

**TCP/11/16(556) – 18/01176/IPL – Residential Development
(in principle) on land 60 metres south west of Burnside
House, Benarty Road, Kelty**

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**TCP/11/16(556) – 18/01176/IPL – Residential Development
(in principle) on land 60 metres south west of Burnside
House, Benarty Road, Kelty**

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title		Ref No.	
Forename		Forename	Andrew
Surname		Surname	Bennie
Company Name	Lomond Group (Scotland) Ltd	Company Name	Andrew Bennie Planning Ltd
Building No./Name	Unit 5, Lomond Business Park	Building No./Name	
Address Line 1	Baltimore Road	Address Line 1	3 Abbots Court
Address Line 2		Address Line 2	
Town/City	Glenrothes	Town/City	Dullatur
Postcode	KY6 2PJ	Postcode	G68 0AP
Telephone		Telephone	
Mobile		Mobile	07720 700210
Fax		Fax	
Email		Email	andrew@andrewbennieplanning.com
3. Application Details			
Planning authority		Perth & Kinross Council	
Planning authority's application reference number		18/01176/IPL	
Site address			
Land 60m south west of Burnside House, Benarty Road, Kelty			
Description of proposed development			
Erection of Residential Development (in principle).			

Date of application

4/7/18

Date of decision (if any)

15/8/18

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application)

☐

Application for planning permission in principle

☒

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)

☐

Application for approval of matters specified in conditions

☐

5. Reasons for seeking review

Refusal of application by appointed officer

☒

Failure by appointed officer to determine the application within the period allowed for determination of the application

☐

Conditions imposed on consent by appointed officer

☐

6. 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.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions

☐

One or more hearing sessions

☐

Site inspection

☒

Assessment of review documents only, with no further procedure

☐

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

7. Site inspection

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

Can the site be viewed entirely from public land?

☒

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

☐

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

8. Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please refer to attached Statement in Support of Request to Review.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☒ No ☐

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

The Request to Review is accompanied by a Tree Survey Report, the requirement for which was not known or anticipated prior to the application being refused and as such could not have been produced at an earlier stage.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Please refer to the attached Schedule of Review Documents.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form ☒

Statement of your reasons for requesting a review ☒

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☒

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 from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:  Name: Andrew Bennie Date: 25/9/18

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

STATEMENT IN SUPPORT OF LOCAL REVIEW
RELATIVE TO THE REFUSAL OF
PLANNING APPLICATION REFERENCE
18/01176/IPL

3 Abbotts Court
Dullatur
G68 0AP

Tel: 07720 700210

E-mail: andrew@andrewbennieplanning.com

September 2018

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Appendix 1: Notice of Review Form

Appendix 2: Schedule of Documents

Appendix 3: Review Documents (on CD)

1.0 INTRODUCTION

- 1.1 This Statement has been prepared by Andrew Bennie Planning Limited on behalf of Lomond Group (Scotland) Ltd in support of their request that the Planning Authority, under the provisions of Section 43A of the Town and Country Planning (Scotland) Act 1997 Review the decision of the Appointed Person to refuse planning permission in respect of planning application reference 18/01176/IPL.
- 1.2 This Statement should be read in conjunction with the matters set out within the completed Notice of Review Form, a copy of which is included at Appendix 1 of this Statement.

2.0 PROPOSALS SUBJECT TO REVIEW

- 2.1 Under the terms of planning application reference 18/01176/IPL, planning permission in principle was sought for the formation of two dwelling houses on that land, which extends to 0.41ha in area, that comprises the application site, hereinafter referred to as the "Site".
- 2.2 The proposed house plots would be oriented on a northwest/southeast axis.
- 2.3 Whilst no details of the proposed dwelling houses which would be erected on these two plots are put forward for approval as part of the application, all such matters being reserved for approval at the "matters specified by condition" stage, the Proposed Site Plan which is submitted in support of this application demonstrates how two dwelling houses featuring a footprint of circa 230m² could be accommodated on each of the plots.
- 2.4 Each of the proposed plots would be accessed directly off Benarty Road, which forms the northern boundary of the Site.
- 2.5 The existing woodland, which bounds the Site to the south and west, would be retained as part of the proposed development.

3.0 REASONS FOR REQUESTING THE REVIEW

- 3.1 On the basis of the Grounds of Review, which are set out within Section 5.0 of this Statement, it is submitted that the appointed person has failed to provide sufficient reasons to reasonably justify the refusal of this planning application when considered against the relevant provisions of the development plan.
- 3.2 Rather, it is submitted that the application proposals can be both fully and reasonably justified against the relevant provisions of the development plan and that the proposed development would not give rise to any demonstrable adverse impacts upon the established amenity of the surrounding area.
- 3.3 Consequently, this Review is put forward on the basis of the unreasonable and unjustifiable refusal of the planning application in question.

4.0 REVIEW PROCEDURE

- 4.1 In addition to consideration of those matters, which are set out within the Notice of Review Form and this Statement, it is requested that the Local Review Body also carry out an accompanied inspection of the application site.
- 4.2 Given the nature of the application proposals, it is considered that the carrying out of an accompanied site inspection represents the best means of allowing the Local Review Body to gain a full and proper understanding of the nature of the proposed development when considered within the context of the adjacent building group and of the lack of impact that the application proposals would have upon the surrounding area and in turn the extent to which the proposals can be reasonably justified against the relevant provisions of the adopted Local Development Plan.

5.0 ADDITIONAL DOCUMENTATION

- 5.1 In addition to that documentation which was lodged in support of the application which forms the basis of this Request to Review, the documentation which supports this Review includes one additional document (see Document 5 within Appendix 3) which was not before the Appointed Person at the point at which the application was determined.
- 5.2 This additional document takes the form of a Tree Survey Report, which is produced as a means of responding to and addressing the third stated reason for the refusal of the application.
- 5.3 As such a report was not requested during the course of the Appointed persons consideration of the application and would have been provided timeously had such a request been made, noting also that no such report was required in relation to any of the previous applications which relate to the wider area of which the Site forms part, the need for this specific report could not have been anticipated prior to the terms of the refusal of the application being formally notified to the applicant.
- 5.4 Accordingly, it is respectfully requested that the Local Review Body allow for the submission of this additional document as part of this Review.

6.0 GROUNDS OF REVIEW

- 6.1 The application which forms the basis of this Review, was refused planning permission on the basis of the reasons set out below:

"1: By virtue of the sites lack of a suitable landscape containment, the proposal fails to accord with the requirements of Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014 and Perth and Kinross Council's Housing in the Countryside Guide 2012, both of which require all new developments that extend an existing building group to take place in a definable site formed by existing topography and or well established landscape features which would provide a suitable setting.

2: As the proposal would not respect the existing building pattern of the area, the proposal is contrary to the requirements of Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014 and Perth and Kinross Council's Housing in the Countryside Guide 2012, both of which require all new developments which extend an existing building group to respect the character, layout and building pattern of the existing group.

3: No tree survey has been submitted as part of the planning submission. There are trees on the planning application which are potentially affected by the development. To this end, the planning submission is contrary to Policy NE2B of Perth and Kinross Council's adopted Local Development Plan which states that Tree surveys, undertaken by a competent person, should accompany all applications for planning permission where there are existing trees on a site."

- 6.2 A full copy of the Decision Notice on this application is provided at Document 7, within Appendix 3 of this Statement.
- 6.3 Our response to the stated reason for the refusal of planning application reference 18/01176/IPL is set out below.
- 6.4 Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that:

"Where in making any determination under the Planning Act, regard is to be had to the development plan, the determination shall be in accordance with the plan unless material considerations indicate otherwise".

- 6.5 Section 37(2) of the Act further provides that in dealing with applications for planning permission:

"... the Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations."

- 6.6 For the purposes of the determination of this Review, the current, approved development plan covering the application site comprises the approved TAYplan Strategic Development Plan and the adopted Perth and Kinross Local Development Plan (adopted 3rd February 2014).
- 6.7 Given the scale of the development to which this Review relates and as it does not give rise to any issues, which are a strategic consequence to the provisions of the TAYplan Strategic Development Plan, the terms of the TAYplan are not considered further within this Statement.

Reason for Refusal 1

- 6.8 The first stated reason for the refusal of this planning application states that:

1: By virtue of the sites lack of a suitable landscape containment, the proposal fails to accord with the requirements of Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014 and Perth and Kinross Council's Housing in the Countryside Guide 2012, both of which require all new developments that extend an existing building group to take place in a definable site formed by existing topography and or well established landscape features which would provide a suitable setting.

- 6.9 Within the policy context which is created under the terms of Policy RD3 of the adopted Local Development Plan and the in light of the matters which are set out within the Housing in the Countryside Guide, it is clear that the Council have adopted a generally permissive approach in relation to the principle of the potential development of new housing in the countryside.
- 6.10 It is beyond doubt that the existing group of residential properties on Benarty Road, which lie to the immediate east of the Site, which include a number of recently constructed

dwelling houses, meet the definition of a "Building Group" as set out within the Housing in the Countryside Guide.

- 6.11 Given the specific nature of the Site to which this proposed development relates, it is considered that support for its development as proposed, can be drawn from those aspects of Policy RD3 and the Housing in the Countryside Guide, which relate to additions to "Building Groups".
- 6.12 The Guide makes clear that additions to existing building groups, either in the form of single or multiple houses, will be permitted where such houses extend the existing group into definable sites.
- 6.13 In referring to definable sites, it is understood that what is meant in this regard is that qualifying sites should have well defined boundaries, formed by existing topographical features of landscaping, which can be used to determine the outer limits of the site and which can thereafter be used to defend against any further development from taking place beyond the boundaries of the site.
- 6.14 The Site to which this Request to Review relates is bounded to the north by the line of Benarty Road, to the east by existing dwelling houses and to the south and west by both existing mature woodland and also by the line of a minor water course.
- 6.15 Recent photographs of the Site are provided at Document X within Appendix 3.
- 6.16 As a direct consequence of the nature of the established boundaries, which delineate the full extent of the Site, it is considered that the Site itself would meet any reasonable definition or understanding of what would constitute a "definable site" and that to this end, the development of the Site as proposed under this application would be in accordance with the terms of the Housing in the Countryside Guide.
- 6.17 It is also of significant relevance to note that as a direct consequence of the nature of the Sites southern and western boundaries, there is no prospect of any further development taking place to the west of the Site, with it being further considered that land to the north of the Site would be precluded from potential development due to the lack of any "defined site" characteristics.
- 6.18 Accordingly, it is considered that the proposals, which are subject to this Review, represent the last reasonable or justifiable opportunity to extend the existing building group further

on its western side and that due to the lack of "definable sites" beyond the boundary of the Site, this development will not lead to any further

- 6.19 These consideration leads obviously to the conclusion that the proposed development can be fully and reasonably justified against the provisions of Policy RD3 insofar as the proposed development represents and extension of an existing "building group".
- 6.20 With specific regards to the consideration of the proposals to which is Review relates against the requirements of those criteria (a)-(m), listed within The Housing in the Countryside Guide, it is submitted that criterion (a), (c), (f), (i), (j), (k) and (m) are of relevance to the determination of this application.
- 6.21 When the proposals under Review are considered against the above noted criterion, the following conclusions are drawn:
- (a) When assessed against the terms of the Council's "Guidance on the Siting and Design of Houses in Rural Areas", notwithstanding that this application seeks only to establish the principle of the erection of two dwelling houses on the Site, there is no reasonable basis upon which, within the context of the existing housing on Benarty Road (which include a number of newly constructed houses) that it could be reasonably concluded that the Site would not be capable of supporting a development that would meet in full the design requirements which are set out within this Guidance.
 - (c) The Site can be provided with a satisfactory means of both pedestrian and vehicular access via Benarty Road, over which the applicant enjoys full rights of access.
 - (f) Whilst the application seeks only to establish the principle of the proposed development of the Site, it is intended that externally, each of the proposed dwelling houses will be finished in materials to match and reflect those used on the adjacent dwelling houses on Benarty Road, with it being submitted that the precise details of the proposed external finishes can be fully and reasonably controlled via conditions attached to any planning permission issued pursuant to this application.
 - (i) To reflect and address the requirements of this criterion, it is intended that the design of each of the proposed dwelling house will make provision for the creation of a dedicated study room, which would meet on full the requirements of this criterion.

- (j) The proposed development is not considered too be in conflict with any other policies and proposals contained within the Plan.
- (k) The proposed development will have no adverse impact upon any identified biodiversity assets.
- (m) Whilst the application seeks only to establish the principle of the erection of two dwelling houses on the Site, there is no reasonable basis upon which it could be concluded that dwelling houses of an appropriate scale, layout and design could not be satisfactorily accommodated on the Site or that the erection of these dwelling houses could not, as is the case with the recently constructed dwelling houses to the east of the Site on Benarty Road, be suitably and successfully integrated into the wider landscape setting of the Site.

6.22 Accordingly, and in light of the matters set out above, it is submitted that the proposed development can be fully and reasonably justified against the relevant criteria set out with The Housing in the Countryside Guide.

6.23 Accordingly, it is our respectful submission that the terms of the first stated reason for the refusal of the application to which this Request to Review relates cannot be reasonably or justifiably defended.

6.24 In line with the provisions of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, as amended, in determining this Review, it is necessary also to give due consideration to any other relevant material considerations.

6.25 To this end, it is submitted that the matters set out within the consultation responses, which have been received in relation to the application proposals and the planning history, which relates to the recent development of those dwelling houses which are located to the immediate east side of the application site, are of material relevance to the determination of this Review.

6.26 With regards to the first of these issues, it is of significance to note that none of the parties who have been consulted with as part of the Appointed Persons consideration of this application have offered any objection thereto. Consequently, it is reasonable to conclude that there are no "technical" issues, which would support the refusal of the application, with this conclusion being supported by the specific terms of the stated reasons for the refusal of the application.

- 6.27 With respect to the second of these two issues, it is considered that the planning permission granted by the Council, and the planning considerations which supported the same, in respect of those recently constructed dwelling houses which lie to the immediate east side of the application site are of direct material relevance to the determination of this Request to Review.
- 6.28 It is clear from the pre-development nature and characteristics of the site of these adjacent houses, which themselves were granted planning permission as an extension to the original building group on the north side of Benarty Road, that said site was strikingly similar to the site of the application which forms the basis of this Request to Review, with it being submitted that said site benefited from no greater degree of definition or containment when compared with the site of my clients application.
- 6.29 This being the case, it is submitted that it is wholly unreasonable for the Appointed Person to seek to impose a higher standard of site assessment in respect of this application when compared to that which was applied during and as part of the considerations which led up to the granting of planning permission in relation to the adjacent houses to the immediate east side of my clients site.
- 6.30 **Given the matters set out above, it is considered that having regard to the terms and provisions of Policy RD3 and the Housing in the Countryside Guide, the proposed development can be fully and reasonably justified.**

Reason for Refusal 2

- 6.31 The second stated reason for the refusal of this planning application states that:

"As the site would not respect the existing building pattern of the area, the proposal is contrary to the requirements of Policy RD3 of Perth and Kinross Council's Local Development Plan 2014 and Perth and Kinross Council's Housing in the Countryside Guide 2012, both of which require all new developments which extend an existing building group to respect the character, layout and building pattern of the existing group."

- 6.32 As has been noted above, the original building group on Benarty Road, which in its "original" form lay on the north side of the road only, has been extended at various points in the past, both on the north side of the road, as is evident from the age range of the

housing on this side of the road, and more recently, in line with the development which was granted planning permission for land lying to the immediate east side of the Site.

- 6.33 It is clear therefore that historically, the building group on Benarty Road has extended in a linear fashion first of all on the north side of the road and then more recently, and similarly in a linear fashion to the south side of the road.
- 6.34 The nature of the development, which is proposed under this application can therefore be reasonably and justifiably be considered to represent a logical and natural continuation of the manner in which this building group has extended over time, with it being of further relevance to note that the site, which is the subject of this Request to Review, represents to last opportunity to extend the building group on it western side.
- 6.35 It is as a consequence of this that it is submitted that there is no reasonable or justifiable basis upon which it can be asserted that the proposed development would be in any way at odds with or detrimental to the character, layout and building pattern of the existing building group.
- 6.36 **As such, it is submitted that on any reasonable measure, the proposed development is respectful of the existing building pattern in the area and that as such, the proposed development can be appropriately justified against the provision of Policy RD3 and the Housing in the Countryside Guide with regards to this specific issue and that the Appointed Person has failed to justify their position to the contrary.**

Reason for Refusal 3

- 6.37 The third and final stated reason for the refusal of the application states that:

No tree survey has been submitted as part of the planning submission. There are trees on the planning application which are potentially affected by the development. To this end, the planning submission is contrary to Policy NE2B of Perth and Kinross Council's adopted Local Development Plan which states that Tree surveys, undertaken by a competent person, should accompany all applications for planning permission where there are existing trees on a site.

- 6.38 Given the nature of the recent planning history relating to the Site, and in the absence of any request on the part of the Appointed Person to submit the same during the course of the

consideration of the planning application, the need to provide an appropriate tree survey in support of the application could not have been predicted in advance and only became known after the application was determined by the Appointed Person.

6.39 A Tree Survey has however now been undertaken in respect of the Site and is submitted in support of this Request to Review (see Document X within Appendix 3).

6.40 This Tree Survey demonstrates that none of the trees within the vicinity of the Site will be affected by the proposed development.

6.41 **Consequently, it is respectfully submitted that the proposed development of the Site can, in light of the submission of the Tree Survey and taking into account the findings set out therein, be fully and reasonably justified against the provisions of Policy NE2B and that as such, the third stated reason for the refusal of the application can no longer be reasonably supported or justified.**

7.0 SUMMARY

- 7.1 It is my respectful submission that the Appointed Person has failed to adequately demonstrate that the proposed development cannot be fully and reasonably justified against the relevant provisions of the adopted development plan and that accordingly the decision to refuse the application cannot be reasonably or unjustifiably supported.
- 7.2 Furthermore, it is submitted that when a full and proper assessment of the merits of the application proposal is undertaken against the relevant provisions of the development plan, the principle of the development of the application site for residential development purposes can be fully and reasonably justified, and having had regard to those material considerations which are considered to be of relevance to the determination of this Review, no matters have been identified which would outweigh the acceptability of the proposed development based upon the provisions of the development plan.
- 7.3 The proposed development can also be fully and reasonably justified against the provisions of the Council's "Housing in the Countryside Guide", which adds further weight to the acceptability of the proposed development based upon development plan considerations.
- 7.4 **Taking into account all of those matters set out above, I would respectfully request that the Local Review Body uphold this Review and in so doing, grant planning permission in principle pursuant to planning application reference 18/01176/IPL.**

Schedule of Review Documents

Planning Application Ref: 18/01176/IPL

- Document 1: Application Forms
- Document 2: Location/Block Plan
- Document 3: Planning Statement
- Document 4: Flood Risk Assessment
- Document 5: Tree Condition Survey
- Document 6i: Site Photograph
- Document 6ii: Site Photograph
- Document 7: Report of Handling
- Document 8: Decision Notice



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

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100127333-001

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

Type of Application

What is this application for? Please select one of the following: *

- ☐ Application for planning permission (including changes of use and surface mineral working).
- ☒ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

In Principle application for two detached dwellings.

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

☐ Yes ☒ No

Has the work already been started and/or completed? *

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Andrew Bennie Planning Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Andrew	Building Name:	
Last Name: *	Bennie	Building Number:	3
Telephone Number: *	07720 700210	Address 1 (Street): *	Abbotts Court
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Dullatur
Fax Number:		Country: *	UK
		Postcode: *	G68 0AP
Email Address: *	andrew@andrewbennieplanning.com		
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Unit 5
First Name: *		Building Number:	
Last Name: *		Address 1 (Street): *	Lomond Business Park
Company/Organisation	Lomond Group (Scotland) Ltd	Address 2:	Baltimore Road
Telephone Number: *		Town/City: *	Glenrothes
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	KY6 2PJ
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Perth and Kinross Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

695802

Easting

314664

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

0.41

Please state the measurement type used:

☒ Hectares (ha) ☐ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Vacant land

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

☒ Yes ☐ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2> <p>Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input type="checkbox"/> Yes – connecting to public drainage network</p> <p><input checked="" type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>
<p>As you have indicated that you are proposing to make private drainage arrangements, please provide further details.</p> <p>What private arrangements are you proposing? *</p> <p><input checked="" type="checkbox"/> New/Altered septic tank.</p> <p><input type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).</p> <p><input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).</p>
<p>What private arrangements are you proposing for the New/Altered septic tank? *</p> <p><input type="checkbox"/> Discharge to land via soakaway.</p> <p><input checked="" type="checkbox"/> Discharge to watercourse(s) (including partial soakaway).</p> <p><input type="checkbox"/> Discharge to coastal waters.</p>
<p>Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *</p> <div style="border: 1px solid black; padding: 10px; min-height: 80px;"> <p>Klargester Biodisc (or similar), leading to gravel trench, with high-level overflow to Kinnaird Burn</p> </div>
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

☒ Yes ☐ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

☐ Yes ☒ No ☐ Don't Know

Trees

Are there any trees on or adjacent to the application site? *

☒ Yes ☐ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☐ Yes ☒ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Are you able to identify and give appropriate notice to ALL the other owners? *

☒ Yes ☐ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr James Thomson

Address:

[REDACTED]

Date of Service of Notice: *

04/07/2018

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Andrew Bennie

On behalf of: Lomond Group (Scotland) Ltd

Date: 04/07/2018

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.

☐ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☒ Yes ☐ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

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

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Derek Grubb

Declaration Date: 04/07/2018

Payment Details

Cheque:



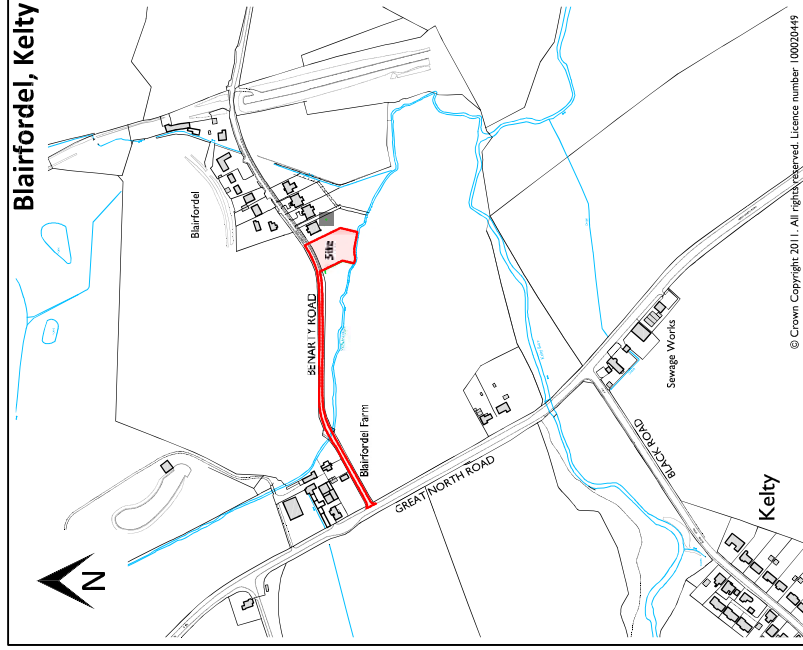
Created: 04/07/2018 14:47

Block Plan



Scale (1:500)
0m 10m 20m 30m 40m 50m

Location Plan



Scale (1:5000)
0m 100m 200m 300m 400m 500m

Rev'n	Date	Description	By

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Project / Client:

Proposed Dwellinghouses
at Plots 1 & 2, Benarty Road, Blairfordel
for Lomond Group (Scotland) Ltd

Drawing Title:

Planning:
Block and Location Plans

Document 2

Architectural Services and
Technical Construction Specialists

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Project Reference:
18-033-Lomond

Drawing Number:
18-033-128

Scale:
1:500, 1:5000

Date:
21 June 18

Sheet size:
A2

Drawn:
d.v.

Revision:
-

Checked:
d.d.g.

STATEMENT IN SUPPORT OF APPLICATION
FOR PLANNING PERMISSION IN PRINCIPLE
FOR THE ERECTION OF
TWO DETACHED DWELLINGHOUSES
AT
BLAIRFORDEL FARM, BY KELTY

Andrew Bennie Planning Limited
3 Abbots Court
Dullatur
G68 0AP

Tel: 07720 700210

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June 2018

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- 2.0 The Application Site
- 3.0 Planning Policy Background
- 4.0 The Application Proposals
- 5.0 Planning Assessment
- 6.0 Conclusions

1.0 INTRODUCTION

- 1.1 This statement has been prepared by Andrew Bennie Planning Limited, on behalf of Lomond Group (Scotland) Ltd and is submitted in support of an application for planning permission in principle for the erection of two detached dwelling houses on that land which comprises the application site.
- 1.2 This statement provides information on both the Application Site and its surroundings and sets out an assessment of the policy basis against which the application proposals require to be assessed.
- 1.3 Should Perth & Kinross Council require any further, relevant information or clarification of any matters relating to these proposals, Andrew Bennie Planning Limited would be pleased to assist in its timeous provision.

2.0 THE APPLICATION SITE

- 2.1 The application site, hereinafter referred to as the "Site", lies on the south side of Benarty Road, and comprises a flat, open rough area of land lying the immediate west side of a group of existing houses, which lie both the south and north side of Benarty Road.
- 2.2 The Site is bounded to the south and west by areas of existing mature woodland, which in turn are bounded by the line of a small water course which runs to the south and west of the Site.

3.0 PLANNING POLICY BACKGROUND

- 3.1 The current, approved development plan covering the Site comprises the approved TAYplan Strategic Development Plan and the adopted Perth and Kinross Local Development Plan (adopted 3rd February 2014).
- 3.2 Given the scale of the development to which this application relates and as it does not give rise to any issues, which are a strategic consequence to the provisions of the TAYplan Strategic Development Plan, the terms of the TAYplan are not considered further within this Statement.
- 3.3 Under the terms of the adopted Local Development Plan, the Site is noted to fall out with any of the identified settlement boundaries which are detailed within the Plan and consequently, as is confirmed by the terms of the Kinross-shire Area Plan which appears on page 201 of the Plan, the Site falls within the boundary of the defined countryside.
- 3.4 Policy RD3: Housing in the Countryside, provides the basis against which applications for residential development within the defined countryside will require to be assessed and to this end advises that:

"The Council will support proposals for the erection, or creation through conversion, of single and groups of houses in the countryside which fall into at least one of the following categories:

- (a) Building Groups.*
- (b) Infill sites.*
- (c) New houses in open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.*
- (d) Renovation or replacement of houses.*
- (e) Conversion or replacement of redundant non-domestic buildings.*
- (f) Development on rural brown field sites.*

This policy does not apply in the Green Belt and its application is limited within the Lunan Valley Catchment Area to economic need, conversion or replacement buildings.

Development proposals should not result in adverse effects, either individually or in combination, on the integrity of the Firth of Tay and Eden Estuary, Loch Leven, South

Tayside Goose Roosts and Forests of Clunie SPAs and Dunkeld-Blairgowrie Loch and River Tay SACs.

Note: *For development to be acceptable under the terms of this policy it must comply with the requirements of all relevant Supplementary Guidance, in particular the Housing in the Countryside Guide."*

- 3.5 The Housing in the Countryside Guide was approved, by the Council, in November 2012.
- 3.6 This guide reaffirms the support provided for under the terms of Policy RD3 for the development of single and groups of houses in association with, amongst other things, "Building Groups".
- 3.7 The guide also states that developments should meet the requirements of a list, (a)-(m), of specified criteria, as follows:

"a) Proposals should comply with the guiding principles contained in the Council's current Guidance on the Siting and Design of Houses in Rural Areas and subsequent detailed design guidance.

b) Pre-application discussion is recommended.

c) Satisfactory access and services should be available or capable of being provided by the developer.

d) There will be a strong presumption against the replacement of Listed Buildings, or their restoration in a way, which is detrimental to the essential character of the original building.

e) All proposals for 5 units or more will either: require 25% of the proposed development to be for affordable housing; or require a developer contribution towards the provision of affordable housing, either on or off site. The council's housing needs assessment and the Affordable Housing Policy will be used to determine whether provision is to be on or off site or by way of a financial contribution.

Note: For the purposes of this policy the restoration or replacement of an existing occupied or vacant house (as opposed to a ruin) will not constitute the creation of a new unit.

f) The quality of the design and materials of the house(s) should be reflected in the design and finish of outbuildings, means of enclosure, access etc. The Planning Authority will consider whether permitted development rights in respect of extensions,

outbuildings and means of enclosure etc should be removed to protect the rural character of both the building and the curtilage of a new house(s).

g) Existing on site materials, particularly stone and slate, should be reused in the construction of the dwelling house and/or the boundary enclosure, in order to help reflect local character and contribute to sustainability.

h) Applications for dwellings on locations adjacent to a working farm will only be approved where a satisfactory residential environment can be created, and where the introduction of a dwelling will not compromise the continuation of legitimate agricultural and related activities or the amenity of the residents.

i) Encouragement will be given to the incorporation of measures to facilitate home working within new development

j) The proposed development should not conflict with any other policy or proposal in the Local Plan.

k) It is the Council's policy to halt the loss of biodiversity. Proposals must demonstrate how they will make a positive contribution to the biodiversity of the site. Proposals which might impact on protected sites, or where protected habitats or species (eg bats, barn owls, house martins, swallows, swifts) might be present, will require submission of a survey as part of the planning application to show their location. Proposals should include appropriate measures to avoid loss or disturbance to species. Failure to undertake a survey may mean the proposal contravenes the Wildlife and Countryside Act 1981 (as amended) and European Directives.

l) Development proposals should not result in adverse effects, either individually or in combination, on the integrity of the Firth of Tay and Eden Estuary, Loch Leven, South Tayside Goose Roosts and Forest of Clunie SPAs and Dunkeld-Blairgowrie Lochs and the River Tay SACs.

m) The proposal, in terms of scale, layout and design is appropriate to, and has a good fit with, the landscape character of the area in which it is located, and demonstrates a specific design approach to achieve integration with its setting. Buildings should be sympathetic in terms of scale and proportion to other buildings in the locality. Open space associated with the proposal should be considered as an integral part of the development. Suburban ranch-type fences and non-native fast growing conifers should be avoided. Where new planting is considered to be in keeping with local landscape character, locally native trees and shrubs should be used to integrate buildings with the surrounding landscape and to provide additional biodiversity benefits."

3.8 Under the sub-heading "Building Groups", the guide advises that:

"Consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted for houses, which extend the group into defined sites formed by existing topography and or well established landscape features which will provide a suitable setting. All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s)."

4.0 THE APPLICATION PROPOSALS

- 4.1 Under the terms of this application submission, planning permission in principle is sought for the erection of two detached dwelling houses on the Site.
- 4.2 The proposed house plots would be oriented on a northwest/southeast axis.
- 4.3 Whilst no details of the proposed dwelling houses which would be erected on these two plots are put forward for approval at this stage, the Proposed Site Plan which is submitted in support of this application demonstrates how two dwelling houses featuring a footprint of circa 230m² could be accommodated on each of the plots.
- 4.4 Each of the proposed plots would be accessed directly off Benarty Road, which forms the northern boundary of the Site.
- 4.5 The existing woodland, which bounds the Site to the south and west would be retained as part of the proposed development.

5.0 PLANNING ASSESSMENT

- 5.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that:

"Where in making any determination under the Planning Act, regard is to be had to the development plan, the determination shall be in accordance with the plan unless material considerations indicate otherwise".

- 5.2 Section 37(2) of the Act further provides that in dealing with applications for planning permission:

"... the Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations."

- 5.3 For the purposes of the determination of this planning application, and as is detailed within Section 3.0 above, it is considered that the provisions of Policy RD3 and The Housing in the Countryside Guide comprise the principle policy basis against which the acceptability of the proposed development falls to be assessed.

- 5.4 Within the policy context which is created under the terms of Policy RD3 of the adopted Local Development Plan and the in light of the matters which are set out within the Housing in the Countryside Guide, it is clear that the Council have adopted a fairly permissive approach in relation to the principle of the potential development of new housing in the countryside.

- 5.5 It is beyond doubt that the existing group of residential properties on Benarty Road, which lie to the immediate east of the Site, which include a number of recently constructed dwelling houses, meet the definition of a "Building Group" as set out within the Housing in the Countryside Guide.

- 5.6 Given the specific nature of the Site to which this proposed development relates, it is considered that support for its development as proposed, can be drawn from those aspects of Policy RD3 and the Housing in the Countryside Guide, which relate to additions to "Building Groups".

- 5.7 The Guide makes clear that additions to existing building groups, either in the form of single or multiple houses, will be permitted where such houses extend the existing group into definable sites.
- 5.8 The Site is bounded to the north by the line of Benarty Road, to the east by existing dwelling houses and to the south and west by existing mature woodland.
- 5.9 As a direct consequence of the nature of the established boundaries, which delineate the full extent of the Site, it is considered that the Site itself would meet any reasonable definition or understanding of what would constitute a "definable site" and that to this end, the development of the Site as proposed under this application would be in accordance with the terms of the Housing in the Countryside Guide.
- 5.10 This consideration leads obviously to the conclusion that the proposed development can be fully and reasonably justified against the provisions of Policy RD3 insofar as the proposed development represents and extension of an existing "building group".
- 5.11 With specific regards to the consideration of the application proposals against the requirements of those criteria (a)-(m), listed within The Housing in the Countryside Guide, it is submitted that criterion (a), (c), (f), (i), (j), (k) and (m) are of relevance to the determination of this application.
- 5.12 When the application proposals are considered against the above noted criterion, the following conclusions are drawn:
- (a) When assessed against the terms of the Council's "Guidance on the Siting and Design of Houses in Rural Areas", notwithstanding that this application seeks only to establish the principle of the erection of three dwelling houses on the Site, there is no reasonable basis upon which, within the context of the existing housing on Benarty Road (which include a number of newly constructed houses) that it could be reasonably concluded that the Site would not be capable of supporting a development that would meet in full the design requirements which are set out within this Guidance.
 - (c) The Site can be provided with a satisfactory means of both pedestrian and vehicular access via Benarty Road, over which the applicant enjoys full rights of access.

- (f) Whilst the application seeks only to establish the principle of the proposed development of the Site, it is intended that externally, each of the proposed dwelling houses will be finished in materials to match and reflect those used on the adjacent dwelling houses on Benarty Road, with it being submitted that the precise details of the proposed external finishes can be fully and reasonably controlled via conditions attached to any planning permission issued pursuant to this application.
- (i) To reflect and address the requirements of this criterion, it is intended that the design of each of the proposed dwelling house will make provision for the creation of a dedicated study room, which would meet on full the requirements of this criterion.
- (j) The proposed development is not considered too be in conflict with any other policies and proposals contained within the Plan.
- (k) The proposed development will have no adverse impact upon any identified biodiversity assets.
- (m) Whilst the application seeks only to establish the principle of the erection of two dwelling houses on the Site, there is no reasonable basis upon which it could be concluded that dwelling houses of an appropriate scale, layout and design could not be satisfactorily accommodated on the Site or that the erection of these dwelling houses could not, as is the case with the recently constructed dwelling houses to the east of the Site on Benarty Road, be suitably and successfully integrated into the wider landscape setting of the Site.

5.13 Accordingly, and in light of the matters set out above, it is submitted that the proposed development can be fully and reasonably justified against the relevant criteria set out with The Housing in the Countryside Guide.

6.0 CONCLUSIONS

- 6.1 In line with the provisions of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application proposals fall to be assessed against the terms of the approved development plan, so far as they are of material relevance to the determination of the application, and in the light of any other relevant material considerations.
- 6.2 For the purposes of this application, the relevant parts of the approved development plan comprise the adopted Perth & Kinross Local Development Plan.
- 6.3 With regard to the adopted Local Development Plan, the relevant provisions thereof are identified as being Policies RD3 and The Housing in the Countryside Guide.
- 6.4 These policies are assessed in detail within Section 5 above, with the overall conclusion being that the application proposals can be reasonably justified against the provisions of the adopted Local Development Plan.
- 6.5 **For the reasons set out above, it is submitted that the application proposals can be fully and reasonably justified against the provisions of the approved development plan.**
- 6.6 **No material considerations have been identified which would outweigh the acceptability, in terms of the development plan, of the application proposals.**
- 6.7 **Accordingly, it is respectfully requested that Perth & Kinross Council grant planning permission in principle pursuant to this application.**

BLAIRFORDEL, KELTY
FLOOD RISK ASSESSMENT REPORT
FOR
LOMOND LAND

Report No.	1441-204	Version:	FINAL
Revision:	~	Issue Date:	28 th March 2015
Author	WH		

**BLAIRFORDEL, KELTY,
FLOOD RISK ASSESSMENT
FOR
LOMOND LAND**

SITE SUMMARY INFORMATION

Name of Site:	Blairfordel
Ordnance Survey Grid Reference:	NT 14707 95815
Site Address:	Blairfordel, Benarty Road, nr Kelty
Local Authority:	Perth & Kinross Council
Current Site Use:	Thin woodland with rough grasses
Proposed Site Use:	Residential Development
On site buildings:	No
Type of Investigation:	Level 3 Flood Risk Assessment

**BLAIRFORDEL, KELTY,
FLOOD RISK ASSESSMENT
FOR
LOMOND LAND**

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**BLAIRFORDEL, KELTY,
FLOOD RISK ASSESSMENT
FOR
LOMOND LAND**

Figure 1 - Site Location Plan

Figure 2 – Model Long Sections & Structure Parameters

Drawings Terrenus Drawing No. 1441-204-001

Terrenus Drawing No. 1441-204-002

Terrenus Drawing No. 1441-204-003

Tabulated Flood Model Inputs & Results

Photographic Plates

**BLAIRFORDEL, KELTY,
FLOOD RISK ASSESSMENT
FOR
LOMOND LAND**

1 INTRODUCTION

1.1 BACKGROUND

The development of a site in the hamlet of Blairfordel near Kelty is currently under consideration.

The Kinnaird Burn flows close to the southern site boundary with a smaller watercourse designated the Leuchars Burn flowing at a short distance to the east of the site. An outline flood risk assessment was carried out for the adjacent development in 2010.

Due to the proximity of the watercourses Terrenus Land & Water Ltd was appointed by Harley Haddow on behalf of Lomond Land to undertake a flood risk assessment of the site.

1.2 OBJECTIVES OF INVESTIGATION

The principal aim of the assessment is to develop an understanding of the flood risk to the site and to model the fluvial flood risk to the proposed development from the local watercourses.

1.3 SCOPE OF STUDY

The following tasks were undertaken during the course of this investigation:

- Collation of data including survey;
- Site walkover inspection;
- Assessment of data & fluvial model;
- Analysis of flood effects; and
- Production of an Interpretative Report.

The flood risk analysis uses modified Flood Estimation Handbook data, together with the MIKE11 (HD75+FEH) software modelling tool. This hydrodynamic software provides a fully dynamic solution for open channel flow.

1.4 PROPOSED SITE END-USE

It is understood that the development of the site will involve the construction of a number of residential properties with associated access road and infrastructure.

1.5 LIMITATIONS OF REPORT

Terrenus Land & Water Ltd. has prepared this report for the sole use of the Client, in accordance with generally accepted consulting practice and for the intended purpose as stated in the related contract agreement. No other warranty, expressed or implied, is made as to the professional advice included in this report. Should any third party wish to use or rely upon the contents of the report, written approval must be sought from Terrenus Land & Water Ltd; a charge may be levied against such approval.

To the best of our knowledge, information contained in this report is accurate at the date of issue. There may be conditions pertaining at the site not disclosed by the study, which might have a bearing on the recommendations provided if such conditions were known. We have, however, used our professional judgement in attempting to limit this during the assessment.

It is important therefore that these implications be clearly recognised when the findings of this study are being interpreted. In addition, this should be borne in mind if this report is used without further confirmatory investigation after a significant delay.

2 SITE DETAILS

2.1 DATA SOURCES

The following data sources were consulted during the course of the Flood Risk Assessment:

- Data provided by Client including site surveys and outline layout;
- Additional topographic survey information
- Current Maps;
- Available additional information.

2.2 SITE LOCATION & DESCRIPTION

The following site description is based on a walkover inspection undertaken on the 15th March 2015. A photographic record of the visit is included in the appendix to this report together with an overview of the site in drawing 1441-204-001.

A survey for model purposes was undertaken for the site by Phoenix Surveys in March 2015 and, together with survey information supplied by the client forms the basis of the understanding of the site topography. This survey was augmented with additional available information and measurements taken during the site walkover.

The site forms an irregular shaped plot of land some 0.4Ha in area lying to the north east of Kelty close to the boundary between Perth and Kinross and Fife Councils. The Kinnaird Burn flows from west to east close the southern site boundary. This watercourse is joined from the north by the Leuchars Burn some 90m to the south east of the site. The Kinnaird Burn is a tributary of the Kelty Burn which flows into Loch Ore further to the east.

The site is generally un-bound with the northern site boundary defined by Benarty Road. The southern site boundary lies close to the Kinnaird Burn. The site falls gently from a high of about 100.0m OD near Benarty Road to a low of about 97.8m OD near the Kinnaird Burn. The landform within the site is generally flat lying with a distinct but discontinuous levee or bund noted along the banks of the Kinnaird Burn. The site is occupied by a number of mature and semi-mature trees together with rough grasses.

2.3 SITE NEIGHBOURS

A small number of recently built residential properties lie immediately to the east of the site. Further properties lie to the north east of the site beyond Benarty Road. Elsewhere to the north and south of the site there are open fields.

2.4 HYDROLOGY AND DRAINAGE

The Kinnaird Burn flows to the south of the site within a well formed channel. A metal pipe was noted to cross the watercourse downstream of the site. The Leuchars Burn joins the Kinnaird Burn further downstream with these watercourses being a tributary of the Kelty Burn. The Kelty Burn flows to the east and enters Loch Ore some 1000m further downstream. Portions of the Leuchars Burn appear to be canalised to the east of the site. It is further noted that the landform to the south of the Kinnaird Burn falls gently towards the Kelty Burn and away from the site suggesting that the path of this watercourse may also have been adapted in the past.

The Scottish Environment Protection Agency (SEPA) has recently updated its indicative River and Coastal Flood Map for Scotland. The new 'Flood Maps' are enhanced and show potential flooding from coastal, rivers (fluvial) and surface water (pluvial) sources. In addition the maps provide a breakdown of flood likelihood in broad agreement with the Scottish Planning Policy Risk Framework.

A review of the map suggests a risk of flooding along the line of the Kinnaird Burn with wider flooding likely as a result of the Kelty Burn. Leuchars Burn is not represented by the SEPA map fluvial element due to its small catchment size. Surface water (pluvial) flood risk is noted along the line of the Kinnaird Burn with a wider risk of flooding in the field to the south. Minor areas of surface water flood risk may be present to the east of the site around the Leuchars Burn.

SEPA makes the following statement about the Flood Map:

"The river flood map was developed using a nationally consistent approach to producing flood hazard information, such as depth of water and speed of flow arising from river flooding. It is based on a two dimensional flood modelling method applied across Scotland to all catchments greater than 3km². The river flood map includes hydraulic structures and defences such as bridges, culverts and flood storage areas where appropriate information was available.

and

The surface water flood map combines information on rainfall and sewer model outputs. It incorporates data from a national surface water study, a regional surface water study with increased resolution in selected areas and a Scottish Water sewer flooding assessment."

The flood map should be treated with caution and SEPA makes the following general comment:

"The flood maps are designed to provide a community level assessment of flooding and its impacts. They model flooding at a national scale. As with any approach of this scale, there are limitations and assumptions made to enable modelling and a consistent approach to be applied across Scotland. Limitations arise from the data used to create the maps, the modelling techniques applied and the ability to incorporate datasets from local studies into a national approach."

Additional background details of the SEPA flood map can be found on the SEPA website:

http://www.sepa.org.uk/flooding/flood_maps.aspx

Underground drainage within the site is not expected. Drainage from the site follows the local topography towards the Kinnaird Burn. Surface water drainage is present along Benarty Road which will collect local runoff from the road and the small element of runoff from the land to the north of the road.

3 FLOOD RISK ASSESSMENT

3.1 GENERAL

Flooding occurs when the amount of water arriving on land exceeds the capacity of the land to discharge that water (by infiltration, overland flow, groundwater rise or a failed drainage system). It can occur on any level or near-level areas of land but the main concern in inland areas is with land adjacent to watercourses (fluvial flooding) and the possibility of overland flow (surface water flooding).

3.2 OVERLAND FLOW & LOCAL DRAINAGE

Within the site, local rainfall runoff via surface and ground water flow is directly to the Kinnaird Burn. Significant ponding within the site is unlikely due to the local topography. Any runoff from the land to the north of the site will follow the Benarty Road drainage system to the west and is not likely to impact the site itself.

A failure of the road drainage system may lead to increased overland flow along the road but is unlikely to affect the site. The risk of widespread overland flow affecting the site is considered to be low.

3.3 GROUNDWATER RISE

Given the local geology and landform the risk of groundwater rise in the area is considered to be insignificant.

3.4 FLUVIAL FLOOD RISK

3.4.1 General

The Kelty Burn lies at a considerably lower level than the site with wide areas of available flood plain between the site and this watercourse. The risk of flooding from this source or an impact on the Kinnaird Burn at the site is considered to be insignificant.

Due to the nature of the flood risk assessment the risk model runs along the centre line of the Kinnaird Burn from upstream of the site to beyond the confluence with the Leuchars Burn; a reach of 300m. The Leuchars Burn is included in the model forming an additional reach of 160m. This model is inclusive of the natural flood plain of the watercourse as well as any topographical features that would affect the modelling result. It is noted from the local landform that if the watercourses overtop, overland flow will preferentially pass to the south of Kinnaird Burn and to the east of Leuchars Burn. The sections of the watercourse modelled are shown on Drawing 1441-204-002 included in the Appendix.

The modelling of the watercourses, including the extent and location of the related cross sections, is relative to the key features identified during the site walkover and by the review of the available maps and survey data.

The model length was established to be long enough to avoid any adverse effects on the water flow from any significant features along the watercourse. Cross sections through the burn were obtained from the survey carried out in March 2015, from an understanding of the local area and from information collated during the site walkover. The number of cross sections utilised in the model is in relation to areas of restriction in flow and to construct a suitably representative analysis.

Information from the above sources indicates the upstream bed surveyed (at 74m chainage) to be at 97.76m O.D., while the downstream section (at chainage 300m) is recorded to be 93.97m O.D. Thus a fall of about 2.75m is anticipated over the entire reach of the modelled section resulting in a bed slope of 0.012m/m.

In order to fully analyse the water course, runs were carried out at a variety of Manning numbers, peak flow rates and downstream boundary slopes.

3.4.2 Structures

An important feature for the modelling of all structures with the hydrodynamic software used is that they must impose a constriction to the flow. That is, an inlet and an outlet loss must be present over the structure and the structure's geometry definition (with respect to flow-area) must be smaller than both the up and downstream cross sections for all levels defined in the structure.

Two structures associated with the Kinnaird Burn are present in the vicinity of the site. The first is the Benarty Road bridge some 200m upstream of the site. Should this structure overtop any overland flow will pass directly to the watercourse further downstream or enter the field to the south of the site. Should this structure be undersized or become blocked it will not present a risk of flooding to the site and has therefore not been included in the model.

The second structure on the Kinnaird Burn is a 500mm pipe which crosses the burn a short distance downstream of the site. Due to its proximity to the site this structure is included in the model with additional analysis of possible blockage.

A minor culvert allows the Leuchars Burn to pass below Benarty Road. Whilst this structure may be undersized any overtopping will flow directly over the road and will not impact the site itself. This structure has hence not been included in the fluvial model.

3.4.3 Downstream River Boundary

The location of the downstream boundary corresponds with the final cross section on the Auchengree Burn. In this case the boundary has been placed sufficiently far downstream to be remote from the site and any structures in the vicinity. The downstream boundary conditions for the site have been set in hydrodynamic mode with an open boundary. The Hydrodynamic (HD) Module has been applied to the boundary and is defined by the Time Series (TS). The Q-h relationship at the downstream boundary is computed using a Manning's value of 0.045 and a slope of 0.012.

3.4.4 River Flow

Rainfall records and catchment descriptors have been obtained from the Flood Estimation Handbook (FEH) CD ROM. Flow rates have been calculated using the FEH methodology and others. Relevant direct gauging station data is not available for the local watercourses. Flow rates were calculated using the following methodologies.

- FEH (2007) QMED (Index Flood) calculation;
- Improved FEH estimate of QMED (2008);
- IHR 124 calculation; and,
- FEH Rainfall Runoff method.

A summary of the possible peak design flows for the two watercourses is provided in Table 1 in the Appendix.

Taking into consideration the differing methods of flow calculation the design 0.5% probability (1 in 200 year event) peak flow for the Kinnaird Burn at the site is estimated to be in the order of 10.3m³/s. The Leuchars Burn peak flow during the same storm event is estimated to be 2.3m³/s

3.4.5 Climate Change Allowance

The Scottish Executive guidance 'UKCIP02 Update (2003)' suggests that peak river flows may increase by between 15% and 20% in Scotland by the mid 2080's due to global climate change. The UK Climate Projections (UKCP09) support the above percentage increase and therefore is in line with the current SEPA guidelines for the whole of Scotland. As such an additional allowance of 20% has been added to the estimated 0.5% probability flood event. This increases the design flow just downstream of the site to the following:

		1 in 200 year flow (m ³ /s)	1 in 200 year plus 20% flow (m ³ /s)
Estimated Peak Flow	Combined Kinnaird Burn & Leuchars Burn	12.6	15.1

3.4.6 Model Results under Existing Ground Conditions

Using standard hydrodynamic software modelling techniques for open channel flow, information between cross sections is interpolated through the Mike 11 hydrodynamic software and the watercourse flood levels calculated accordingly.

The water flow analysis assumes a generally conservative estimate of watercourse bed and banking roughness (Manning 'n' of 0.045). Further analysis of the watercourse was undertaken with a variety of roughness coefficients (Manning's 'n' of 0.040 and 0.050) and this indicates that the watercourse is not unduly sensitive to such changes. Table 2, contained within the appendix to this report, shows the variation between the different Manning's 'n' values used under existing ground conditions. Table 2 also shows the peak water levels under existing ground conditions for a variety of flood hydrographs and downstream slope values.

As with all fluvial flood models, uncertainties remain regarding the channel roughness that affects the relationship between flow rate and water level. The analysis must, therefore, be regarded as approximate.

The model indicates that the Kinnaird Burn remains within its banks during the design storm event and that the flow below the pipe crossing is not impeded. In the unlikely event that the Kinnaird Burn overtops due to a severe blockage at the pipe crossing overland flow will occur to the south and away from the site. The model also indicates that the Leuchars Burn eastern bank will overtop and surface flow will occur to the east of the site. It is noted that the site will not be affected by such an occurrence.

The surface water flow paths are shown on Drawing 1441-204-002.

4 DISCUSSION AND RECOMMENDATIONS

4.1 GENERAL

For new developments the acceptable risk of flooding should take into account various factors including risk to human health and the direct and indirect financial losses relating to flooding.

The assessment indicates that the risk to the site from overland flow due to direct rainfall runoff, groundwater rise and failure of existing drainage is low.

The fluvial model indicates that the Kinnaird Burn does not present a risk of flooding to the site during the design storm event and that the existing watercourse channel is sufficient to convey the peak 1 in 200 year storm event plus potential global climate change. Potential overtopping of the Leuchars Burn to the east will not adversely impact the site.

Whilst there are differences with the previous flood risk assessment carried in 2010 for the adjacent area to the east of the site the broad conclusions are similar.

4.2 DEVELOPMENT AND POSSIBLE MITIGATION MEASURES

It is recommended that a final ground level of 99.0m OD or above be adopted for the proposed development with a final floor level of 99.3m OD or above. This will provide an available freeboard of over 1000mm throughout the development.

Possible limited flow from Benarty Road to the north of the site is expected and should be considered in the design of the local drainage along the entrance to the site.

4.3 PHYSICAL WORKS ASSOCIATED WITH THE EXISTING WATERCOURSE

In relation to flood risk, the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR) may be affected by the proposed development. It is recommended that discussions with SEPA are held with respect to CAR at an early stage of the design process.

4.4 EFFECTS ON SITE NEIGHBOURS

The site lies outwith the functional flood plain of the local watercourses and the proposed development will have a neutral effect on any site neighbours.

4.5 OVERALL FLOOD RISK ASSESSMENT CONCLUSION

The Scottish Planning Policy notes that new developments should be free from significant flood risk from any source and that such development should not:

- materially increase the probability of flooding elsewhere;
- add to the area of land which requires protection by flood prevention measures;
- affect the ability of the functional flood plain to attenuate the effects of flooding by storing flood water;
- interfere detrimentally with the flow of water in the flood plain; or
- compromise options for future river management.

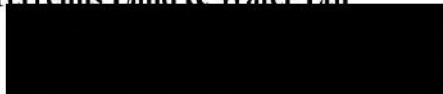
It is established that the site is currently at low to medium risk of flooding according to the SPP flood framework and that pedestrian and vehicular access will be available throughout the design storm event. It is concluded that the proposed development is feasible and in broad accordance with the general principles of the Scottish Planning Policy.

-oo000oo-

Terrenus Land & Water Ltd wishes to thank Lomond Land for the opportunity to prepare this report and trust that it meets with your requirements. However, should you wish to discuss the contents of the report then please do not hesitate to contact the undersigned.

Signed for and on behalf of

Terrenus Land & Water Ltd



William Hume

Director

**BLAIRFORDEL, KELTY,
FLOOD RISK ASSESSMENT
FOR
LOMOND LAND**

APPENDICES

**BLAIRFORDEL, KELTY,
FLOOD RISK ASSESSMENT
FOR
LOMOND LAND**

FIGURES



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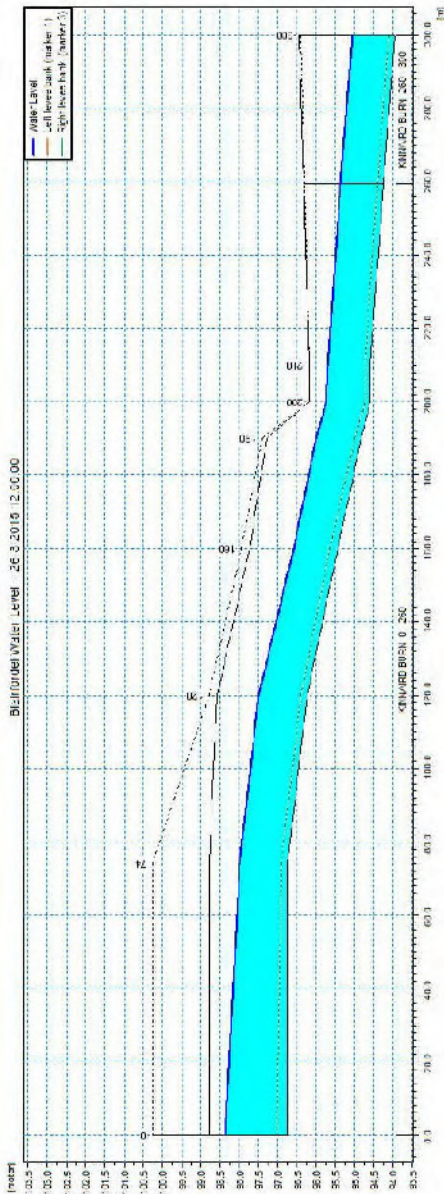
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Figure 2 – Model Long Section & Structure Parameters



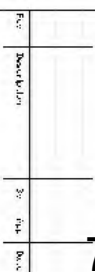
Kinnaird Burn Long Section.



Pipe Structure Model Parameters.

**BLAIRFORDEL, KELTY,
FLOOD RISK ASSESSMENT
FOR
LOMOND LAND**

DRAWINGS


$$2.4 \times 10^{-3} \times 1.5 = 3.6 \times 10^{-3}$$

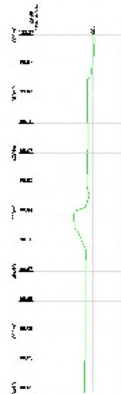


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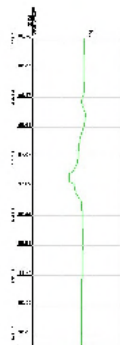
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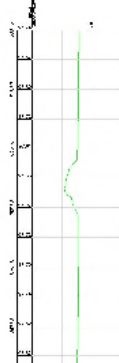
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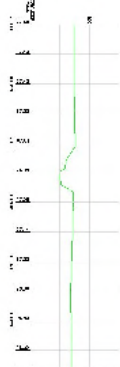
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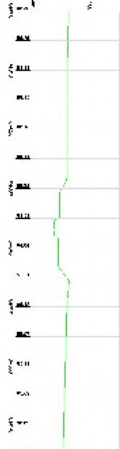
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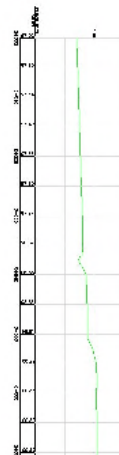
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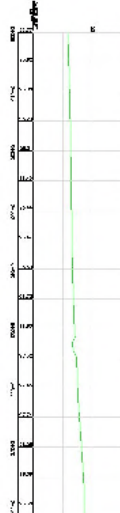
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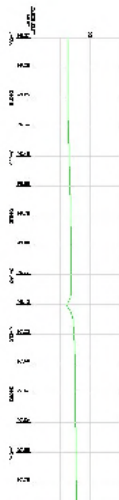
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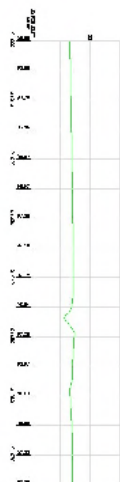
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Terenus Land & Water Ltd
1 Orbital Court, Peel Park,
East Kilbride, G74 5PH
Tel: 01855 279 000 / Fax: 01855 261 658

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Checked:
Approved:
Date: 25/03/15

Project:
Reference:
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Approved:
Date: 25/03/15

**BLAIRFORDEL, KELTY,
FLOOD RISK ASSESSMENT
FOR
LOMOND LAND**

TABULATED FLOOD MODEL INPUTS & RESULTS

Table 1 - Summary of Peak Flow Volumes


All flow volumes are expressed in m3/s							
		FEH QMED (using 2007 methodology)	FEH QMED (using 2008 methodology)	IHR 124 Rural (Catchments <25km2)	IHR 124 Urban (Catchments <25km2)	Rainfall Runoff Methodology (MIKE)	Estimated Peak Flow
Leuchars Burn	200 year	0.7	1.6	1.6	1.6	2.3	2.30
	200 year plus potential Global Climate Change (GCC) of 20%	0.86	1.95	1.97	1.97	2.72	2.76
	200 year	6.1	9.2	9.3	9.3	10.3	10.30
Kinnairs Burn	200 year plus potential Global Climate Change (GCC) of 20%	7.36	11.08	11.11	11.11	12.36	12.36

Note: FEH CD-ROM 3 Dataset used

Table 2 - FRA Model Outputs

Section number	Cross Section with chainage (m)	Peak Water Level (mOD) for Existing Ground Levels							Approximate Level of river bank adjacent to site (mOD)	Comments
		1 in 200 yr at Mannings of 0.040 & ds slope of 0.012	1 in 200 yr at Mannings of 0.045 & ds slope of 0.012	1 in 200 yr at Mannings of 0.050 & ds slope of 0.012	1 in 200 yr at Mannings with 30% blockage at Pipe Crossing & ds slope of 0.012	1 in 200 yr plus 20% GCC at Mannings of 0.045 & ds slope of 0.012	1 in 200 yr at Mannings of 0.045 & ds slope of 0.0132	1 in 200 yr at Mannings of 0.045 & ds slope of 0.0108		
Kinnaird Burn	1a									
	1*	98.29	98.38	98.46	98.38	98.50	98.38	98.38		
		97.93	98.00	98.07	98.00	98.10	98.00	98.00	98.92	
	2*	97.45	97.50	97.56	97.50	97.60	97.50	97.50	98.74	
	3*	96.55	96.60	96.65	96.61	96.70	96.59	96.60	97.54	
	4*	95.99	96.01	96.06	96.05	96.12	96.01	96.01	97.62	
	4a	95.77	95.74	95.80	95.84	95.87	95.74	95.75		Pipe Crossing
	4b	95.67	95.71	95.76	95.71	95.82	95.71	95.71		
	5	95.07	95.06	95.06	95.06	95.13	95.05	95.08		
	A	98.10	98.13	98.16	98.13	98.19	98.13	98.13		
Leuchars Burn	B	97.26	97.29	97.32	97.29	97.34	97.29	97.29		
	C	96.83	96.85	96.88	96.85	96.89	96.85	96.85		
	D	96.33	96.36	96.40	96.36	96.43	96.36	96.37		
	Da	95.34	95.38	95.42	95.38	95.46	95.37	95.38		

Legend:

 denotes where peak water level exceeds level of river bank at site

* Cross-sections affecting Site

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PHOTOGRAPHIC PLATES

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Plate 1 – View of Kinnaird Burn bridge over Benarty Road looking south east with site beyond.



Plate 2 – Kinnaird Burn looking downstream with site on left.



Plate 3 – The site with Kinnaird Burn on the right.

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Plate 4 – View along site with Kinnaird Burn on right, (note lower lying field beyond).



Plate 5 – Looking south from the site to the field beyond.



Plate 6 – Looking west towards the site with Kinnaird Burn on left.

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Plate 7 – Kinnaird Burn looking north from the Benarty Road Bridge.



Plate 8 – Looking east along Kinnaird Burn with Benarty Road on left.



Plate 9 – Confluence of Leuchars Burn and Kinnaird Burn looking downstream.



Plate 10 – Leuchars Burn looking upstream with site approximately 50m to right.

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Plate 12 – Leuchars Burn with site about 30m on the left.



Plate 12 – Kinnaird Burn looking upstream, note pipe crossing.



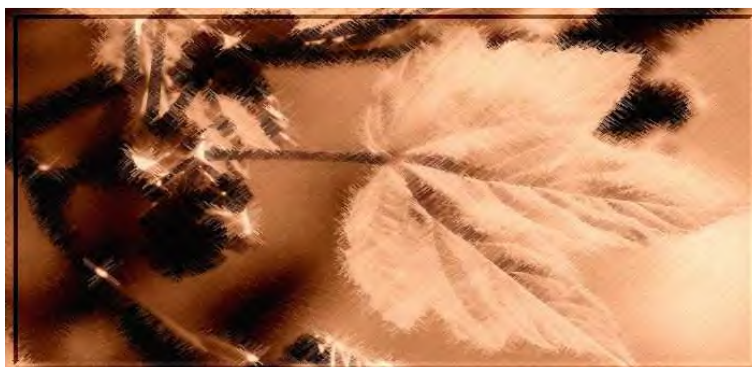
Plate 13 – View along Benarty Road with site on the left.

Report on tree condition at Blairfordel, Kelty

Prepared for Lomond Group

By Keith Logie MICFor

21 September 2018



**Keith Logie MICFor BSc (Hons)
Chartered Forester
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DRAFT

1. General introduction and summary

This tree survey has been carried out for the Lomond Group in relation to land at Blairfordel, Kelty. It relates to 40 trees and other vegetation within and around the survey boundary shown on the plans supplied. The report has been commissioned because plans are being drawn up to build two houses on the site. The report consists of: this written section; the schedule; and drawings showing tree positions.

2. Site description

The site is about 0.25 ha, flattish and falls gently to the burn which bounds the site to the south. To the north is a minor public road, to the east a recently built house, and to the west a strip of woodland. The site has been partly cleared, and recent planting of new trees has been done.

3. The Tree Survey

A total of 40 trees were recorded on the site. 30 trees have been tagged with a numbered disc at about 1.8m from ground level, so as to be visible from within the site. Tree numbers run sequentially from 1948 to 1977. Trees smaller than 10 cm DBH (diameter at breast height) were not tagged or recorded. Roadside trees have been described in general terms and were not recorded in detail except where adjacent to the site, as noted below. The staked new trees were plotted and recorded but not tagged. Fieldwork was done on 20 September 2018.

The approximate location of each tree has been plotted. Information on each numbered tree is provided in the attached Tree Survey Schedule. The position of the trees is shown on the attached drawing.

All trees within the site have been ascribed a Retention Category. In line with the recommendations contained within BS5837:2012 "Trees in relation to design, demolition and construction – Recommendations", this takes account of the health, condition and future life expectancy of the tree, as well as its amenity and landscape value. The retention category for each tree is shown in the Tree Survey Schedule which records relevant data and comments on condition.

- A** – High category: trees whose retention is most desirable
- B** – Moderate category; trees where retention is desirable
- C** – Low category; trees which could be retained
- U** – Unsuitable for retention; trees which should be removed

Recommendations are made, where appropriate, on appropriate remedial action as regards tree surgery or felling works. These are specified where there is a significant current risk to public safety or tree health and are consistent with sound arboricultural practice. All recommendations are in line with BS 3998: 2010 "Tree work recommendations."

Trees on site may be subject of a **Tree Preservation Order (TPO)** and may or may not fall within a **Conservation Area**. This latter aspect has not been checked with the local planning authority. Work must not be carried out to protected trees without the prior permission of the Council.

The felling of more than 5 cubic metres of timber will require a **felling license** from Forestry Commission Scotland unless the felling forms part of the granted Planning Permission.

4. Survey results and discussion

40 trees within and close to the site were plotted and assessed in detail. Details of the trees are shown in the Schedule below. Note that the Schedule is a summary of the data gathered and assessments made.

Their **BS 5837 retention categories** were as follows:

Category A	2
Category B	6
Category C	30
Category U	2

In terms of their **condition**, they are as follows:

Good	18
Fair	18
Poor	2
Dying	1
Dead	1

The **species** mix is as follows, (approx %):

Sycamore	10	25%
Silver Birch	8	20%
Elm	5	12.5%
Field Maple	4	10%
Norway Maple	4	10%
Oak – pedunculate	3	7.5%
Hawthorn	2	5%
Alder – Common	1	2.5%
Ash	1	2.5%
Goat Willow	1	2.5%
Rowan	1	2.5%

Discussion – In general terms, the tree cover on the site consists of a fringe of woodland running roughly east –west towards the south of the site. This woodland strip merges with the woodland lying to the west and forms a screen to the site as viewed from the south. The strip has been strengthened by recent planting of standard trees, together with some conifers and shrubs, which should thicken in future years. The planting - of field maple, Norway maple and silver birch - has been done with good quality stock and has survived well through a very dry summer.

The woodland strip is dominated by birch and sycamore and although some of these are not especially good trees they should all be retained except where noted below and are useful woodland components. There are also three oaks and although two are suppressed, one is a good mature specimen and all should be retained. Some small elms were found to be infected by Dutch elm disease which should be removed.

The large sycamore towards the middle of the site is in a prominent position, and should be retained. It is easily over 100 years old and though not very tall is in good condition and could be expected to live at least another 40 years. The plan shows where protective fencing should be erected in order to protect it during construction.

One isolated hawthorn bush (tree 1977) is to be removed to allow development to proceed. It is small in size and would not be a significant loss.

Trees lying off the site to the west and north of the road opposite the site will not be affected and do not require special protection.

The minor road leading eastwards to the site from Blairfordel Farm is shown within the red line. It is lined with trees, mainly elm, with some ash and goat willow. These are probably all naturally regenerated from seed or by suckering. These trees should not be affected by construction work or in the course of access by vehicles of normal width and do not require special protection.

Summary details of each tree surveyed are contained in the Schedule below.

5. Constraints posed by existing trees - considerations

When trees are to be retained because they are of higher quality and/or importance, the impact of proposed designs must be assessed against the biological requirements of the tree, taking into account the need to protect tree roots and all other relevant factors.

Trees can be badly damaged or killed by construction operations, and particular care is required to protect them from damage. The ability of trees to recover from damage to roots is often very limited. Root systems can be damaged by ground excavations, soil compaction, contamination or spillages of e.g. diesel or cement, and changes in soil moisture content (both drying and waterlogging).

The drawing below shows a Root Protection Area (RPA) for each tree, shown as a hatched circle, which shows the area near to the trees where activity needs to be carefully controlled during construction if the tree is to be retained. In addition, there are a variety of physical factors that could each impact on root growth and the ability of individual trees to tolerate changes in rooting environment. The drawing also shows a Construction Exclusion Zone (CEZ), bounded by a red line, which indicates the position of protective fencing, specification for which is given below.

6. Tree protection plan

Where trees are recommended for retention they must be protected by barriers and/or ground protection prior to commencement of any development works, including demolition. There

should be no movement of machinery, stockpiling of materials, or changes in existing ground levels within the RPA of trees to be retained throughout the duration of the construction works. This is to be achieved by creating a Construction Exclusion Zone as shown on the plan.

Barrier specification. This specification applies to all tree protection fences referred to in this report. Fencing to consist of 2m high welded mesh panels (Heras or similar) on rubber or concrete feet joined with a minimum of two anti-tamper couplings. The distance between the couplings should be at least 1m and should be uniform throughout the fence line. The panels should be supported on the inner side by stabiliser struts, which should be anchored at ground level by a block tray or suitable stake. All-weather notices should be affixed to the fence with the wording "Construction exclusion zone – no access." The fence is to be erected along the red line shown on the plan.

STANDARD CONDITIONS RELATING TO TREE SURVEY INFORMATION

1. Unless otherwise stated in the report, inspection has been carried in accordance with Visual Tree Assessment (VTA) Stage 1.
2. The survey has been carried out in accordance with the recommendations of BS5837:2012 "Trees in relation to design, demolition and construction – Recommendations",
3. Recommendations for tree works assume that they will be carried out in accordance with BS 3998: 2010 "Tree work recommendations."
4. Unless otherwise stated, tree surveys are undertaken from ground level using established visual assessment methodology. The inspection is designed to determine the following:
 - a. The presence of fungal disease in the root, stem, or branch structure that may give rise to a risk of structural failure of part or all of the tree;
 - b. The presence of structural defects, such as root heave, cavities, weak forks, hazard beams, included bark, cracks, and the like, that may give rise to a risk of structural failure of part or all of the tree;
 - c. The presence of soil disturbance, excavations, infilling, compaction, or other changes in the surrounding environment, such as adjacent tree removal or erection of new structures, that may give rise to a risk of structural failure of part or all of the tree;
 - d. The presence of any of the above or another factor not specifically referred to, which may give rise to a decline or death of the tree.
5. Where further investigation is recommended, either by climbing, the use of specialised decay detection equipment or exposure of roots, this is identified in the report.
6. The findings and recommendations contained within this report are valid for a period of twelve months. Trees are living organisms subject to change and it is strongly recommended that they are inspected at regular intervals for reasons of safety.
7. The recommendations relate to the site as it exists at present, and to the current level and pattern of usage it currently enjoys. The degree of risk and hazard may alter if the site is developed or significantly changed, and as such will require regular re-inspection and re-appraisal.

8. Whilst every effort has been made to detect defects within the trees inspected, no guarantee can be given as to the absolute safety or otherwise of any individual tree. Extreme climatic conditions can cause damage to apparently healthy trees. In particular caution must be exercised if inferring or assuming matters relating to tree roots in the case where they cannot be visually assessed, as is normal and likely. It should be assumed that underground roots cannot be seen unless otherwise stated.

9. This report in no way constitutes a professional opinion on the integrity or status of buildings. Its primary purpose is to report on the status of trees. The status of built structures, if in doubt, should be reviewed by a suitably qualified person.

10. This report has been prepared for the sole use of the Lomond Group and their appointed agents. Any third party referring to this report or relying on information contained within it does so entirely at their own risk.

Explanation of terms used in the schedule

Tag no.	Identification number of tree
Species	Common name of species.
DBH	Trunk diameter measured at 1.5m.
Crown	Radial tree crown spread in metres.
Ht	Height of tree in metres.
Age	Age class category. Y Young, E-M Early Mature, M Mature, M-A Advanced mature, Vet Veteran.
Stems	Single stemmed or multi-stemmed
Condition	Condition category (Good , Fair , Poor , or Dead).
SULE	The tree's safe useful life expectancy, estimated in years.
BS Cat	BS 5837 Retention category (A , B , C or U – see explanation above)
Comments	General comments on tree health, condition and form, highlighting any defects or areas of concern and any recommendations .

Tree condition categories

Good	(1) Healthy trees with no major defects (2) Trees with a considerable life expectancy (3) Trees of good shape and form
Fair	(1) Healthy trees with small or easily remedied defects (2) Trees with a shorter life expectancy (3) Trees of reasonable shape and form
Poor	(1) Trees with significant structural defects and/or decay (2) Trees of low vigour and under stress (3) Trees with a limited life expectancy (4) Trees of inferior shape and form
Dead	(1) Dead, dying and dangerous trees (2) Trees of very low vigour and with a severely limited life expectancy (3) Trees with serious structural defects and/or decay (4) Trees of exceptionally poor shape and form.

Schedule

Tag no	Species	DBH	Canopy	Height	BSCat	Condition	Age	Stems	SULE	Comments	Recommendations
1948	Sycamore	0.45	3	12	C1	Fair	M	M	10 to 20	Newish manhole near base. Included bark, compression fork.	
1949	Sycamore	0.35	4	11	C1	Fair	E-M	1	10 to 20	Included bark, compression fork. Canopy 1-sided. Stumps near base.	
1950	Sycamore	0.35	5	10	C2	Fair	M	M	10 to 20	Included bark, compression fork. 3 stems 35 30 20. By burn	
1954	Sycamore	0.4	3	10	C2	Fair	M	1	10 to 20	Included bark, compression fork.	
1951	Oak-pedunculate	0.25	6	7	C2	Fair	E-M	1	10 to 20	Suppressed tree	
1952	Oak-pedunculate	0.75	5	12	A1	Fair	M	1	>40	Major dead wood (>50mm dia).	Complete dead-wooding.
1953	Sycamore	0.3	3	9	C2	Fair	E-M	1	10 to 20	Stem lean. Canopy suppressed.	
1955	Sycamore	0.2	2	9	C2	Fair	E-M	1	10 to 20	Stem wound, exposed timber remains sound. Narrow crown	
1956	Rowan	0.15	3	7	C2	Good	M	M	10 to 20		
1957	Birch-silver	0.25	1	12	B2	Good	M	M	20 to 40	Canopy suppressed.	
1958	Oak-pedunculate	0.15	4	6	C2	Poor	E-M	1	10 to 20	Suppressed tree	
1959	Birch-silver	0.35	2	12	B2	Good	M	M	20 to 40	Minor dead wood (<50mm dia).	
1960	Birch-silver	0.3	3	14	B2	Fair	M	M	20 to 40	Branch stubs from past pruning/storm damage.	Remove dead branch.
1961	Sycamore	0.95	7	15	A1	Good	M-A	1	>40	Branch stubs from past pruning/storm damage. Major dead wood (>50mm dia).	Crown clean, remove dead wood, weak, crossing branches and debris.
1962	Birch-silver	0.25	3	11	B2	Fair	M	1	10 to 20	Dead branch growing from base	Remove dead branch.
1963	Birch-silver	0.25	2	9	C2	Fair	M	1	10 to 20	Minor dead wood (<50mm dia).	Crown clean, remove dead wood, weak, crossing branches and debris.

Tag no	Species	DBH	Canopy	Height	BSCat	Condition	Age	Stems	SULE	Comments	Recommendations
1964	Sycamore	0.2	2	8	C2	Fair	E-M	1	10 to 20	Branch stubs from past pruning/storm damage.	
1965	Sycamore	0.35	3	10	B2	Fair	M	1	20 to 40	Included bark, weak fork in main scaffold limb.	
1966	Sycamore	0.35	3	10	C2	Fair	M	1	10 to 20	Included bark, compression fork.	
1967	Birch-silver	0.15	2	6	C2	Good	E-M	1	10 to 20	Growing from an old stump	
1968	Elm	0.2	3	5	C2	Fair	E-M	M	10 to 20	Elm regen	
1969	Elm	0.2	3	8	U	Dying	E-M	M	0	Probable Dutch elm disease	Fell.
1970	Elm	0.2	3	7	U	Dead	E-M	M	0	Probable Dutch elm disease	Fell.
1971	Elm	0.2	4	8	C2	Fair	E-M	M	<10	Not showing signs of Dutch elm disease	
1972	Hawthorn	0.25	4	6	C3	Poor	M	M	<10	Significant dieback, stag-headed.	
1973	Alder-common	0.45	7	10	B2	Good	M-A	M	20 to 40	Minor dead wood (<50mm dia).	
1974	Willow-goat	0.35	6	9	C1	Good	M	1	10 to 20	At roadside	
1975	Ash	0.35	5	11	C2	Good	M	M	10 to 20	At roadside	
1976	Elm	0.3	5	9	C2	Fair	M	M	10 to 20	At roadside	
1977	Hawthorn	0.35	4	5	C1	Fair	M	1	10 to 20	Minor crown dieback.	
No tag	Maple-Norway	0.1	1	<5	C2	Good	Y	1	>40	New planting	
No tag	Maple-field	0.1	1	<5	C2	Good	Y	1	>40	New planting	
No tag	Maple-Norway	0.1	1	<5	C2	Good	Y	1	>40	New planting	
No tag	Maple-field	0.1	1	<5	C2	Good	Y	1	>40	New planting	
No tag	Maple-Norway	0.1	1	<5	C2	Good	Y	1	>40	New planting	
No tag	Maple-field	0.1	1	<5	C2	Good	Y	1	>40	New planting	
No tag	Birch-silver	0.1	1	<5	C2	Good	Y	1	>40	New planting	
No tag	Birch-silver	0.1	1	<5	C2	Good	Y	1	>40	New planting	
No tag	Maple-Norway	0.1	1	<5	C2	Good	Y	1	>40	New planting	
No tag	Maple-field	0.1	1	<5	C2	Good	Y	1	>40	New planting	

Blairfordel Tree Survey

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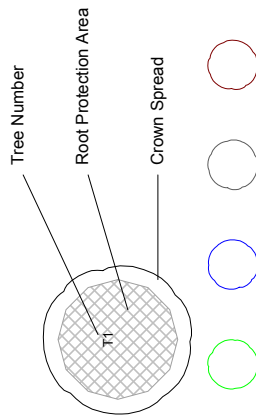
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Serial number: 147240

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REPORT OF HANDLING

DELEGATED REPORT

Ref No	18/01176/IPL	
Ward No	P8- Kinross-shire	
Due Determination Date	03.09.2018	
Case Officer	Andy Baxter	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Residential Development (in principle)

LOCATION: Land 60 Metres South West Of Burnside House, Benarty Road, Kelty

SUMMARY:

This report recommends **refusal** of a planning in principle application for a residential development near Kelty on Benarty Road, 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.

DATE OF SITE VISIT: 3 August 2018

SITE PHOTOGRAPH



BACKGROUND AND DESCRIPTION OF PROPOSAL

This planning application seeks to secure a planning in principle consent for a residential development on a rural site along Benarty Road, near Kelty.

An indicative number of two residential units have been shown by the applicant.

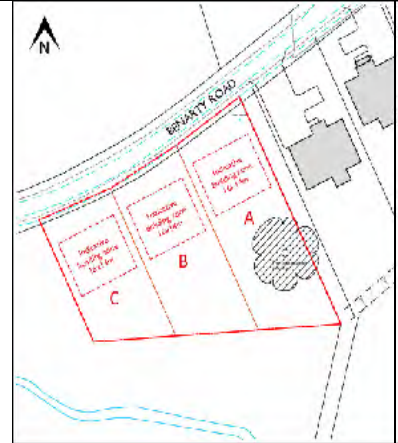

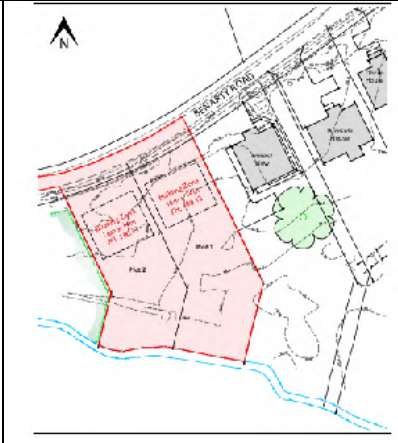
The site is currently an area of unkempt land which has a scattering of trees along its southern boundary, and also to the west. To the east of the site is a recently constructed dwelling and to the north is Benarty Road, which is a private road.

SITE HISTORY

The site has a long history of previous planning applications.

In 2015, a planning in principle application for a residential development (15/00577/IPL) on a similar site which included an area to the east was refused planning consent, and a subsequent review of the refusal to the Council's Local Review Body was dismissed. The plans submitted as part of application 15/00577/IPL showed an indicative number of three residential units.

Following that refusal, a further planning application (16/00001/FLL) seeking detailed planning permission for the erection of a dwelling on the eastern part of the site was refused at officer level, but was approved by the Council's Local Review Body. That permission was subsequently amended via a change of house type application (17/00262/FLL) and has now been built out.

		
<p><i>Refused</i> (15/00577/IPL)</p>	<p><i>Approved (via LRB) / Built</i> (16/00001/FLL/17/00262/FLL)</p>	<p><i>Proposed</i> (18/01176/FLL)</p>

PRE-APPLICATION CONSULTATION

None undertaken.

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.

Of specific relevance to this planning application is,

The Scottish Planning Policy 2014

The Scottish Planning Policy (SPP) was published on June 23 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

Of relevance to this application are,

- Paragraphs 74 – 83, which relates to Promoting Rural Development
- Paragraphs 109 – 134, which relates to Enabling Delivery of New Homes

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

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 2014 – Adopted February 2014

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

The site lies within the landward area of the Local Development Plan, where the following policies would be applicable to a residential development,

Policy PM1A - Placemaking

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy PM3 - Infrastructure Contributions

Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy RD3 - Housing in the Countryside

The development of single houses or groups of houses which fall within the six identified categories will be supported. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area.

Policy NE2B – Trees

Tree surveys, undertaken by a competent person, should accompany all applications for planning permission where there are existing trees on a site.

OTHER COUNCIL POLICIES

Housing in the Countryside Guide 2012

This policy is the most recent expression of Council Policy towards new residential development within the landward area and offers support for new housing in certain instances. One of the acceptable criteria is new development which extends existing building groups into definable sites.

Developer Contributions and Affordable Housing 2016

This document sets out the Council's policy on Developer Contributions and Affordable Housing.

EXTERNAL CONSULTATION RESPONSES

The Coal Authority has commented on the proposal in terms of the ground conditions, and indicated that in the event of an approval conditions should be attached to any permissions.

Scottish Water have commented on the proposal and raised no objections.

INTERNAL COUNCIL COMMENTS

Development Negotiations Officer has commented on the proposal and indicated that in the event of any approval being forthcoming, a standard condition relating to Primary Education contributions should be attached to any permission.

Transport Planning have commented on the proposal and raised no objection to the proposal in terms of access or parking related matters.

Structures & Flooding have commented on the proposal and reviewed the submitted flood risk assessment (FRA). After reviewing the FRA, they have no objection to the proposal in terms of flood risk.

Environmental Health were consulted in relation to contaminated land but have opted not to make any specific comment.

REPRESENTATIONS

One letter of support has been received stating that the approval of this planning application would result in a positive impact on the local environment.

ADDITIONAL INFORMATION

Environmental Impact Assessment (EIA)	Not Required
Screening Opinion	Not Required
EIA Report	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact	Coal Report Flood Risk Assessment

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 2016 and the adopted Perth and Kinross Local Development Plan 2014.

In terms of other considerations, the site's planning history is a material consideration as is the requirements of the Council's other approved policies in relation to HITCG and Developer Contributions.

Policy Appraisal

In terms of land use policy issues, as was the case with the previous planning applications the key policies are contained within the Local Development Plan.

Within that plan, the site is located within the landward area where *Policies RD3 and PM1A* are directly applicable to all new residential proposals in the open countryside. *Policy RD3* refers specifically to the Council's Housing in the Countryside Policy and interlinks with the associated SPG, the Housing in the Countryside Guide 2012.

Both *Policy RD3* of the Local Development Plan and associated SPG offer support for new housing which extends existing building groups into definable sites when the extension of the existing building group takes place into a definable site which has a good landscape framework which is capable of successfully absorbing the development propose, and can be done so without compromising the character or amenity of the existing building group.

Policy PM1A of the Local Development Plan is also relevant to new proposals, and this policy seeks to ensure that all new developments across the landward area do not have an adverse impact on the local environment

For reasons stated below, I consider the proposal to contrary to these policies.

Land Use Acceptability

In terms of land use acceptability, as was the case for the previous planning applications considered by the Council, the key consideration for this proposal is whether or not the erection of a new dwelling on this site would be consistent with the requirements of the Council's Housing in the Countryside Policies, as contained with *Policy RD3* of the Local Development Plan and the associated supplementary guidance 2012.

Within these policies, support is offered for new houses which extend existing building groups into definable sites formed by existing topography and / or well established landscape features which will provide a suitable setting for the development proposed. The HITC policies also state that all proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).

Within the area, there have been a number of recent developments (as well as older, existing properties) which now means that there is a clear existing building group of dwellings.

To this end, the key test of the acceptability of this proposal is whether or not the site is suitable for an extension (of that existing group) and whether or not the extension would have an adverse impact on the character or amenity of the existing group.

I shall address these issues in turn.

Notwithstanding the decision of the Council (via the LRB) in relation to planning application 16/00001/FLL and enlargement of the site to the south, it remains my view that the sites natural, existing landscape to the west in particular, and to the south is not sufficient enough to constitute a defined site.

Whilst there are some trees along these boundaries, the random nature of these trees is such that they do not provide a natural definable site which is capable of absorbing the development which is proposed.

In terms of the second issue, whether or not the development of this would have an adverse impact on the character or amenity of the existing group, the existing pattern of development within this area is clearly based on development on either side of the road.

Again, notwithstanding the decision of the Council (via the LRB) in relation to planning application 16/00001/FLL, it remains my view that any further development in the area subject of planning application would essentially

create an extended run of ribbon development, which in turn would have an adverse impact on the character and amenity of the group.

To this end, I consider the proposal to be contrary to the Council's Housing in the Countryside Policies.

Visual Amenity, Design and Layout

As this is a planning in principle application, there are no specific designs or layout to consider at this stage.

Residential Amenity

In terms of impact on existing residential amenity are a number of windows on the existing property to the east, facing west towards the site. Any residential development on this site would therefore need to take the existing windows into account.

In terms of being able to provide a suitable level of residential amenity for future occupiers, I have no concerns at this stage.

Roads and Access

In terms of road and access related issues, the proposal raises no issues.

The local road network is capable to accommodating the development proposed. In terms of the individual accesses and parking provision for the proposed dwellings, this will be further accessed once a detailed submission is lodged.

Drainage and Flooding

In terms of drainage issues, the site lies outwith a public sewered area so a private system would be required and I have no objection to this.

In terms of flooding issues, my colleagues in the Council's Flooding Team have reviewed the FRA and have no objection to the proposal from a flood risk point of view.

Impact on Trees

There are a number of trees located along the southern part of the site.

A tree survey has not been submitted, and no details of whether or not these trees are to remain have been submitted as part of the planning application.

The proposal is therefore contrary to *Policy NE2B* of the Local Development Plan which states that Tree surveys, undertaken by a competent person, should accompany all applications for planning permission where there are existing trees on a site.

Impact on Local Wildlife

There are no known protected species on the site. In the event that any approval is forthcoming, standard conditions / advisory notes in relation to wildlife should be considered.

Impact on Watercourse

There is a water course to close to the southern boundary of the site.

In the event of any approval being forthcoming, a condition which requires a Construction and Environmental Management Plan should be attached to any permission.

Conservation Considerations

The proposal does not affect any listed building or Conservation Area.

Developer Contributions

Affordable Housing

As this proposal is for a site which is not capable of accommodating 5 or more residential dwellings, there is no requirement for any affordable housing provision.

Primary Education

In the event of an approval being forthcoming, a standard condition in relation to Primary Education should be attached to any permission.

Transport Infrastructure

The site lies outwith the catchment area for Transport Infrastructure contributions.

A9 Junction Improvements

The site lies outwith the catchment area for A9 Junction Improvement contributions.

Economic Impact

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

Conclusion

In conclusion, 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 adopted Local Development Plan 2014.

I have taken account of material considerations and find none that would justify overriding the adopted Development Plan, and on that basis the application is recommended refusal.

APPLICATION PROCESSING TIME

The recommendation for this application has been made within the statutory determination period.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the planning application because of the following reasons,

- 1 By virtue of the sites lack of a suitable landscape containment, the proposal fails to accord with the requirements of Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014 and Perth and Kinross Council's Housing in the Countryside Guide 2012, both of which require all new developments that extend an existing building group to take place in a definable site formed by existing topography and or well established landscape features which would provide a suitable setting.
- 2 As the proposal would not respect the existing building pattern of the area, the proposal is contrary to the requirements of Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014

and Perth and Kinross Council's Housing in the Countryside Guide 2012, both of which require all new developments which extend an existing building group to respect the character, layout and building pattern of the existing group.

- 3 No tree survey has been submitted as part of the planning submission. There are trees on the planning application which are potentially affected by the development. To this end, the planning submission is contrary to Policy NE2B of Perth and Kinross Council's adopted Local Development Plan which states that Tree surveys, undertaken by a competent person, should accompany all applications for planning permission where there are existing trees on a site.

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 (refusal recommended).

Procedural Notes

None (refusal recommended).

PLANS AND DOCUMENTS RELATING TO THIS DECISION

18/01176/1
18/01176/2

Date of Report - 15 August 2018

PERTH AND KINROSS COUNCIL

Lomond Group (Scotland) Ltd c/o Andrew Bennie Planning Ltd Andrew Bennie 3 Abbots Court Dullatur G68 0AP	Pullar House 35 Kinnoull Street PERTH PH1 5GD
	Date 15th August 2018

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **18/01176/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 4th July 2018 for permission for **Residential Development (in principle) Land 60 Metres South West Of Burnside House Benarty Road Kelty** for the reasons undernoted.

Interim Development Quality Manager

Reasons for Refusal

- 1 By virtue of the sites lack of a suitable landscape containment, the proposal fails to accord with the requirements of Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014 and Perth and Kinross Council's Housing in the Countryside Guide 2012, both of which require all new developments that extend an existing building group to take place in a definable site formed by existing topography and or well established landscape features which would provide a suitable setting.
- 2 As the proposal would not respect the existing building pattern of the area, the proposal is contrary to the requirements of Policy RD3 of Perth and Kinross Council's adopted Local Development Plan 2014 and Perth and Kinross Council's Housing in the Countryside Guide 2012, both of which require all new developments which extend an existing building group to respect the character, layout and building pattern of the existing group.

- 3 No tree survey has been submitted as part of the planning submission. There are trees on the planning application which are potentially affected by the development. To this end, the planning submission is contrary to Policy NE2B of Perth and Kinross Council's adopted Local Development Plan which states that Tree surveys, undertaken by a competent person, should accompany all applications for planning permission where there are existing trees on a site.

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 relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan Reference

18/01176/1

18/01176/2

<p>TCP/11/16(556) – 18/01176/IPL – Residential Development (in principle) on land 60 metres south west of Burnside House, Benarty Road, Kelty</p>
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PLANNING DECISION NOTICE *(included in
applicant's submission, see pages 109-110)*

REPORT OF HANDLING *(included in applicant's
submission, see pages 97-107)*

REFERENCE DOCUMENTS *(included in applicant's
submission, see pages 41-55)*

**TCP/11/16(556) – 18/01176/IPL – Residential Development
(in principle) on land 60 metres south west of Burnside
House, Benarty Road, Kelty**

REPRESENTATIONS

10th July 2018

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



Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

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

Dear Local Planner

KY4 Kelty Benarty Rd 60M SW Burnside House
PLANNING APPLICATION NUMBER: 18/01176/IPL
OUR REFERENCE: 763563
PROPOSAL: Residential Development (in principle)

Please quote our reference in all future correspondence

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 and would advise the following:

Water

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

Foul

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

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 normally accept any surface water connections into our combined sewer system.

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

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

General notes:

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

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

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

- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link**
<https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>

Next Steps:

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water 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 up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

- **Trade Effluent Discharge from Non Dom 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 or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

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

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk.

Yours sincerely

Angela Allison

Angela.Allison@scottishwater.co.uk

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/01176/IPL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin [REDACTED]
Description of Proposal	Residential Development (in principle)		
Address of site	Land 60 Metres South West Of Burnside House, Benarty Road, Kelty		
Comments on the proposal	<p>Primary Education</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, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Cleish Primary School.</p>		
Recommended planning condition(s)	<p>Primary Education</p> <p>CO01 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure or such replacement Guidance and Policy which may replace these.</p> <p>RCO00 Reason – To ensure that the development approved makes a contribution towards increasing primary school provision, in accordance with Development Plan Policy and Supplementary Guidance.</p>		
Recommended informative(s) for applicant	N/A		
Date comments returned	13 July 2018		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/01176/IPL	Comments provided by	Leigh Martin
Service/Section	HES/Flooding	Contact Details	FloodingDevelopmentControl@pkc.gov.uk
Description of Proposal	Residential Development (in principle).		
Address of site	Land 60 Metres South West Of Burnside House Benarty Road Kelty.		
Comments on the proposal	<p>No objection.</p> <p>The supplied Flood Risk Assessment shows that under current conditions the Kinnaird Burn will not break its bank on the north side, into the site, but will stay in channel or flow into the field on the south side of the watercourse.</p>		
Recommended planning condition(s)	N/A		
Recommended informative(s) for applicant	PKC Flooding and Flood Risk Guidance Document (June 2014)		
Date comments returned	20/07/18		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/01176/IPL	Comments provided by	Mike Lee Transport Planning Officer
Service/Section	Transport Planning	Contact Details	[REDACTED] [REDACTED]
Description of Proposal	Residential Development (in principle)		
Address of site	Land 60 Metres South West Of Burnside House Benarty Road Kelty		
Comments on the proposal	Insofar as the Roads matters are concerned I have no objections to this proposal.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	27/07/18		

Comments for Planning Application 18/01176/IPL

Application Summary

Application Number: 18/01176/IPL

Address: Land 60 Metres South West Of Burnside House Benarty Road Kelty

Proposal: Residential Development (in principle)

Case Officer: Andrew Baxter

Customer Details

Name: Mr John Thomson

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Enhances Character of Area
- Supports Economic Development

Comment: Dear Sir/Madam,

I wanted to comment on the associated planning application and give it my full support. I farm the land around this small development and the area going into Lochore Meadows Park. With this being the entrance into the Meadows I feel that it should look neat and tidy which at the moment it most definitely does not as at present it is very unsightly and does nothing to compliment the area. Completing this small development with two more houses will improve the entrance to the park and generally make the area more appealing. Two houses will fit in well with the stunning homes that have already been built in this cluster and at the same time complete the development. Developing this area will fit in with the natural boundaries of the site between the road, the stream and the trees.

As I mentioned, I would lend my full support to developing this site.

Regards

J Thomson



The Coal
Authority



INVESTOR IN PEOPLE



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For the Attention of: Mr A Baxter – Case Officer
Perth and Kinross Council

[By Email: developmentmanagement@pkc.gov.uk]

14 August 2018

Dear Mr Baxter

PLANNING APPLICATION: 18/01176/IPL

Residential development (in principle); Land 60 Metres South West Of Burnside House, Benarty Road, Kelty, KY4 0HR – Re-consultation

Thank you for your notification of 2 August 2018 seeking the further views of The Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: Material Consideration

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that the site is in an area of recorded and likely unrecorded coal mine workings at shallow depth.

I have now had an opportunity to review the Coal Mining Risk Assessment, dated August 2015 and prepared by Geovia. This report has been informed by a range of sources of information.

Although we note that the report was prepared for a slightly smaller site than the current planning application site boundary we consider that its content and conclusions are still

relevant. Having reviewed the available coal mining and geological information the report concludes that intrusive site investigations should be carried out in order to establish the exact situation in respect of coal mining legacy issues. The Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development.

The intrusive site investigations should be designed by a competent person and should ensure that they are adequate to properly assess the ground conditions on the site in order to establish the exact situation in respect of coal mining legacy and the potential risks posed to the development by past coal mining activity. The nature and extent of the intrusive site investigations should be agreed with the Permitting Section of the Coal Authority as part of the permissions process. The findings of the intrusive site investigations should inform any remedial measures which may be required.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

A condition should therefore require prior to the commencement of development:

- * The undertaking of a scheme of intrusive site investigations which is adequate to properly assess the ground conditions and the potential risks posed to the development by past coal mining activity;
- * The submission of a report of findings arising from the intrusive site investigations, including details of any remedial works necessary for approval; and
- * Implementation of those remedial works.

The Coal Authority therefore has **no objection** to the proposed development **subject to the imposition of a condition or conditions to secure the above**.

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely

Melanie Lindsley

Melanie Lindsley BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI
Development Team Leader

General Information for the Applicant

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

<https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

In formulating this response The Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the Coal Mining Risk Assessment or other similar report. In the event that any future claim for liability arises in relation to this development The Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisers for this development in relation to ground conditions and the acceptability of development.

