north west of the development site and flow paths should be considered during the event that the culvert is partially blocked (50%). A Flood Risk Assessment has now been submitted and reviewed by Structures and Flooding. They state that the submission cover's the vast majority of the issues identified under the previous submission. It considers the culvert to the immediate west of the site and states that should any blockages occur the flood water would likely dissipate to the south west and away from the site due to the topography in the area.

There is a further culvert of the Colonel Burn to the north west which travels under the B9097 public road which has not been addressed with the FRA. The FRA also requires

to consider whether this culvert has been blocked or overwhelmed before and consider what impact this could have on the site. Flood risk modelling for this requires to be provided. The Flooding Team indicate that there is a possibility of the application site flooding depending on the volume of water coming down the Colonel Burn towards the culvert. As this has not been suitably addressed within the FRA there are still doubts as to the suitability of the site from a flooding perspective.

Given that the principle of development is not considered acceptable in terms of the Policy 19 'Housing in the Countryside', this information has not been requested as it would have been unreasonable given that the application would have been refused regardless. However, to ensure that this matter is considered as part of any potential appeal, the lack of information in relation to the FRA and the culvert has been added as a reason for refusal under Policy 52 of LDP2.

### **Natural Heritage and Biodiversity**

The northern area of the site adjacent to the public road is quite densely wooded with a mixture of mature trees and vegetation. This belt of trees is very well established and screens much of the site from view when driving along the B9097. As per the requirements of Policy 40, there is a presumption in favour of retain existing tree and where trees are potentially affected a tree survey that accords with BS5837:2012 should be submitted for consideration.

A Tree Survey now accompanies the proposals and states that all 28 trees on the site are proposed to be felled to accommodate the development and that none of the trees merit retention. It recommends that compensatory planting is proposed but no detail on this has been submitted as referenced above. This could be secured by condition. Given the conclusions of the tree survey regarding the condition of these trees, the felling of these trees is considered to be acceptable

The submission now also includes a protected species survey given the possibility of the existing trees containing habitat. This has been reviewed by the Council's Bio Diversity Officer and considered to be acceptable subject to conditions to ensure the mitigation measure within the report are adhered to and to ensure the provision of bird boxes within the site.

The proposal therefore accords with Policy 40 and 41 of the LDP2.

### **Contamination**

Historical mapping indicates that there were formerly quarrying activities on the proposed development site. The nature and volume of material used to infill this quarry site is unknown and therefore there is the potential for it to be a source of contamination which could impact upon the suitability of the site for the proposed development.

If approved, it is recommended by Environmental Health that a standard four-part contamination condition is applied to any consent in order to ensure that any ground contamination is investigated, and mitigation measures undertaken as part of the development.



## **Conservation Considerations**

There are no issues or concerns in relation to conservation related matters.

## **Developer Contributions**

The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.

This proposal is within the catchment of Cleish Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time.

## **Economic Impact**

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

## **Personal Circumstances**

The submission makes reference to the personal circumstances and health of the applicant and their family within the supporting statement. Whilst the personal circumstances of the applicant are noted and appreciated and the difficulties experienced are sympathised with these are not considered to outweigh the content of the Development Plan in this instance.

## **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 adopted 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 adopted Development Plan.

Accordingly the proposal is refused on the grounds identified below.

## **Reasons for Refusal**

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 the proposal fails to satisfactorily comply with any of the categories (1) Building Groups, (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land. The proposal is adjacent to an existing building group but results in a development which extends the building group into an area of land which is not defined as required by policy. Furthermore the layout and location of Plots 3 and 4 at the southern end of the site fail to respect the character and building pattern of the existing roadside layout of the grouping. The scale and height of plot 3 is also significantly out of scale with the established single storey character of the existing group.

The proposal is contrary to Policy 1A and 1B, Placemaking, of the Perth and Kinross Local Development Plan 2 (2019). The proposed development and in particular plots 3 and 4 at the southern side of the site would not contribute positively to the built and natural environment or the character and building pattern of the existing small grouping due to its scale, design, layout and lack of a landscape framework.

The proposal is contrary to Policy 46B 'Loch Leven Catchment Area' of the Perth and Kinross Local Development Plan 2 (2019) as the phosphorus calculations which have been submitted do not reflect the scale and nature of the development which is proposed.

The proposal is contrary to Policy 52 'New Development and Flooding'. The Flood Risk Assessment considers a culvert to the immediate west of the site but fails to consider the impact which the blocking or overwhelming of the existing culvert to the north west of the site at the B9097 on the Colonel Burn may have on flood risk on the application site. Therefore, the submitted Flood Risk Assessment fails to provide complete clarity on the suitability of the development of the site from a flood risk perspective.

The proposal is contrary to Policy 60B 'Transport Standards and Accessibility Requirements: New Development Proposals' of the adopted Perth and Kinross Local Development Plan 2 (2019) as the plans do not demonstrate that delivery/septic tank service vehicles would be able to turn with the site. Furthermore, there is a lack of clarity on footway provision both within the site and along the boundaries of the site with the public road.

### **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**

None

### **Procedural Notes**

Not Applicable.

### **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

01-17



All dimensions and levels to be checked on site prior to the commencement of work. Architect to be informed of any discrepancies prior to the commencement of work. Unspecified dimensions are not to be scaled off this drawing. All dimensions are in millimetres unless stated otherwise. If any dimensions or details conflict please notify the Architect immediately. This drawing is to be used for STATUTORY purposes only. This is not a CONSTRUCTION drawing.

- Notes :
- Site
- Area = 6,291m<sup>2</sup>
- Plot 1 - House Type 1
- Plot = 1700m<sup>2</sup>  
Dwelling footprint = 180m<sup>2</sup>  
Garage footprint = 35m<sup>2</sup>  
Plot coverage = 12.8%  
Private amenity = 1170m<sup>2</sup>  
Bedrooms = 4  
Parking = 3 spaces  
FFL +123.90  
Ridge Level +130.38
- Plot 2 - House Type 2
- Plot = 1100m<sup>2</sup>  
Dwelling footprint = 180m<sup>2</sup>  
Garage footprint = 35m<sup>2</sup>  
Plot coverage = 16.3%  
Private amenity = 600m<sup>2</sup>  
Bedrooms = 4  
Parking = 3 spaces  
FFL +123.90  
Ridge Level +130.38
- Plot 3 - House Type 3
- Plot = 2120m<sup>2</sup>  
Dwelling footprint = 245m<sup>2</sup>  
Inc. integrated garage  
Plot coverage = 11.5%  
Private amenity = 1020m<sup>2</sup>  
Bedrooms = 4  
Parking = 3 spaces  
FFL +122.85  
Ridge Level +130.68
- Plot 4 - House Type 1
- Plot = 1360m<sup>2</sup>  
Dwelling footprint = 180m<sup>2</sup>  
Garage footprint = 35m<sup>2</sup>  
Plot coverage = 15.5%  
Private amenity = 690m<sup>2</sup>  
Bedrooms = 4  
Parking = 3 spaces  
FFL +123.15  
Ridge Level +129.63

ALL DRAINAGE SHOWN IS INDICATIVE. DRAINAGE SUBJECT TO DETAIL DESIGN.

Revisions :

F RS September 2022

Solar Panels, drainage note, path to Cleish.

Project		Drawing Title	
Housing Development		Proposed Site Plan	
Client		Issue Status	
Mr. Black		Planning	
Address		Drawing No.	
Land East of Maxwell Farm		6605 - 302	
Cleish, Kilmross		Revision	
KY13 0LN		F	
Designer	Date	Scale	Revision
RS	Feb 2022	1:200 @ A1	F

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JON FRULLANI  
ARCHITECT

Job 6605

Land 50 Meters South East of  
Craigton Gardens  
Cleish  
(Mawmill Farm)

---

**ERECTION OF 4no. DWELLING HOUSES WITH ASSOCIATED LANDSCAPING, PARKING AND  
FORMATION OF VEHICULAR ACCESS (DEMOLITION OF EXISTING BUILDINGS)**

**Pre-application enquiry**

**CONTENTS**

1. Introduction
2. Site Assessment and Use
3. Extent of Development
4. Site Layout
5. Scale of Development
6. Design
7. Statement from Applicant
8. Conclusion



## 1. INTRODUCTION

- The site is located approximately 1 mile east of Mawmill Poultry Farm (current home of the applicant), located on the B9097.
- The outlined site is 6291m<sup>2</sup> with adjoining farmland on the eastern and southern boundaries with
- The Colonel burn runs to the South-West of the site, creating this boundary.
- Previous applications on the site:
  - 91/01505/FUL
  - 97/00615/FUL
  - 21/00955/FLL



SITE LOCATION ALONG THE B9097



## 2. SITE ASSESSMENT AND USE

### Context

- The site is located on the B9097 in the countryside of Kinross near the settlement of Cleish. Access to the site is existing and is from the B9097. Nearby the boundary of the site there are several existing houses.
- To the west, there is 1no. dwelling house with detached garage. There is also planning permission for the erection of 1no. dwellinghouse, to the west of Craigton Gardens, that was granted in 2018(18/00098/FLL). To the North, there another detached private dwelling house with outbuilding and to the North-West there are two semi-detached cottages, each with outbuildings.
- Historically, the site hosted ancillary buildings for Mawmill Farm. Only one building remains on the site and is in poor condition.
- Residential properties in this area have a limited palette of materials – stone, white render, tiles, slates, and timber.



GOOGLE EARTH IMAGE OF THE SITE



IMAGES OF REMAINING BUILDING ON SITE

#### Evaluation

- The site has a relatively flat topography with an approximate fall of 1 meter from North to South.
- The proposed development is of a similar scale and arrangement to the surrounding residential properties.
- Vehicular access to the site is gained through an existing access and the development proposed upgrades to the function to be formed in accordance with current Perth & Kinross Council Transportation Development Guidelines.
- The site enjoys extensive views across farmland to the east, south, and west.

#### Market Forces

- The private housing demand in this area is high according to market forces. New builds of high quality and energy efficient design are sought after. Single storey dwellings with generous parking and level access are particularly desirable as retirement homes but are in short supply.

#### Use

- Context and market forces suggests residential development is the most suitable and desirable use. Both original dwelling houses and conversions (steadings etc.) make up the area.
- The proposed development forms a small related cluster of buildings of similar scale and materials.
- The south most houses prevent a ribbon type development from occurring.
- New housing on this site does not conflict with neighbouring land uses.
- The proposal improves the vehicular access/junction enhancing traffic safety for all users of the road.
- In conclusion, we believe that a residential use is compatible with this site and that this has been confirmed by the approval of previous planning applications for this use.

### 3. EXTENT OF DEVELOPMENT

#### Development

- The extent of the proposed development is defined by the historic boundaries. A burn forms the boundary to the south. Post and wire fences form the east boundary. The B9097 forms the boundary to the north and a dwelling house neighbours to the west.
- The proposed development will regenerate a site that has been underused for years.
- The development creates a related cluster of buildings of similar scale and materials to the surrounding residential properties.

#### Development Feasibility

- The scale of development required to cover the cost of construction, considering an allowance for risk, to evaluate the profit regarding feasibility. 4no. dwelling houses at the proposed scale, as per market research, are required to make the development feasible. This includes covering costs such as infrastructure.

#### Amount

- With development feasibility in mind, it is proposed that 3no. single storey and 1no. 1½ storey dwellings occupy the site.
- The proposal is arranged into generous plots along a central road and sits comfortably within the site and the wider context.

#### Contribution

- A landscaping (planting) schedule will be submitted prior to the commencement of works to ensure that the planned development is to Perth & Kinross Council's satisfaction and contributes to a positive landscape as well as biodiversity in the area.
- The proposal regenerates an underused site.
- The developer is local and has an ethos which supports local trades and suppliers.



#### 4. SITE LAYOUT

##### Design Ethos

- The layout of the site is driven by the central road developed from the existing access and creating a frontage which mirrors the existing in line with the dwelling house to the west.
- The site is divided into generous plots with large private amenity space and space for the turning of vehicles within each plot.
- Each dwelling benefits from extensive views across neighbouring farmland.

##### Sustainability

- The proposed development specifies locally sourced materials to lower the carbon footprint.
- Solar panels will be installed for each dwelling.
- The house types are designed to take advantage of natural solar gain through use of large glazing in conjunction with renewable energy and high levels of insulation.
- High levels of thermal insulation are proposed to contribute to minimising energy consumption.
- Concrete floor constructions are proposed as their high thermal mass stores heat and releases it slowly meaning heating systems are used less often or at a low energy rate.
- Low energy and water efficient fitting are proposed throughout.

##### Landscaping

- A tree survey has been carried out on the site and all existing trees have been determined to be category 'C' or 'U'. Trees in good condition to the west boundary are proposed to be retained. Trees in the center of the site are fell. 'Group 1' is a group of pine trees on the north boundary are proposed to be removed, please see tree assessment 4.3 of the tree report – "Group 1 consisting of a planting of lodgepole pine trees (unmanaged to date) poses significant concerns relating to tree hazard and risk management. Several have fallen onto the B9097 recently, with others exhibiting evidence of quite dramatic historic failure. Further failure of individual trees within this group should be expected in adverse weather."
- A program of soft landscaping will be carried out as part of the works. Plans will be submitted to Perth & Kinross Council prior to the commencement of works. The planting will be a range of indigenous plants that support native species and thrive in the native climate.
- As part of this program, boundaries will be formed of post and wire fences with native hedging to define property lines whilst maintaining the rural and open nature of the site.



## 5. SCALE OF DEVELOPMENT

### Scale

- The proposed development is made up of 3no. house types with the same limited material palette to create an attractive and cohesive streetscape/residential cluster.
- **The accommodation:**
  - Plot 1** – Bungalow, House Type 1, 4no. bedrooms, 3no. parking spaces  
Internal Area – 150sqm, double garage
  - Plot 2** – Bungalow, House Type 2, 4no. bedrooms, 3no. parking spaces  
Internal Area – 150sqm, double garage
  - Plot 3** – 1½ Storey House, House Type 3, 4no. bedrooms, 3no. parking spaces  
Internal Area – 305sqm, double integrated garage
  - Plot 4** – Bungalow, House Type 1, 4no. bedrooms, 3no. parking spaces  
Internal Area – 150sqm, double garage

The proposed dwellings are generous and offer extensive views in a rural location.

- Each plot has over 600m<sup>2</sup> of rear private amenity space.
- Each dwelling has at least three dedicated parking spaces and 2no. visitor spaces are proposed (to be formed in accordance with current Perth & Kinross Council Transportation Guidelines).
- Proposed development is made up of bungalows to minimize visual impact. 1no. 1½ Storey House is proposed in the plot furthest from the road to minimize visual impact.

### Infrastructure

- The location of the site along a main route with existing properties means that services – water, electricity, telecoms – are available on or close to the site.
- The existing site access will be upgraded. The junction will be formed in accordance to current Perth & Kinross council transportation guidelines.
- Obligations set out in title deeds for each property will ensure the ongoing maintenance of infrastructure and communal areas of the site.

## 6. DESIGN

In keeping with the context, the proposed house types have a limited material palette to ensure the development fits comfortably with the surround residential context. The form of the proposed buildings are of a traditional nature and the pitched roofs as suitable for this area. Emphasis has been put on vertical windows both to balance the design and allow for natural solar gain. The house types have been designed with the rural aspect of the site in mind and to take advantage of views across neighbouring farmland.



PROPOSED MATERIALS

## 7. APPLICANT SITUATION

The applicant aims to construct Plot 3 – House Type 3 as a family/retirement home for Scott and Elaine Black. The house will provide accommodation for a key farm worker (Scott Black) within close proximity of the farm whilst providing a house that accommodates the needs of Elaine's wheelchair.

Statement from the applicant's family:

*Scott and Elaine have lived on the family farm since 1993. It's a 700 acre arable and potato farm which requires someone to be present for large portions of the year to load lorry's of grain and potatoes early and late at night as well as operate cold stores and grain handling equipment. Unfortunately due to Elaine's MS Scott has had to spend more time caring for her and is gradually reducing the work he does on the farm allowing the two boys to step up. We hope that David (Scott and Elaine's son) can move into the existing farm house to take responsibility for the majority of the above mentioned tasks. At busy times of the year Scott will still be required to help and the new house being in close proximity to the farm is essential. This will allow not only Scott, but also David, to be close enough to help Elaine at meal times as well as being close in the event she has a fall or requires assistance. The house has been specifically designed to accommodate Elaine in her electric wheel chair giving her far more freedom than she has at the moment. Unfortunately the multi-level layout of the existing farm house leaves Elaine trapped in different sections without the assistance of Scott or one of the boys to help her move. The new house would provide a new freedom for Elaine as well as having the provision for a live in carer to stay in the bedroom downstairs should her condition deteriorate. The family have been involved members of the local community all the time they have stayed with both boys attending the local Cleish primary. Scott was heavily involved and influential within the committee that fund raised and purchased Cleish community Park for everyone in the area to enjoy. He has now stepped up as Junior vice president of Kinross show again sacrificing time and effort for the benefit of the wider community. In times of heavy snow Scott and the boys have often cleared roads and driveways of the wider community. All of this done for no financial benefit and purely in community spirit. Scott and Elaine are hard working members of the community who have made very close friends with many of the local residents. In approaching their retirement it would be extremely difficult if not impossible to find a suitable house for Elaine's condition in the area and would be devastating for them personally and as a family business if they were forced to move further afield.*

## 8. CONCLUSION

We feel the proposed development is suitable for the site, and the scale and materials are in keeping with nearby residential properties. The applicant seeks support for this application and has reflected the guidance and comments from the refusal of 21/00955/FLL within the amended proposal.

The scale of development required to cover the cost of construction, considering an allowance for risk, to evaluate the profit regarding feasibility. 4no. dwelling houses at the proposed scale, as per market research, are required to make the development feasible – Plot 3 to become the applicant's family/retirement home.

A pre-application enquiry for the revised proposals were submitted in March 2022 and positive pre-application feedback was received via phone call with the planning officer in April.

**LRB-2023-09**  
**22/01707/FLL – Erection of 4 dwellinghouses and 3**  
**garages, land 50 metres south east of Craighton Gardens,**  
**Cleish**

## **REPRESENTATIONS**







SGN  
Maintenance Operations  
Scotland  
1 Fullerton Drive  
Glasgow  
G32 8FD

**Perth and Kinross Council Planning Department**

27 October 2022

Our Ref **N1/1022/F01**  
Your Ref: **22/01707/FLL**

Dear Sir or Madam

Planning App: **22/01707/FLL** - Erection of 4 dwellinghouses and 3 garages | Land 50 Metres South East Of Craigton Gardens Cleish

With Reference to the above.

I can confirm that the HP Gas Pipeline will not be affected by the proposal to erect the new dwelling houses.

Please note that this response refers only to the presence of High Pressure Gas Pipelines. However, should the extent or design of the planning permission be amended, then we may require further consultation.

Yours faithfully

Ryan Wilson  
Pipeline Engineer.



Friday, 28 October 2022



Local Planner  
Planning and Development  
Perth and Kinross Council  
Perth  
PH1 5GD

E-

Follow Us     

Dear Customer,

**Land 50 Metres South East Of, Craigton Gardens Cleish, Perth and Kinross, KY13 0LJ**

**Planning Ref: 22/01707/FLL |**

**Our Ref: DSCAS-0075365-MV8**

**Proposal: 22/01707/FLL | Erection of 4 dwellinghouses and 3 garages | Land 50 Metres South East Of Craigton Gardens Cleish**

**Please quote our reference in all future correspondence**

### **Audit of Proposal**

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

### **Water Capacity Assessment**

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

- ▶ There is currently sufficient capacity in the GLENDEVON Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

### **Waste Water Capacity Assessment**

- ▶ There is currently sufficient capacity for a foul only connection in the Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

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

### **(Remove if not applicable)**

#### **Water Assessment**

- ▶ Unfortunately, according to our records there is no public Scottish Water, Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private options. (Remove if not applicable)

#### **Foul Assessment**

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options. (Remove if not applicable)

---

#### **Please Note**

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

---

### **Surface Water**

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

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

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



### General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:



- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
  - ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
  - ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
  - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
  - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).

---

### Next Steps:

#### ▶ **All Proposed Developments**

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

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

#### ▶ **Non Domestic/Commercial Property:**

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

► **Trade Effluent Discharge from Non-Domestic Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

- If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

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

Yours sincerely,

**Ruth Kerr**



### Scottish Water Disclaimer:

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



# Memorandum

To Development Management & Building  
Standards Service Manager

From Regulatory Services Manager

Your ref 22/01707/FLL

Our ref CHF

Date 09/11/2022

Communities

Pullar House, 35 Kinnoull Street, Perth, PH1 5GD

## **Consultation on an Application for Planning Permission 22/01707/FLL RE: Erection of 4 dwellinghouses and 3 garages Land 50 Metres South East Of Craigton Gardens Cleish for Mr Richard Scott Black**

I refer to your letter dated 25 October 2022 in connection with the above application and have the following comments to make.

### **Contaminated Land**

#### Recommendation

I have no objections to the application but recommend the undernoted conditions be included in any given consent.

#### Comments

There is a disused quarry on the proposed site. Although disused for a long time, the original size and depth of the quarry is unknown, as is the material used to infill the quarry after work there ceased. There is therefore the potential for localised ground gas production that could possibly impact on any residential properties being built on the site.

There is also the possibility of contaminants being present in the fill therefore a full ground risk assessment should be carried out prior to building commencing.

I therefore recommend the following condition be applied to the application.

#### Conditions

##### **EH41**

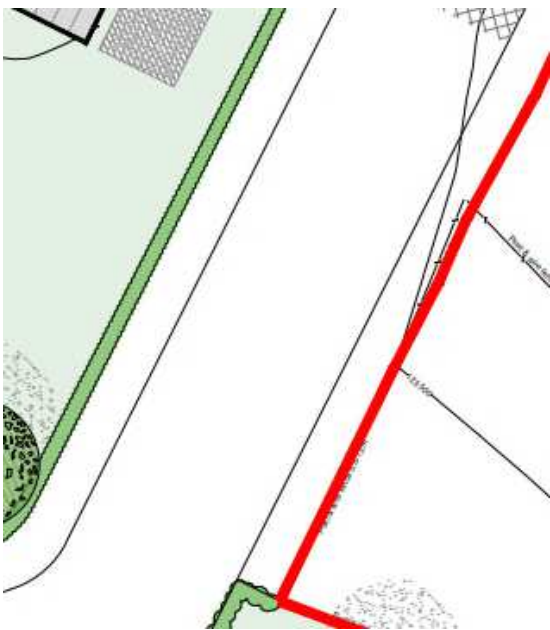
Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;

- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed
- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures.



Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

## Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	22/01707/FLL	Comments provided by	Lachlan MacLean Project Officer – Transport Planning																									
Service/Section	Transport Planning	Contact Details	TransportPlanning@pkc.gov.uk																									
Description of Proposal	Erection of 4 dwellinghouses and 3 garages																											
Address of site	Land 50 Metres South East Of Craigton Gardens, Cleish																											
Comments on the proposal	<p>The applicant is proposing to erect 4 dwellinghouses and form a vehicle access off the B9097.</p> <p>To form the new vehicle access onto the public road network, a number of trees will be removed from the site. <b>A condition will be recommended for the formation of the vehicle access to current standards.</b></p> <table><tr><td>Plot</td><td>Bedrooms</td><td>Parking Required</td><td>Garage</td><td>Sufficient Plot Parking</td></tr><tr><td>1</td><td>4</td><td>3</td><td>Yes</td><td>Yes</td></tr><tr><td>2</td><td>4</td><td>3</td><td>Yes</td><td>Yes</td></tr><tr><td>3</td><td>4</td><td>3</td><td>Yes</td><td>Yes</td></tr><tr><td>4</td><td>4</td><td>3</td><td>Yes</td><td>Yes</td></tr></table> <p>The applicant is also providing two visitor parking spaces. It is unclear if vehicle delivery/septic tank lorry would be able to turn when cars are parked in the bays. <b>A swept path should be provided to clarify.</b></p> <p>The level of car parking provided on site, meets the requirements of the National Roads Development Guide.</p> <p>It is unclear what the white areas on the plans are as shown in Figure 1, it is assumed that this is to be a footway, but with out any key I am unable to ascertain what this is to be. <b>Clarity to be provided.</b></p> 			Plot	Bedrooms	Parking Required	Garage	Sufficient Plot Parking	1	4	3	Yes	Yes	2	4	3	Yes	Yes	3	4	3	Yes	Yes	4	4	3	Yes	Yes
Plot	Bedrooms	Parking Required	Garage	Sufficient Plot Parking																								
1	4	3	Yes	Yes																								
2	4	3	Yes	Yes																								
3	4	3	Yes	Yes																								
4	4	3	Yes	Yes																								

The plans also show paths out to the public road network, it is unclear if these will be linking to a footway along the B9097, as shown in Figure 2. Without links to a footway, the Roads Maintenance Partnership have concerns about these being provided directly onto the B9097. **Clarity to be provided.**

The Public Transport Unit have requested rural bus boarders at and opposite the development to facilitate school bus boarding/alighting. Install dropped kerbs at a suitable crossing point. **So it would be helpful to understand the point above to know if it is proposed that a footway shall be provided along the length of the property boundary.**

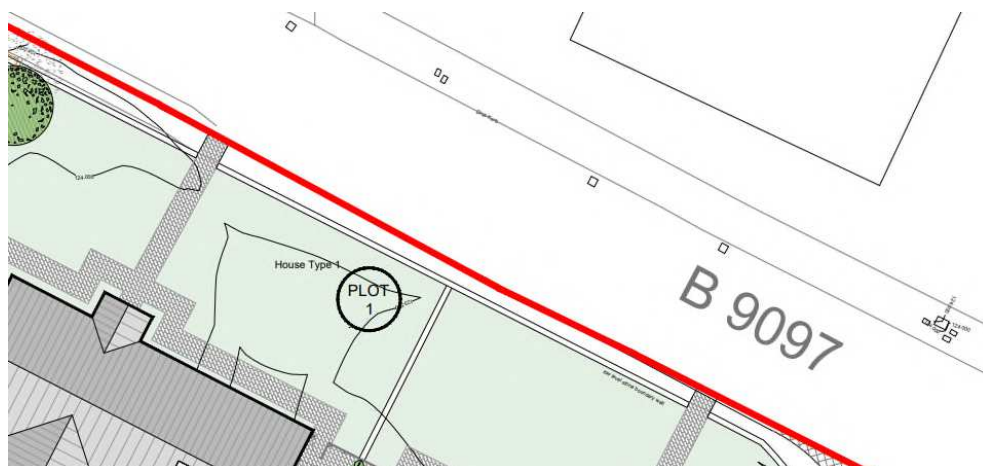


Figure 2: Footpaths out to B9097

The applicant has also shown that there will be a path linking to Cleish through the applicants land. **More information on the proposed route and the method of delivery would be welcomed.**

Transport Planning require further information to be in a position to support this application.

**Recommended  
planning  
condition(s)**

**Recommended  
informative(s) for  
applicant**

**Date comments  
returned**

10 November 2022

## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	22/01707/FLL	<b>Comments provided by</b>	Lucy Sumner
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Contributions Officer:</b> Lucy Sumner
<b>Description of Proposal</b>	Erection of 4 dwellinghouses and 3 garages		
<b>Address of site</b>	Land 50 Metres South East Of Craighton Gardens Cleish		
<b>Comments on the proposal</b>	<p><b>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</b></p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of Cleish Primary School. Education &amp; Children's Services have no capacity concerns in this catchment area at this time.</p>		
<b>Recommended planning condition(s)</b>	<p><b>Summary of Requirements</b></p> <p>Education: £0 <b><u>Total: £0</u></b></p>		
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	11 November 2022		





# Cleish and Blairadam Community Council



Development Management  
Perth & Kinross Council  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD

16 November 2022

Dear Sirs,  
**22/01707/FLL Erection of 4 dwelling houses at land 50m South East of Craigton  
Gardens, Cleish**

The Community Council is content with this revised proposal for a reduced development in keeping with the scale and character of the existing building group, and supportive of special needs accommodation.

The Community Council and residents at Craigton have, over many years, lobbied Perth and Kinross Council's Roads Authority to address residents continuing concerns at the excessive speed of traffic along this stretch of the B9097.  
With the increase in population that this development will bring we request that as part of the planning application process PKC gives consideration to bringing forward measures to address road safety issues.

Yours Faithfully

Secretary,  
Cleish & Blairadam Community Council

c/c local members



## Development Management

---

**From:** Lewis, Paul [REDACTED]  
**Sent:** 11 August 2021 16:51  
**To:** Development Management  
**Subject:** PERMS 2275 (SEPA Reference). Planning Application 21/00955/FLL  
**Attachments:** ufm50.rtf

OFFICIAL – BUSINESS

To whom it may concern

Thank you for consulting SEPA on planning application 21/00955/FLL, the erection of 5 houses and associated works, land 50 metres South East of Craigton Gardens, Cleish.

We are responding with a **holding objection**.

The mitigation calculations are acceptable. They provide more than the 125% required for the development.

There are no details, however, on this 7-bed mitigating property that is being upgraded. The applicants have stated that it has a septic tank which will be upgraded to a package treatment plant to reduce its phosphorous from 10 mg/l to 2mg/l. This would meet the mitigation requirement, but we can find no address details of the existing house.

Before determining this application, it is necessary for the planning authority to establish the name and address of the proposed mitigating property to make sure it has not already been allocated within the catchment.

Please contact me if you would like to discuss.

Yours faithfully,

Paul Lewis MRTPI  
Senior Planning Officer  
Scottish Environment Protection Agency | Silvan House | SEPA 3rd Floor | 231 Corstorphine Rd | Edinburgh | EH12 7AT





Perth & Kinross Council  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD

Our Ref: PERMS 7248  
Your Ref: 22/01707/FLL

If emailing, mark FAO: Paul  
Lewis at  
[PlanningSouthEast@sepa.org.uk](mailto:PlanningSouthEast@sepa.org.uk)

By email only to: [DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)

16 November 2022

To whom it may concern

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS  
ERECTION OF 4 DWELLINGHOUSES AND 3 GARAGES  
LAND 50M SE OF CRAIGTON GARDENS, CLEISH, KY13 0LN**

Thank you for consulting SEPA on planning application 22/01707/FLL as it is in the Loch Leven Catchment.

We responded to a consultation on a similar planning application (21/00955/FLL) for this site on 11 August 2021. This is attached to this letter for ease of reference.

We are submitting a **holding objection** to planning application 22/01707/FLL.

We disagree with the mitigation calculations. Information submitted with this application and available on the planning portal for this application shows a plan of four houses, three of which are identical (although one is a mirror image of the other two). These are shown in individual plans as 3 x 4-bedroom houses. This would give 3 x 6 PE (population equivalent) properties. The last house is shown as a 4-bedroom property in the plan. It has, however, a very large 'games room' upstairs, on the same floor as the bedrooms and we consider this should be considered as a potential additional bedroom, in line with Perth & Kinross Council's planning guidance.

The mitigation calculations show five properties and are a replication of the previous planning application (21/00955/FLL). The calculations need to be updated with the correct number of houses and number of bedrooms for each property. The applicants also need to name the existing property which is being proposed for mitigation. A grid reference has been provided but the applicants should name the property for comparison with the list kept by Perth & Kinross Council in order to make sure it has not already been allocated for mitigation for another planning application.

Please contact me should you like to discuss.

Yours faithfully

**Paul Lewis**

Paul Lewis MRTPI  
Senior Planning Officer



Chairman  
**Bob Downes**  
Acting Chief Executive  
**Jo Green**

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## Audrey Brown

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**From:** PKC Biodiversity  
**Sent:** 21 November 2022 15:21  
**To:** John Williamson  
**Subject:** 22/01707/FLL Consultation Response

Hello John,


The submitted Bat Survey is in accordance with best practice. Can this condition be added to any consent:  
**NE00** The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document(s) INSERT relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

The loss of 28 trees is regretful although the submitted Tree Report explains that 13 need to be felled due to health and safety concerns and the others are all category C. Some compensatory planting is indicated on the Proposed Site Plan but there is no detail on number or species, and this is required in the form of a landscaping Plan. This could be achieved via condition. Native species is preferred with a ratio of 1:3.

To achieve biodiversity enhancement, provision of bird boxes on the newly built houses would be welcomed and could be secured using this condition:

**NE03** Prior to the completion or occupation of the building(s) hereby approved, whichever is the earlier, no less than six bird boxes suitable for sparrows shall be provided on completed buildings. Thereafter, the agreed scheme shall be maintained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.

Best wishes,  
Joanna

Joanna Dick  
Tree and Biodiversity Officer  
Perth and Kinross Council  


PKC supports the Tayside Biodiversity Partnership: [www.taysidebiodiversity.co.uk](http://www.taysidebiodiversity.co.uk)



## Advice : HSL-221124144214-317 DO NOT ADVISE AGAINST

**Your Ref:** 22/01707/FLL

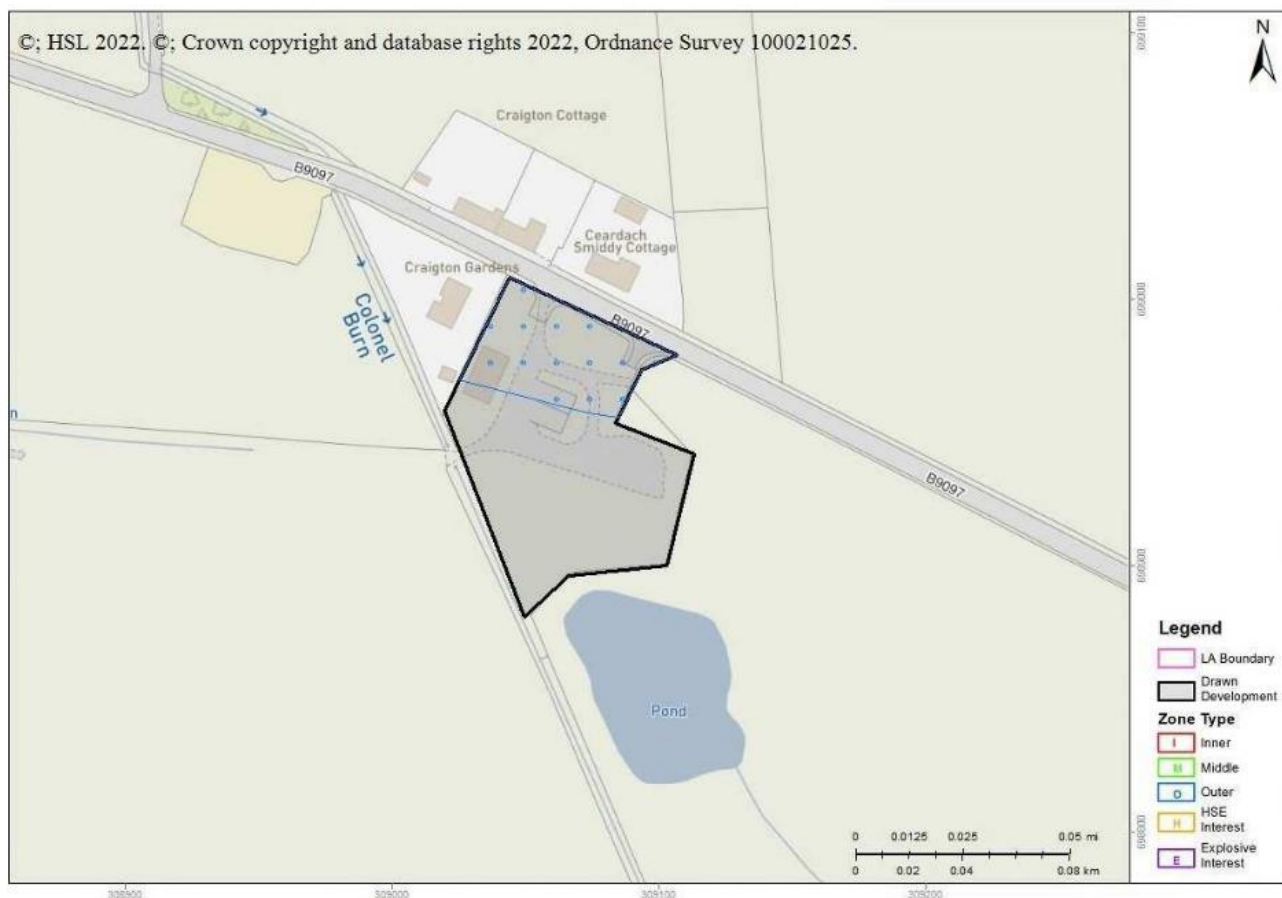
**Development Name:** Craighton Gardens, Cleish

**Comments:** Erection of 4 dwellinghouses

Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013]

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Perth and Kinross.

**HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.**



### Breakdown:

Housing : Do Not Advise Against

How many dwelling units are there (that lie partly or wholly within a consultation distance)? 3 to 30 inclusive  
Is the dwelling unit density greater than 40 units per hectare? No



## Pipelines

- 8101\_2360 Scotland Gas Network Ltd

As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

- The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE's advice is based on the situation as currently exists, our advice in this case will not be altered by the outcome of any consultation you may have with the pipeline operator.

This advice report has been generated using information supplied by John Williamson at Perth and Kinross on 24 November 2022.

Note that any changes in the information concerning this development would require it to be re-submitted.