

<b>TCP/11/16(477) – 17/00334/IPL – Residential development (in principle), site of former 1 Lower Gauls, Bankfoot</b>
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**TCP/11/16(477) – 17/00334/IPL – Residential development  
(in principle), site of former 1 Lower Gauls, Bankfoot**

**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 2008

**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.**

Use BLOCK CAPITALS if completing in manuscript

## Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

Mark this box to confirm all contact should be  
through this representative: ☐

\* Do you agree to correspondence regarding your review being sent by e-mail?

Yes ☒ / No ☐

Planning authority

Planning authority's application reference number

Site address

Description of proposed  
development

Date of application

Date of decision (if any)

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

**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 see attached document for our statement.

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

Yes    No  
☐    ☒

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

**Nature of application**

1. Application for planning permission (including householder application) ☐
2. Application for planning permission in principle ☒
3. 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) ☐
4. Application for approval of matters specified in conditions ☐

**Reasons for seeking review**

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

**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.

1. Further written submissions ☐
2. One or more hearing sessions ☐
3. Site inspection ☒
4. Assessment of review documents only, with no further procedure ☒

If you have marked box 1 or 2, 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 are necessary:

**Site inspection**

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

- |  | Yes                                 | No                       |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

**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 and intend to rely on in support of your review.

## Index

Review Application form

## Primary Documents

1. Applicant Statement

2. Flood Consultant's comments

3. Delegated Report with applicants annotations

4. Area Map with historical and current flood water indications

5. Overview of local flooding &amp; time line of previous approved applications &amp; flood works

Appendix 1: Application: 17/00334/IPL; Plans

Appendix 2: Flood Team Objection; Flood Engineers Report; correspondence &amp; Flood Consultant's comments

Appendix 3: Additional relevant correspondence on application 17/00334/IPL

Appendix 4: Correspondence relevant to Lower Gauls on application 09/00694/FLL

Appendix 5: Correspondence relevant to Lower Gauls on applications  
03/01823/FUL & 04/00802/FUL

**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.

**Checklist**

Please mark the appropriate boxes to confirm 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 requiring 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 [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

09/06/17

## **Index**

Review Application form

### **Primary Documents**

1. Applicant Statement
2. Flood Consultant's comments
3. Delegated Report with applicants annotations
4. Map with historical & current flood water indications & areas referred to throughout
5. Overview of local flooding & time line of previous approved applications & flood works

**Appendix 1:** Application: 17/00334/IPL; Plans (*area 3 on map*)

**Appendix 2:** Flood Team Objection; Flood Engineers Report; correspondence & Flood Consultant's comments

**Appendix 3:** Additional relevant correspondence on application 17/00334/IPL

**Appendix 4:** Correspondence relevant to Lower Gauls on application 09/00694/FLL (2 Lower Gauls) (*area 3 on map*)

**Appendix 5:** Correspondence relevant to Lower Gauls on applications 03/01823/FUL & 04/00802/FUL (1 Upper Gauls & 3 houses north of Upper Gauls) (*area 1 & 2 on map*)

### **Please note:**

\* All the information included was available to the Planner and to the Flood Team at the time of the decision, the majority of it in their own archives.

\* Email correspondence has been copied and pasted into a clearer format, but has not been amended or altered.

\* Some documents are fragmented or trimmed where the Planning Department have removed signatures when copying, as they had not been previously redacted.

\* Where text has been stroked through, it has been included elsewhere in the attached documents, and removed to avoid any confusion or unnecessary duplication.

\* For information, Alastair Mitchell (architect) named in some of the correspondence acted as agent for Mr & Mrs Bechtel during much of the application process.

\* Where information relevant to Lower Gauls forms only a small part of any document in applications other than for this site it has been highlighted for ease of locating it.



## Notice of Review

### Statement

Planning Application Ref: 17/00334/IPL.

Demolition of dwellinghouse and erection of 2no. dwellinghouses (in Principle).

Site: Former Lower Gauls Cottage, Bankfoot, Perth

This application has been rejected as:

*"...the proposal is considered to be contrary to Policy EP2 – New Development and Flooding therefore the principle of a residential development on this site cannot be supported and the key test of acceptability is not consistent with the requirements of the identified Local Development Plan."*

(Ref: 17/00334/IPL Delegated report: 20.04.17)

Our request for a review is based on the following:

**The objection from the PKC Flood Team that led to the decision to reject this development is not based on full and accurate consideration of the factual data available to them. This site does not form part of or sit within a flood plain, and therefore will not increase the risk to any property or persons.**

Up to date information and studies as seen in the following documents show that the Flood Teams objection and the PKC Planning response to that does not reflect the current landscape; land ownership boundaries; local flood defences; buildings adjacent to the site; SEPA comments on the specific site to which the application refers; or the most recent CH2MHill Flood Risk Report.

We therefore respectfully ask that the panel take time to review the sites flooding history, plans, maps, photographs and information here submitted and reverse the decision to reject the plans for the development of this site.

With many thanks for your attention,

J & T Bechtel (Applicant)





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Structures  
Infrastructure  
Flood Risk  
Environmental  
Hydrology  
Transportation

Our Ref: BC/21/7720

2<sup>nd</sup> June 2017

Mrs J Bechtel  
1 Lower Gauls  
Bankfoot  
Perthshire

(Email only)

Dear Jane,

**PLANNING APPLICATION REF 17-00334-IPL - DEMOLITION OF DWELLINGHOUSE AND ERECTION OF 2NO. DWELLINGHOUSES (IN PRINCIPLE), 1 LOWER GAULS, BANKFOOT: OBJECTION ON FLOOD RISK GROUNDS**

Based on correspondence with Gavin Bissett and Craig McQueen of PKC Flooding team, I would make the following comments:

- My correspondence and discussions with Gavin Bissett centred largely around the fact that his initial findings were based on flood mapping from 2008, and based on more severe flood scenarios than are required to establish flood risk for house development. There are several problems with this:
  - The mapping he makes reference to is not up to date.
  - It includes data relating to a blockage scenario at the road bridge, and also mapping which relates to the 200 year flood including climate change – the latter scenario is valid for establishing minimum FFLs but the 200 year flood *without* an allowance for climate change is the scenario for which flood plain extents are normally assessed.
  - The mapping does not seem to account for changes since 2008 in terms of neighbouring development, and may not include any changes in 2008 to the flood bund at the bottom of the garden.
  - The mapping does not even take into account the footprint of buildings on the site, the location of the house is shown as floodplain
- Because of the above, I had discussed these issues with Gavin, who had agreed to request updates/checks on modelling results from CH2MHill.
- Significantly, I had asked Gavin to find out from CH2MHill what the predicted Q200 (without climate change of bridge blockage) flood level would be for the overland flow in the field adjacent to the site
- On 20<sup>th</sup> March I had sent a further email to Gavin asking for a progress report – no reply received to date
- Craig McQueen's last minute intervention was clearly driven solely by the impending deadline, presumably because his department were contacted by planning. He does not seem to have the information from CH2MHill that Gavin had said he would request, and which we were waiting for



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TA Millard Scotland Ltd trading as Millard Consulting

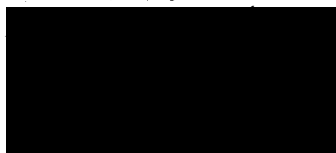
- The series of permitted developments (including the next door site which Millard Consulting were previously involved with) have potentially contributed to a decrease in flood risk to 1 Lower Gauls, however the flood bund and raised ground next door are likely to have contributed to poor drainage of the site. Your proposals are an opportunity to rectify this inherent problem, and replicate the measures permitted all along the rest of the strip of development over the past decade or so.
- In this context I think it is important that it is acknowledged that the raising and extending of the bund was a PKC requirement included in the conditions for the 3 house and flood wall development to the east, and it would also be inconsistent for them now to say that the bund has no effect on floodplain extents.
- You will note my previous comments (above) re the effect of the bund not on flood risk but on drainage – this means that your site has if anything been adversely affected by the addition of the bund to allow other development to be permitted. The one potential benefit – protection from flooding – has been completely discounted by Mr McQueen even though PKC assumed it to be beneficial when allowing the houses at the other end of the row to be built.
- *It is still not clear then why Gavin Bissett could not have completed what he set out to do when we agreed to wait while he consulted with CH2MHill. If we knew that nothing going to be done during the 4 week period that has been "lost", we could instead have used the time to carry out a detailed survey of the site. Hence it would have been possible to confirm the floodplain extent more accurately. This is an opportunity missed. As it stands, we have no reason to believe that the new objection is based on the accurate and currant physical properties of the site.*
- *Actions which could have been available to you during the 4 week period of lost time could also have included the possibility that you could have opted to withdraw your application.*
- *Also, the Flooding team should have ensured that Planning were asked to wait while discussions with CH2MHill were ongoing – Gavin Bissett told me he would ask planning to hold off on making a decision until he had the information we needed from their consultant.*

For the above reasons I strongly support your appeal against the refusal of planning permission on the basis of flood risk.

Regards

Brian Coghlan

Yours faithfully,



Dr Brian Coghlan BSc (Hons) PhD CEng MCIWEM  
Technical Director  
Millard Consulting

## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	17/00334/IPL	
Ward No	N5- Strathtay	
Due Determination Date	02.05.2017	
Case Officer	Sean Panton	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Residential development (in principle).

**LOCATION:** Site of Former 1 Lower Gauls, Bankfoot, Perth.

#### SUMMARY:

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

**DATE OF SITE VISIT:** 16<sup>th</sup> March 2017

#### SITE PHOTOGRAPHS



#### BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is at 1 Lower Gauls, Bankfoot. The site is approximately 1590m<sup>2</sup> and the proposal is for a residential development (in principle). It is indicated that the proposed residential development will comprise of 2 dwellinghouses, one with an approximate plot size of 870m<sup>2</sup>, leaving the resultant plot with an approximate size of 720m<sup>2</sup>. The existing dwellinghouse on the site will have to be demolished to accommodate the proposal.

The proposal also involves raising the land on the entirety of the site by approximately 1.3metres (average) to prevent the development site from flooding. **The site currently has an unauthorised bund to the western and southern boundaries to prevent the existing building from flooding, however this bund has no legal merit.**

**This bund was built on the advice of SEPA.**

**As part of applications: 03/01823/FUL & 04/00802/FUL, approved by PKC Planning Dept. The specifications for the bund are detailed within the correspondence of the above PKC Approved applications. Appendix 5.**

There was a previous application for the site (16/01482/IPL) which was withdrawn in September 2016 for issues relating to Biodiversity and Flooding. The applicants were advised to withdraw the application and resubmit with a Bat Survey and a Flood Risk Assessment to avoid the application from being refused. This present application now forms the resubmission of the previously withdrawn 16/01482/IPL.

**In the withdrawn application (16/01482/IPL), the applicants clearly stated and referenced all the applications and flood works adjacent to and relevant to the site.**

It should be noted that this application has sufficient information to be considered as a detailed application. The applicants were advised of this prior to validation however wished for the application to remain as an in principle application rather than a detailed.

## **SITE HISTORY**

16/01482/IPL - Demolition of dwellinghouse and erection of 2no. dwellinghouses (in principle) at 28<sup>th</sup> September 2016: Application Withdrawn.

## **PRE-APPLICATION CONSULTATION**

No pre-application consultation was undertaken other than discussions in regards to the previous application for the site which was withdrawn (16/01482/IPL).

**Telephone request was made to the Planning Office for an on-site pre application consultation, and was informed that this was unnecessary as the Planning Officer was familiar with the site.**

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

### **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of TAYplan should be noted. The vision states *“By 2032 the TAYplan region 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 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 principal policies are, in summary:

#### **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 RD1 - Residential Areas**

In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

#### **Policy TA1B - Transport Standards and Accessibility Requirements**

Development proposals that involve significant travel generation should be

well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

#### Policy NE3 - Biodiversity

All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

#### Policy EP2 – New Development and Flooding

There will be a general presumption against proposals for built development or land raising on a **functional flood plain** and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere.

**We maintain that due to previous PKC approved developments the site is not in a functional flood plain, and development of the site will not cause an increase the probability of flooding elsewhere.**

### OTHER POLICIES

#### Development Contributions

Sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development.

### CONSULTATION RESPONSES

#### Internal

##### Transport Planning:

Transport Planning has no objection to the proposed development providing a number of conditions and an informative are added to any consent.

##### Contributions Officer:

The Contributions Officer recommended that should any consent be granted then 2 conditions are added to the consent in relation to the proposal being in accordance with the Developer Contributions Guidance.

##### Biodiversity Officer:

The Biodiversity Officer initially requested a Phase 1 Bat Survey to be submitted. This was consequently submitted (28<sup>th</sup> March 2017) and the Biodiversity Officer now suggests that the recommendations from the conclusions of the Phase 1 survey are carried out.

##### Local Flood Prevention Authority:



Extensive discussions were held with the flooding team who **object** to the proposal as the provided Flood Risk Assessment does not provide an appropriate level of information to confirm that the land raising proposed as part of this application will not negatively affect the flood plain storage of the area.

**The applicants & their professional consultants have no confidence that the Plans or Flood Risk Assessment have been read or fully understood by the Flood Team or considered in the context of the current landscape of the site and the adjoining land.**

#### External

Scottish Water:

Scottish Water did not respond to the consultation.

### **REPRESENTATIONS**

1 letter of representation was received regarding the proposal. In summary, the letter highlighted the following points:

- No objection to the proposed development
- No recollection of known flooding issues on the site
- Difficulty in understanding how the site can make a practical contribution to the floodplain
- Existing cottage is an anomaly and is lower than the existing houses
- Existing cottage is not attractive and does not provide a pleasant living environment
- Development of site would provide a more attractive entrance to Bankfoot

### **ADDITIONAL STATEMENTS RECEIVED:**

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

### **APPRAISAL**

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

Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

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

### **Policy Appraisal**

The application site is located within the settlement boundaries of Bankfoot; therefore Policies RD1 'Residential' and PM1 'Placemaking' are directly applicable. The site is also within an area known to Flood Risk therefore Policy EP2 – New Development and Flooding is of paramount importance. Policy NE3 – Biodiversity, Policy PM3 – Infrastructure Contributions and Policy TA1B - Transport Standards and Accessibility Requirements are also applicable to this application and will be applied accordingly.

As this is a planning in principle application, the key test of the acceptability of this proposal on policy grounds is ultimately whether or not the proposed land use (for residential) is consistent with the requirements of the Local Development Plan without compromising residential amenity or the character and distinctiveness of the area. As the site falls within an area known to flood risk, Policy EP2 – New Development and Flooding states that there will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere.

As this proposal involves land rising in a **functional flood plain** with no clear justification or a satisfactory Flood Risk Assessment, the proposal is considered to be contrary to Policy EP2 – New Development and Flooding therefore the principle of a residential development on this site cannot be supported and the key test of acceptability is not consistent with the requirements of the identified Local Development Plan.

**As previously noted, the site is not part of a functional flood plain.**

### **Design and Layout**

As this is a planning in principle application, the exact details in relation to design and layout cannot be fully determined. However it is considered that an acceptable scheme could be achieved which would not appear out of place on the streetscene and would respect the surroundings.

The indicative plans as submitted do not raise any significant concerns as the proposed dwellinghouses are of a scale proportionate to the site whilst being appropriately sited leaving a sufficient level of amenity space for the properties. The design of the proposed dwellinghouses themselves could be improved to add more character, however as stated, this is a consideration for a detailed application and not an in principle application.



## **Landscape**

Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. In this case, the siting of a proposed residential development on this site within the settlement boundary of Bankfoot is not considered to erode local distinctiveness, diversity and quality of the landscape.

## **Biodiversity**

The previous application for this site (16/01482/IPL) had a recommendation from the Biodiversity Officer that a Bat Survey was carried out to determine the presence of protected species within the building proposed to be demolished. The applicants subsequently withdrew the application to allow for more time to prepare a Bat Survey (in addition to a Flood Risk Assessment). However, when this present application was received, there was no Bat Survey included as was requested. I contacted the applicants regarding this and they informed me that this survey had not been included in the resubmission as they had been advised from external parties that Bat Surveys are not possible at the time of the year in which they requested. I then reminded the applicants that although a full survey was not possible to be undertaken due to bat roost emergence periods, a Phase 1 survey was still capable of being carried out. This Phase 1 Survey was consequently submitted (28<sup>th</sup> March 2017) and the survey showed that there was no evidence of bats present however noted that the property does provide good roosting opportunities. The Biodiversity Officer now suggests that the recommendations from the conclusions of the Phase 1 survey are carried out; however I do not consider this to be appropriate due to the Phase 1 survey showing no evidence of bats. I therefore have no concerns in relation to Biodiversity.

## **Residential Amenity**

As this is a planning in principle application, the exact impact upon existing amenity and also the proposed residential amenity of future occupiers of the proposed dwellinghouses cannot be fully determined. However it is considered that an acceptable scheme could be achieved which would not compromise the amenity of existing residential properties and will equally provide a suitable level of residential amenity for future occupiers of the proposed houses.

The indicative plans as submitted do not raise any significant concerns as the location of the 2 proposed dwellinghouses are respectful to the neighbouring properties to the north and the position and orientation of windows do not present any issues of overlooking. However, as previously mentioned, this can only be considered in full at a detailed application stage.

## Visual Amenity

The site is located to the edge of a building group with established site boundaries in the settlement boundary of Bankfoot. A residential development could therefore be accommodated without detrimentally impacting the visual amenity of the area.

## Roads and Access

The indicative plans submitted show 2 properties which each have their own access and driveways. These access points and driveways are considered to be appropriately sited and proportionately scaled for the size of the indicated dwellinghouses. Transport Planning also responded to the consultation and stated that they had no objection to the proposed development subject to conditions. Full details of the appropriateness of the roads and access however can only be determined at a detailed application stage and not at an in principle stage. I do however believe that an acceptable scheme can be achieved on this site and I therefore have no concerns in relation to roads and access.

## Drainage and Flooding

Perth and Kinross Council have had extensive fluvial flood modelling carried out by consultants, CH2M, looking at flood risk in Bankfoot from the Glenshauch and Garry Burns.

The flood extent maps as a result of this modelling show that the site under question is at severe risk of flooding as it is a functional flood plain. This modelling information **includes** the flood barrier bund to the rear of the property that is already constructed.

**This bund was built on the advice of SEPA.**

**As part of applications: 03/01823/FUL & 04/00802/FUL, approved by PKC Planning Dept. The specifications for the bund are detailed within the correspondence of the above application. Appendix 5.**

**It should be noted that the letter accompanying the reiteration of the PKC flood team's objection states that:**

***"The presence of the bund actually cannot be considered when looking at protection or flood levels to the site. Any modelling assessing risk to the site specifically (an FRA) should replicate flooding as if the bund weren't present."***

**As this directly contradicts the statement made by the Planner, the applicants have no confidence in either the technical or systemic treatment of this application.**

The Local Flood Prevention Authority responded and objected to the previous application to the site that was withdrawn (16/01482/IPL) on the grounds of a lack of information for a site at such risk of known flooding. The application was then resubmitted (as present) and includes a Flood Risk Assessment as requested.

The Flood Risk Assessment that was submitted was sent to the Local Flood Prevention Authority for consultation who then again objected to the proposal as the Flood Risk Assessment does not address the concerns of the previous objection.

**We are confident that our submitted Flood Report and the follow up information submitted by our consultant fully addresses the valid concerns raised, however, some of the matters put forward by PKC Flood team are based on outdated and consequently irrelevant information.**

**Our consultant (as detailed in the attached correspondence) was led to expect continued dialogue with the PKC Flood team to clarify these points. Appendix 2**

The Local Flood Prevention Authority demonstrated that a significant portion of the site is shown to be flooded during a flooding event. The proposals incorporate significant land rising within the functional floodplain (1 in 200 year), with no mitigation proposed for the loss of floodplain storage. As such this is contrary to Scottish Planning Policy. The minimum threshold for any new development would also require to be set at the 1 in 200 year (plus climate change) flood level plus 600mm freeboard. It was considered that the submitted Flood Risk Assessment did not address these points.

**These points have been fully addressed in the applicants Plans and Flood report.**

The Local Flood Prevention Authority then had extensive discussions with the agent and sent the submitted Flood Risk Assessment to the external consultants who had recently carried out extensive fluvial flood modelling looking at flood risk in Bankfoot from the Glenshauch and Garry Burns for comment.

**These discussions have not been concluded, and the applicants & their professional consultants have no confidence that the Plans or Flood Risk Assessment has been read or fully understood by the Flood Team or considered in the context of the current landscape of the site and the adjoining land.**

Unfortunately, neither the external consultants nor the Local Flood Prevention Authority are satisfied that this proposal can be accommodated without significantly reducing flood plain storage which would in turn flood other areas. The Flood Risk Assessment does not effectively demonstrate where and how this misplacement would affect the area which is a requirement of Policy EP2 of the Perth & Kinross Local Development Plan 2014. Policy EP2 states that there will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere.

**The applicants have not been provided with details of the comments made by external consultants to allow for review and comment by the applicants and their consultants, despite this course of action having previously been agreed with their consultant and the Flood Team.**

Although there is an existing bund to the south of the site, I would like to further confirm that this bund **has** been taken into consideration from the consultants during the Bankfoot Flood Study.

**This bund was built on the advice of SEPA as part of applications: 03/01823/FUL & 04/00802/FUL, approved by PKC Planning Dept. The specifications for the bund are detailed within the correspondence of the above application. Appendix 5**

The Local Flood Prevention Authority also highlighted that there are further concerns regarding groundwater and sewerage which would need to be further addressed.

**These items were fully addressed in the secondary correspondence between Brian Coghlan of Millards and Gavin Bissett of the PKC Flood Team. As Attached. Appendix 2**

As such, it is considered that the proposal is contrary to Policy EP2 – New Development and Flooding. The provided Flood Risk Assessment does not demonstrate that the proposal would be acceptable and the Council cannot permit a development where flood risk is not clearly demonstrated.

**The applicants & their professional consultants have no confidence that the Plans or Flood Risk Assessment has been read or fully understood by the Flood Team or considered in the context of the current landscape of the site and the adjoining land.**

## **Developer Contributions**

### **Primary Education**

The Council's 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.

This proposal is within the catchment of Auchtergaven Primary School.

### Transport Infrastructure

The Council's Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.

The application falls within the identified Transport Infrastructure Supplementary Guidance reduced contribution boundary and the Developer Contributions Officer requested that a condition to reflect this should be attached to any consent granted.

### **Economic Impact**

The development of this site would count towards local housing targets, accounting for short term economic investment through the short term construction period and indirect economic investment of future occupiers of the associated 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 not considered to comply with the approved TAYplan 2012 or the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for 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 application.**

### **Conditions and Reasons for Recommendation**

- 1 The proposal is contrary to Policy EP2 – New Development and Flooding of the Perth & Kinross Local Development Plan 2014 in addition to Scottish Planning Policy. The site is in a functional flood plain and the provided Flood Risk Assessment does not effectively demonstrate where and how the misplacement of water from the proposed land rising would affect the area during a flooding event. Furthermore, the implementation of an additional property on the site would increase the persons at risk during a flooding event.

### **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**

Not Applicable.

### **Procedural Notes**

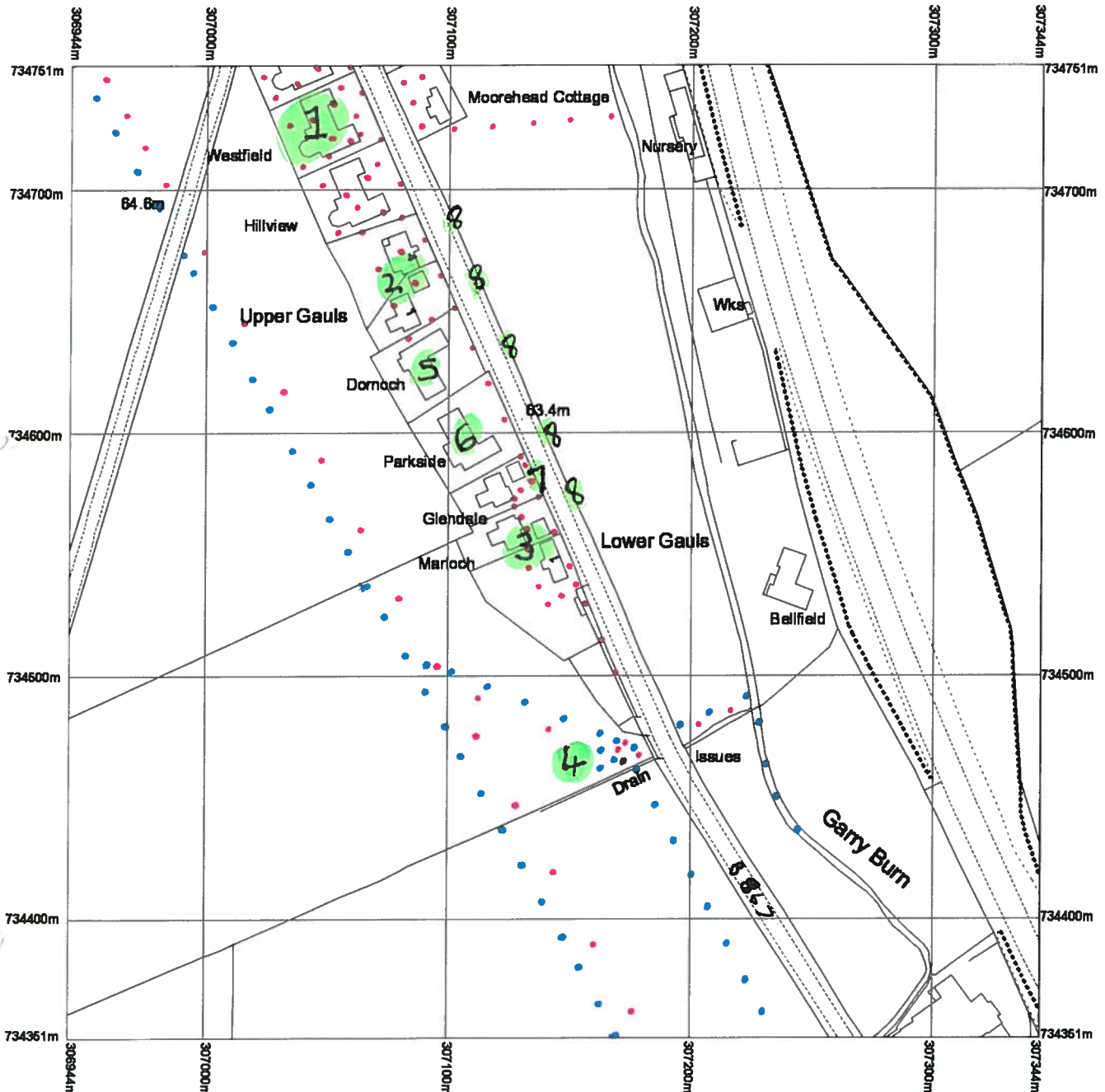
Not Applicable.

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

17/00334/1  
17/00334/2  
17/00334/3  
17/00334/4  
17/00334/5  
17/00334/6  
17/00334/7  
17/00334/8  
17/00334/9

**Date of Report** 20<sup>th</sup> April 2017





NOT TO SCALE

1 AREA NUMBERS

● CURRENT FLOOD WATER FLOW  
● PREVIOUS FLOOD WATER FLOW

ACCURATE MAPPING OF 1993 FLOOD  
CAN BE SEEN IN THE OVE ARUP REPORT  
NOV. 2002. APPENDIX 5

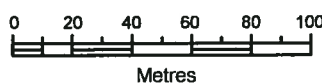
Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey.

Ordnance Survey and the OS Symbol are registered trademarks and OS MasterMap® is a trademark of Ordnance Survey, the national mapping agency of Great Britain.

The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.

Scale 1:2500



Supplied by: Getmapping  
Centre coordinates: 307144, 734551  
OS License Number: 100030848





## Overview of previous applications & works

### Introduction

The applicants moved into 1 Lower Gauls Cottage September 1997 as tenants of Eagle Star Insurance, through their agents Bidwells. The applicants subsequently purchased the property in 2005.

One of the applicants has served on the Auchtergaven Community Council Flooding Sub Committee for many years, and was a contributor and consultee on the Halcro W (now CH2MHill) flood survey, and has extensive personal knowledge of the areas flood history.

In the original planning application in principle for 1 Lower Gauls Cottage, REF16/01482/IPL (*withdrawn September 2016*), the applicant noted and drew attention to all of the planning applications mentioned in the following document.

All the related plans and communications are available in hard copy in the PKC planning archive, however, we attach copies of the correspondence relating to appellants site at 1 Lower Gauls for your information, and highlighted sections relating to Lower Gauls.

### History

In the 1980's the areas to the south east and west of the Moneydie Road in Bankfoot was prone to flooding from the north, on occasions when the Garry Burn rose high enough to overflow its banks at the Road Bridge beside the tennis courts some 200 meters north of the Moneydie Road junction, and the attached map.

*In addition, a full flood map from 2002 (approx) is available in the Ove Arup Flood Report. Appendix 5;*

The flood water would then flow south and east across the adjacent field, over the Moneydie Road, and pool in an area of lower ground abutting the Perth Road and the north side of 1 Upper Gauls. (*area 1 on map*)

If it reached a sufficient depth at this point, the water would then spill east onto the Perth Road potentially flooding the junction at Barns Brae (now the A9 Access), the houses opposite the flood pool at Moorhead Cottage, and Lyndale, as well as flowing south down the B867 Perth Road, and potentially flooding the 4 houses there: 1 & 2 Upper Gauls, and 50 meters further south 1 & 2 Lower Gauls. (*areas 2 & 3 on map*)

At this time, all the above mentioned six properties sat below the level of the B867 Perth Road.

In times of very severe flooding, a portion of the collected flood water (*in area 1 on map*) would flow south across the fields to the west of both sets of the Gauls Cottages, pooling in the corner of the field south of Lower Gauls, before making it's way east again through the field drain to the south of Lower Gauls, re-joining the Garry Burn. (*area 4 on map*)

Ownership of both the cottages and the surrounding fields was held by Eagle Star Insurance, managed through their agents Bidwell, and Mr W Ritchie, local farmer and landowner.

The first new house build on this stretch of road was in (1997) immediately to the south of 1 Upper Gauls. (*area 5 on map*), followed in 1999 by it's neighbour, again to the south. (*area 6 on map*). These 2 properties were on land owned and developed by Mr Ritchie, and the houses were set at a considerably higher ground level that the existing houses and above the road level.

As these two houses were now blocking the natural run off of the flood waters, the potential for the pooled water to reach a greater depth, and cause greater damage than previously became apparent.

This necessitated the building of a small flood wall to the north of 2 Upper Gauls to prevent any collected water from entering the site, and the placement of a flood relief pipe installed under the roadside edge of the driveways of the 2 new properties, to provide relief should floodwater gathered to the north of Upper Gauls (*in area 1 on map*) overcome the new flood wall, potentially inundating the properties.

Despite the relief pipe, the lower land around the property at 1 Upper Gauls now boxed in by flood defences & higher adjoining ground was flooded in 2003.

In addition to the problems caused by this pipe at Upper Gauls, the large new relief pipe from Upper Gauls was not connected to the smaller relief pipe that carried water past the drives of the cottages at Lower Gauls, but instead fed into a ditch on the road side north of the cottages. (*area 7 on map*).

This ditch did not have the capacity to hold the volume of water now flowing into it from the wider relief pipe, and so the cottages at Lower Gauls became more vulnerable to flooding, with 1 Lower Gauls, the lowest surrounding garden area most at risk.

In the applicant experiences of 3 local flood incidents, it should perhaps be noted at this point, that we are talking about a few inches of water getting into the houses, rather than any large volumes as experienced in the large floods in the early 1990's, before any of the works or additional houses were added to the row.

A phase of major combined flood defence and house building followed in 2004/2005

Following flood damage to 1 Upper Gauls in 2003, Bidwells applied for permission to demolish and re-build the cottage at a higher level, taking the new house out of the flood plain and bringing the ground level up to match that of the new houses to the south. Planning application: 03/01823/FUL (*area 2 on map*)

At approximately the same time, Mr Ritchie applied for permission to build three substantial houses on raised ground in Area 1 of our map, the intention being that by completely filling the lower area of land where flood waters pooled, any flood water would then flow to the west, behind the row of all the houses on the stretch.

Planning application: 04/00802/FUL (*area 1 on Map*)

This application included a substantial concrete flood wall to the west (behind) the three new houses and which would extend south far enough to provide additional protection to the houses – both proposed and original - at Upper Gauls.

SEPA were involved in this application from the outset, and subsequent to their initial objection to the plans, they demanded extensive flood engineering surveys (*appendix 5*) and projections to be undertaken, looking at all the potential consequences of the proposed build to the surrounding land and properties.

While it was easily demonstrated that the raised land and flood wall (*area 1 on map*) would provide protection from the highest risk of flooding from the north to the Barns Brae junction, Lyndale and Moorhead cottages as well as both sets of Gauls Cottages, an increased risk of flooding from the west could not be discounted, as the water previously flowing south down the B867 Perth Road during a flood incident would now be diverted to the west of the road, behind what was by then a row of 9 houses.

The extension of the flood wall to the south would protect the one remaining lower level cottage at 2 Upper Gauls (*area 2 on map*), but the potential for additional risk to the properties at Lower Gauls (*area 3 on map*) was also considered.

Agreement was reached between Bidwells (as agents for Eagle Star), Mr Ritchie and SEPA that a substantial bund to the west (rear) of the cottages at Lower Gauls, built to specifications provided by the consulting engineers (***Arup correspondence: Appendix 5***) would be adequate additional protection for the two adjoining cottages in the unlikely event of the flow of flood water from the north to the lower ground to the south diverting to the east, toward the cottages.

The only potential complicating factor was that while approval of both planning applications was dependent on all the defences being in place, the land ownership for these varied flood defences was shared between the two owners (Eagle Star & Mr Ritchie) and as they were not constructed by the SEPA or part of a public flood defence scheme, the maintenance of all the dikes, ditches, and bunds would sit in the hands of the respective owners in perpetuity, as a condition of the removal of the objections by SEPA. (*Correspondence: appendix 5*)

The building of the Flood Dyke, bunds and new houses went ahead as approved by PKC and extensively discussed by SEPA, Ref: 04/00802/FUL (*Correspondence: appendix 5*)

From this point in 2005/ 2006 the Cottages at Lower Gauls were no longer in the flood plain, or at any risk of flood water ingress. The flood defences have been successful, and no flood incidents have occurred since their implementation.

This being the case, when Bidwells offered the two adjoining cottages at Lower Gauls for sale on behalf of Eagle Star (2005) the property boundaries were extended by some 6 meters to the west, and in the case of 1 Lower Gauls 10 meters to the south, so as to encompass the bund in the property boundary, and thus leave the maintenance of the bund with the landowner, as previously agreed when the construction was undertaken, rather than have the flood defences for the properties in the hands of another landowner, who may not be as invested in their upkeep. (*Correspondence: appendix 5*)

Two more issues connected to potential flooding at Lower Gauls from the north were resolved separately in 2007 & 2009.

The first of these was the formalisation of flood water run off areas on the east side of the B867 Perth Road (*area 8 on map*) where residents had previously dug away a roadside bank to allow flood water to escape from the road.

This formalisation was part of a footpath scheme and saw the introduction of a pavement with the intermittent lowered areas that ensured that even if all the other flood defences to the north were bypassed, any water would still have an alternative route to flow away from (to the east) rather than (west) toward the potentially affected houses.

As there has been no flooding from the north since 2005, these relief sites have not been tested since their formalisation, but as the previous informal run off areas were effective, it is assumed that these too would serve the purpose they were installed for.

Finally, the flood relief pipe from the remaining lower level cottage at 2 Upper Gauls (*area 2 on map*) that extended now past three new houses and into an open ditch at 2 Lower Gauls (*area 7 on map*)

This was resolved when an application was made to demolish the cottage at 2 Lower Gauls, and replace it with two new houses at the higher level that had by then become the 'norm' for the property in this part of the village. REF: 09/00694/FLL and associated applications. (*Appendix 4*)

Again, conditions were set by SEPA to ensure that all possible flood measures were put in place, not only to ensure the safety of the new properties from flooding, but also of the - now detached - cottage at 1 Lower Gauls.

These measures included the replacing the southern (narrower) stretch of the flood relief pipe and enclosing it fully, as well as working with the PKC Roads Department to form new Maximum height pavements along the full length of the row of houses, which would act as a further encouragement to any flow of flood water from the north to cross the road and utilise the run off areas now formalised across the road from the houses.

In conclusion; As the attached map shows, this now leaves the remaining cottage at 1 Lower Gauls isolated from the flood plain to the west by the bund on the edge of its boundary; from the north by 1 ½ meters (approx) raised ground that forms the garden of 'Marloch' the nearest of the two new houses approved by PKC in 2009; protected to the east (road) side by raised road level, high kerb and stepped wall should any water make it past all the extensive flood defences to the north and east; and from the south by higher ground that forms the end of the sites garden area, and by walled culvert that provides protection from any reverse of the flow from the flood relief pipe from 2 Upper Gauls.

Technical detail of all these flood defences are available in the attached Flood Report. (*Appendix 2*)

The proposed development at Lower Gauls would not remove any land from the functional flood plain; maintenance of the bund to the west that separated it from the flood plain in 2005 is the responsibility of the landowner who is the applicant and its construction was a condition of another development sanctioned by PKC (REF 04/00802/FUL) (*appendix 5*); as the attached plans (*appendix 1*) & Flood Engineering report (*appendix 2*) clearly demonstrate the proposed development sits higher than the notional or projected 1/200 level of potential flooding required by both SEPA and the PKC flood team.

The only additional level of water management that has been suggested by the applicants Flood Engineer is to pipe and fill the ditch to the east and south of the property where the runoff from the Upper Gauls Flood Relief pipe exits. This would extend that pipe beyond the edge of the property at Lower Gauls into the continuation of the current ditch.

# **Appendix 1:**

## **Application: 17/00334/IPL; Plans**

*(area 3 on map)*





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

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

Thank you for completing this application form:

ONLINE REFERENCE 100040475-001

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)

Demolition of existing cottage, and sub division of existing site and erection of 2No. new dwelling houses in principle.

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:	Alastair Mitchell Architect		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Alastair	Building Name:	
Last Name: *	Mitchell	Building Number:	15
Telephone Number: *	07780814268	Address 1 (Street): *	Sandeman Place
Extension Number:		Address 2:	Luncarty
Mobile Number:		Town/City: *	Perthshire
Fax Number:		Country: *	Scotland
		Postcode: *	PH1 3RJ
Email Address: *	rachelmitchell134@btinternet.com		

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	T	Building Number:	
Last Name: *	Bechtel	Address 1 (Street): *	
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	
Extension Number:		Country: *	
Mobile Number:		Postcode: *	
Fax Number:			
Email Address: *			



## Site Address Details

Planning Authority:

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

Northings

Easting

## Pre-Application Discussion

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

☒ Yes ☐ No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

☒ Meeting ☐ Telephone ☒ Letter ☒ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

A planning application was lodged Ref 16/01482/IPL by my client Mr T Bechtel. The application was withdrawn following discussion with Sean Panton. Additional information has now been prepared and a new application is being lodged within the 12month period.

Title:

Other title:

First Name:

Last Name:

Correspondence Reference  
Number:

Date (dd/mm/yyyy):

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

1517.50

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)

An existing dwelling house and garden ground

## Access and Parking

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

☒ Yes ☐ No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*

☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

☒ Yes ☐ No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- ☒ Yes – connecting to public drainage network  
☐ No – proposing to make private drainage arrangements  
☐ Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

☐ Yes ☒ No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

- ☒ Yes  
☐ No, using a private water supply  
☐ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

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

☒ Yes ☐ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

## Trees

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

☒ Yes ☐ No

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

## All Types of Non Housing Development – Proposed New Floorspace

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

☐ Yes ☒ No

## Schedule 3 Development

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

☐ Yes ☐ No ☒ Don't Know

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

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

## Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

## Certificates and Notices

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

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

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

☒ Yes ☐ No

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

☐ Yes ☒ No

## Certificate Required

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

Certificate A

# Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

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

Signed: Alastair Mitchell

On behalf of: Mr T Bechtel

Date: 20/02/2017

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

- ☒ Site Layout Plan or Block plan.
- ☒ Elevations.
- ☒ Floor plans.
- ☒ Cross sections.
- ☐ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☐ Photographs and/or photomontages.
- ☐ Other.

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

Provide copies of the following documents if applicable:

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

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

## 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 Alastair Mitchell

Declaration Date: 23/02/2017



## **PLANNING STATEMENT**

**No.1 Lower Gauls Cottage  
Bankfoot  
Perthshire  
PH1 4ED**

An application was made for outline planning permission for the demolition of the existing dwelling house and the erection of 2No. new dwelling houses on the site of the former dwelling house and associated garden ground at No.1 Lower Gauls Cottage, Bankfoot. (Ref 16/01482/IPL)

The application was subsequently withdrawn to allow sufficient time to allow additional information to be prepared.

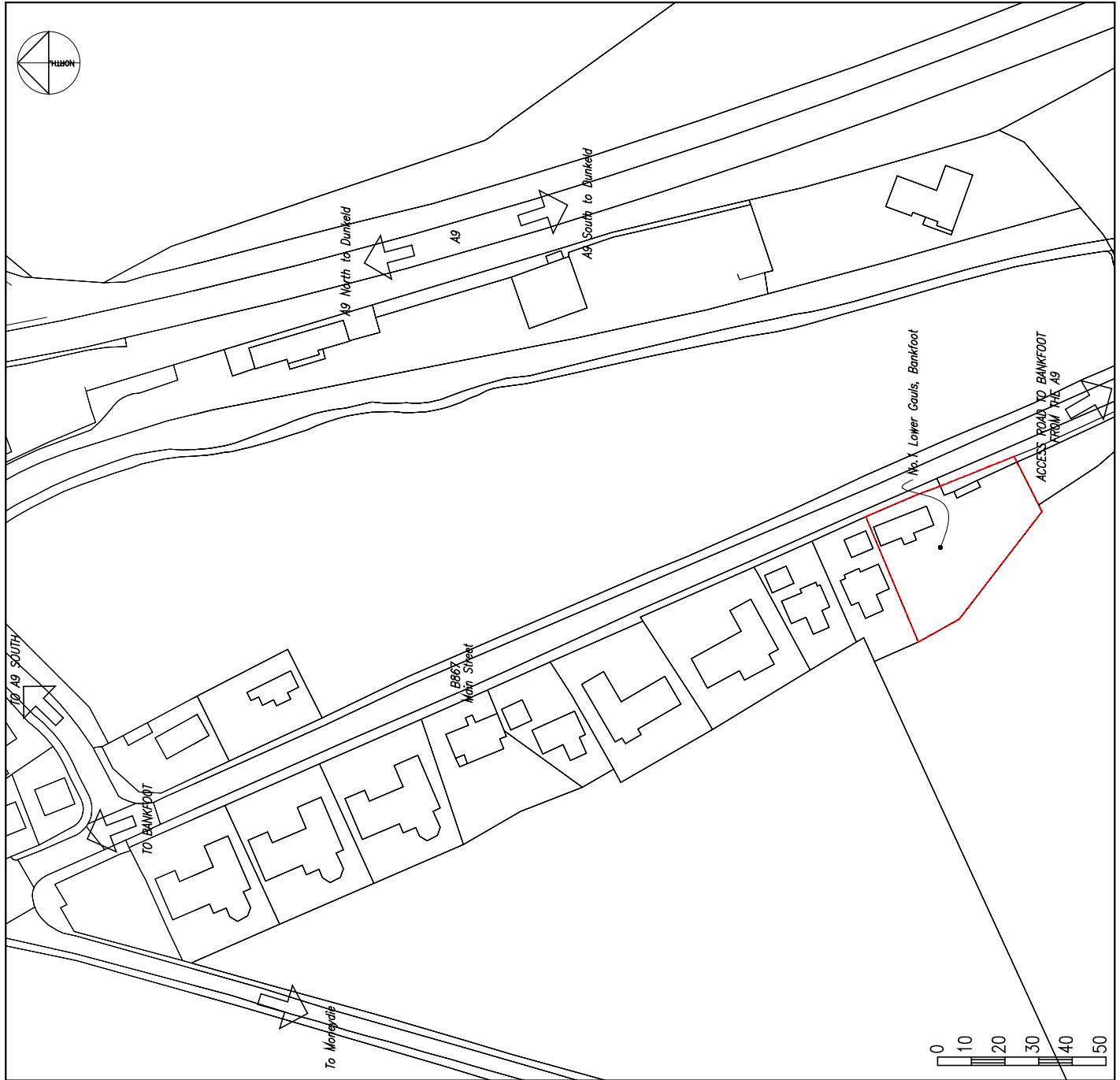
We have now reviewed the details that are required and would like to confirm the following,

- A flood study of the area has been prepared by Millards. The flood study covers the whole of the site and also makes reference back to the new houses that have already been constructed adjacent to the existing dwelling house. Site sections have been prepared showing the upfill that is required across the site to meet with the recommendations within the flood study. The new finished ground levels will be set to match the level of the new adjacent properties.
- The intention would be that one of the new houses would utilise the existing foul and rainwater connections that exists on the site. The second house would utilise a new rainwater and foul soakaway and will therefore not add to the flooding within the area.
- It was noted that a bat survey is required for the existing property. Due to the seasonal nature of bat habitations, a survey cannot be carried out at this time of year. As the intention is to apply for outline planning only at this stage, can consideration be given to attaching a condition to any future planning application confirming that a full bat survey is to be undertaken in advance of the demolition of the existing house.

We trust the above report and associated documentation will allow any previous concerns to be clarified.







Proposed Residential Development at,  
1 Lower Gauls Cottage, Bankfoot  
for Mr T Bechtel

Location Plan  
Drawing No. S/10 Rev A

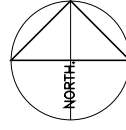
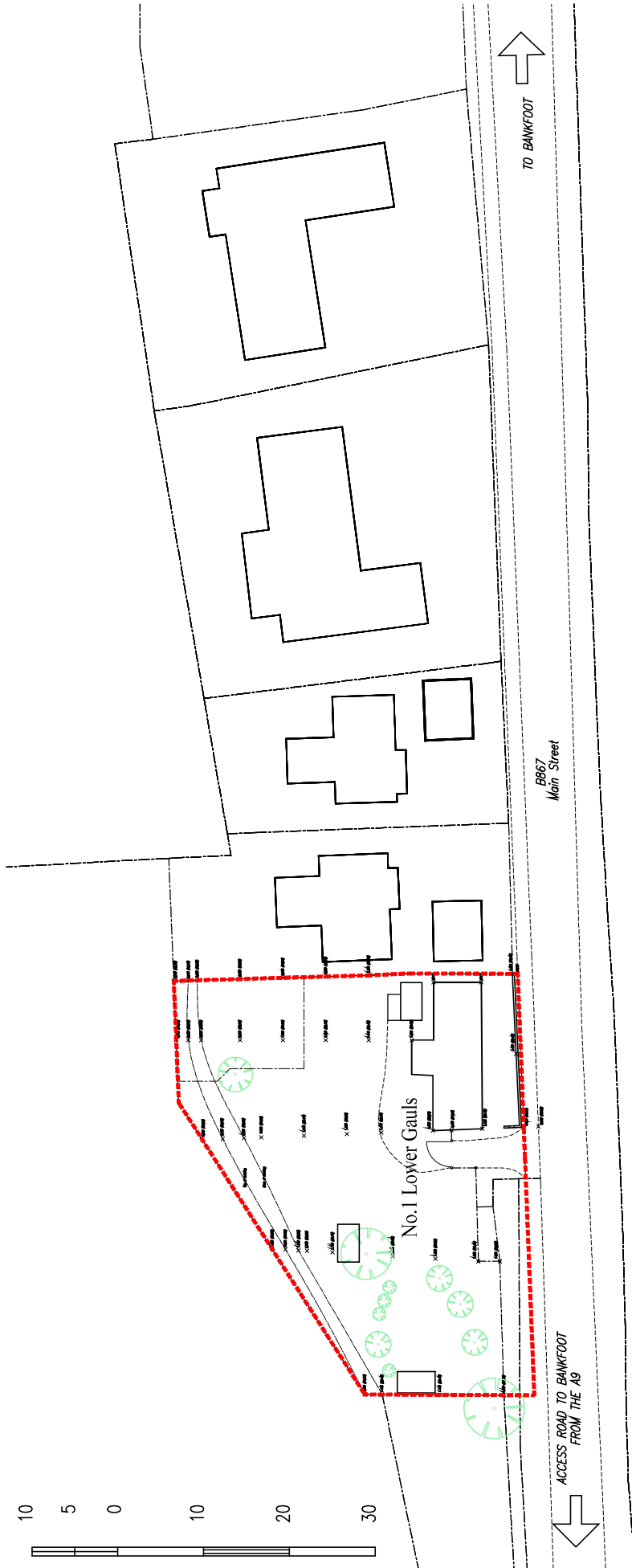
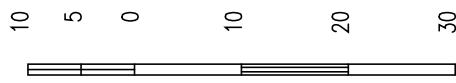
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Location Plan  
Scale 1:1250



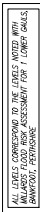
Proposed Location Plan  
Scale 1:1250

Proposed Residential Development at, 1 Lower Gauls Cottage, Bankfoot for Mr T Bechtel	
Proposed Location Plan Drawing No. PL/10 Rev A	Scale 1:1250



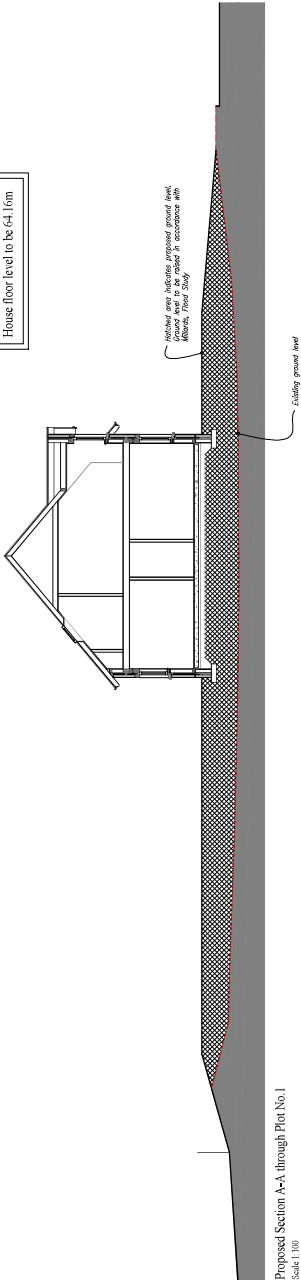
Site Plan  
Scale 1:500

Proposed Residential Development at, 1 Lower Gauls Cottage, Bankfoot for Mr T Bechtel	
Survey Site Plan Drawing No. S/11 Rev A	Scale 1:500





Plot 1  
Garden ground raised to 63.86m  
House floor level to be 64.16m

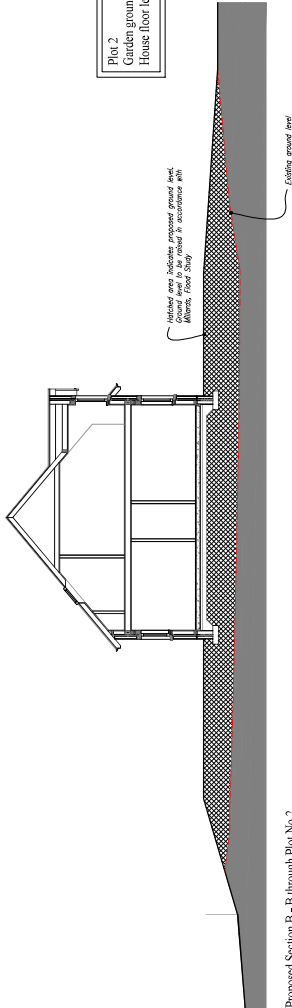


Proposed Section A-A through Plot No.1

Scale 1:100

5 metres

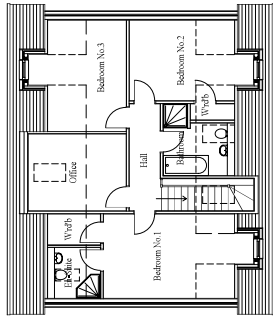
Plot 2  
Garden ground raised to 63.86m  
House floor level to be 64.16m



Proposed Section B-B through Plot No.2

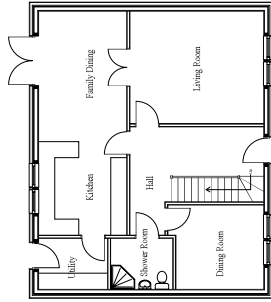
Scale 1:100

5 metres



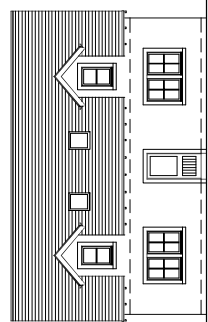
Proposed First Floor Plan

Scale 1:100



Proposed Ground Floor Plan

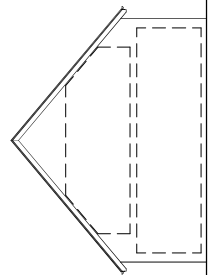
Scale 1:100



Proposed East Elevation

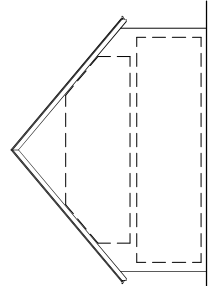
Scale 1:100

5 metres



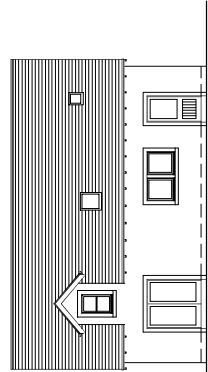
Proposed North Elevation

Scale 1:100



Proposed South Elevation

Scale 1:100



Proposed West Elevation

Scale 1:100

- Material Specification
- Walls - Self coloured wet dash render
  - Basecourse - Self coloured wet dash render
  - Flat Roof - Natural slate
  - Windows - Timber windows pre-finished white
  - Doors - Timber doors pre-finished white
  - Rainwater Goods - PVC-u black gutters & downpipes





## **Appendix 2:**

Flood Team Objection

Flood Engineers Reports


Flood Team/Engineers Correspondence

Flood Consultant's comments

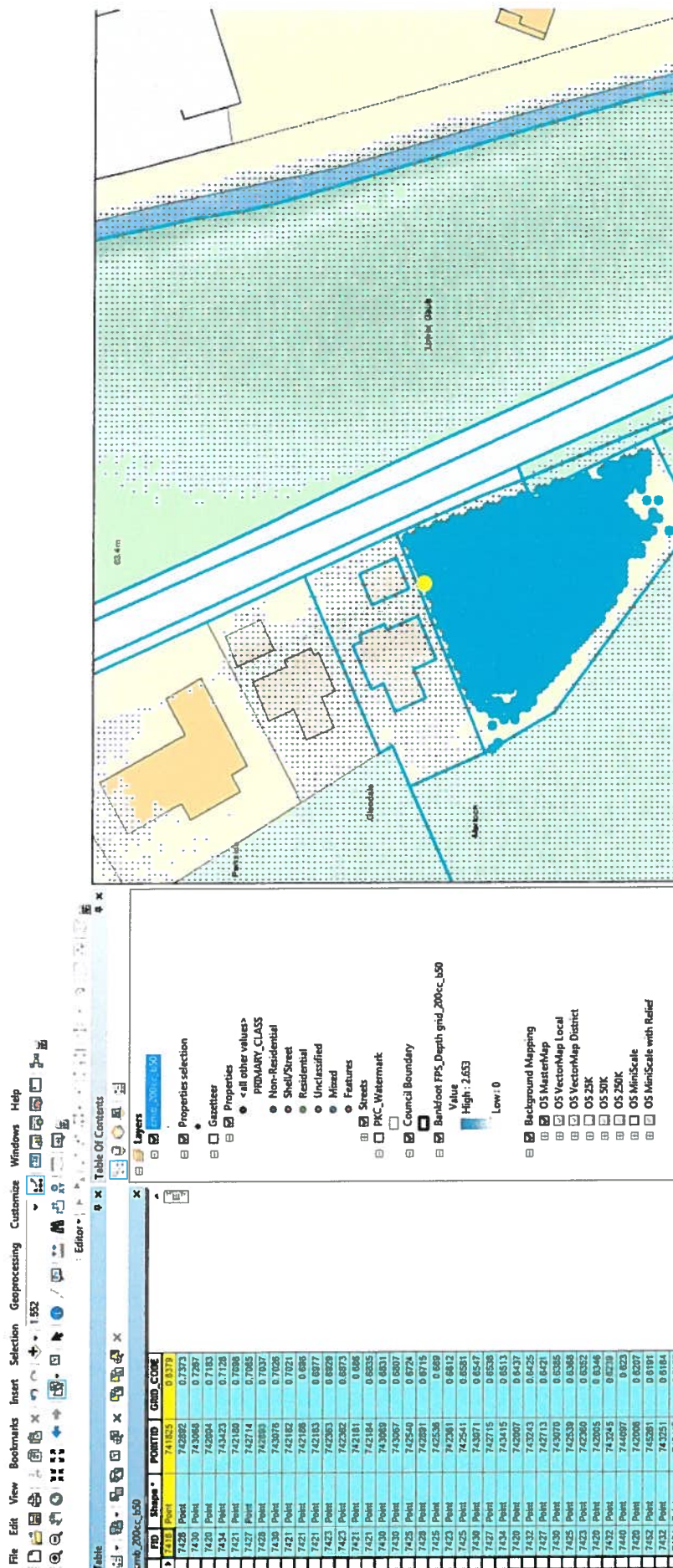




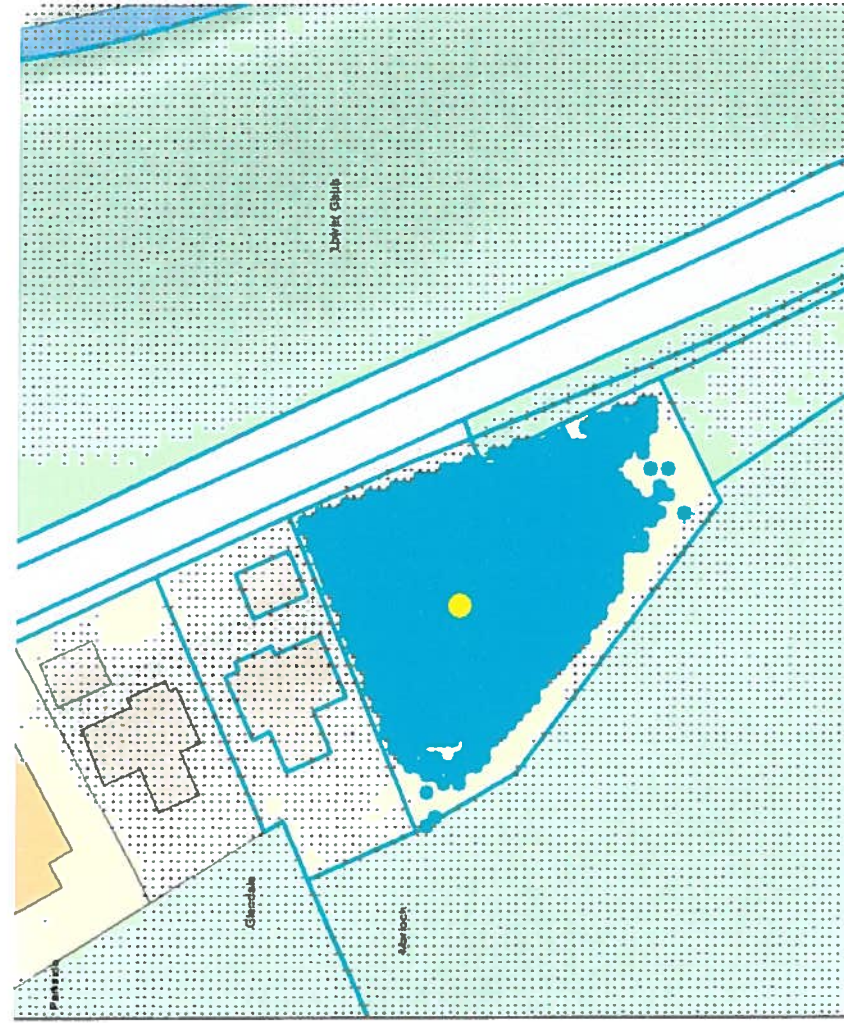
## Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16-01482-IPL	Comments provided by	Craig McQueen
Service/Section	TES - Flooding	Contact Details	[REDACTED]
Description of Proposal	Demolition of existing detached cottage. Subdivide property into 2 plots and one three-bedroom house and garage on each plot		
Address of site	1 Lower Gauls Cottage, Bankfoot		
Comments on the proposal	<p>Perth and Kinross Council have had extensive fluvial flood modelling carried out by our consultants, CH2M, looking at flood risk in Bankfoot from the Glenshauch and Garry Burns.</p> <p>I have attached the flood extent maps for the 1:10, 1:25, 1:50 and 1:100 year return period flood events which show the existing property and general plot at risk of flooding.</p> <div style="text-align: center;">  <p>100yr_b25%_fmap.pdf 50yr_b25%_fmap.pdf 25yr_b25%_fmap.pdf 10yr_b25%_fmap.pdf</p> </div> <p>The extracts from the depth grid information (attached below) also show that the site is at risk of flooding. The depths (highlighted by the yellow flashes) give a general indication of predicted flood depths across the site at the 1:200 + cc return period flood map. This is what PKC Flooding team use when considering flood risk in Bankfoot. The 2 information points supplied show a northern boundary flood depth of approximately 0.8 m (the highest for the plot) and a point from the centre of the site with a flood depth of approximately 0.6m. The applicant does mention raising the ground – but no details are provided on this – to be in line with our current guidelines new developments need to be sited above the 1:200 year + cc level + 600mm freeboard allowance.</p> <p>Please note that that the modelling information already considers the flood barrier to the rear of the property.</p> <p>Based on the information provided above and that given in the planning application I would currently <b>object</b> to this planning application. There is a general lack of information and also in the current format the provision of 2 properties on the site – compared to the current 1 would mean that additional persons would be subject to flood risk. This is against the Council's objective as highlighted in the Local Flood Risk Management Plan to 'Reduce overall flood risk'. We would however be likely to support the application if it was regarding the demolition and raising of only one property – assuming that no negative impact was had on neighbouring property by doing this.</p> <p>Scottish Planning Policy (SPP) also notes that areas located within the Medium to High Risk flood zone are not suitable for residential development.</p>		

	<p>SPP also notes the following with regards to potential land-raising of the site.</p> <ul style="list-style-type: none"> <li>• “where built development is permitted, measures to protect against or manage flood risk will be required and any loss of flood storage capacity mitigated to achieve a neutral or better outcome.”</li> <li>• “Water-resistant materials and construction should be used where appropriate. Elevated buildings on structures such as stilts are unlikely to be acceptable.”</li> </ul> <p>The applicant would need to undertake an FRA (based on the existing model which PKC hold) and satisfy both ourselves (as the Local Flood Prevention Authority) and SEPA that the proposals for the site were not likely to adversely affect neighbouring property and not likely to increase the number of persons at risk. The current provided information is not sufficient.</p> <p>I would also note that as planning authority all types of flood risk must be considered. The applicant has noted issues with regards to sewer flooding. I would recommend that the views of Scottish Water are sought specifically on this (Dominic McBennett, Catchment Planner would be a good starting point – I have cc’d in for your info). A DIA may also be required depending on the outcome of these discussions.</p> <p>SEPA should also be consulted directly.</p>
<b>Recommended planning condition(s)</b>	N/A. Object on lack of information and high flood risk of site.
<b>Recommended informative(s) for applicant</b>	<p>Provide flood maps and depth information (attached).</p> <p>Provide developers guidance note on Flood Risk and Flood Risk Assessments.</p>
<b>Date comments returned</b>	16 September 2016







7420	Point	742004	0.7183
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7421	Point	742180	0.7068
7427	Point	742714	0.7085
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7432	Point	743245	0.6239
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7428	Point	742894	0.609
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7428	Point	742900	0.6003

- ☐ Gazetteer
- ☒ Properties
- ☒ <all other values>
- PRIMARY CLASS**
- ☒ Non-Residential
- ☒ Shell/Street
- ☒ Residential
- ☒ Unclassified
- ☒ Mixed
- ☒ Features
- ☒ Streets
- ☒ PKC\_Watermark
- ☒ Council Boundary
- ☒ Bankfoot FPS\_Depth grid\_200cc\_b50
- ☒ Value
- High : 2.653
- Low : 0
- ☒ Background Mapping
- ☒ OS MasterMap
- ☒ OS VectorMap Local
- ☒ OS VectorMap District
- ☒ OS 25K
- ☒ OS 50K
- ☒ OS 250K
- ☒ OS MiniScale
- ☒ OS MiniScale with Relief

Millard Consulting,  
Seabraes, 18 Greenmarket,  
Dundee, DD1 4QB



Structures  
Infrastructure  
Flood Risk  
Environmental  
Hydrology  
Transportation

Our Ref: BC/13936/21/001

12<sup>th</sup> January 2017

Mrs J Bechtel  
1 Lower Gauls  
Bankfoot  
Perthshire  
(email only)

Dear Jane,

### PROPOSED HOUSES AT 1 LOWER GAULS, BANKFOOT: FLOOD RISK ASSESSMENT

I refer to our recent communications regarding the above site. It is our understanding that you require an assessment of flood risk for the proposed development at this location.

As discussed, your proposal for the site is that the existing cottage be demolished, to be replaced by two new houses. As the existing cottage was in the past prone to flooding due to its low-lying location, it is also proposed that the site levels are raised in a similar way to neighbouring properties which have been built in the past few years and in particular that the levels on site will replicate those of the property next door, which was the subject of a previous report by Millard Consulting in 2007. Hence in considering the flood risk to the current proposed development, we have reviewed this earlier report (copy attached) along with existing and proposed levels for the subject site.

#### Site Description

The site at 1 Lower Gauls, Bankfoot is a single storey cottage mainly of masonry construction and likely to have been built originally in the 19<sup>th</sup> century. It was originally semi-detached, but the adjacent cottage at Number 2 Lower Gauls was demolished several years ago to make way for a new detached house (see attached reports dated July 2007 and April 2008 for details). At the time the neighbouring property was demolished, the party wall which had originally been shared between the buildings had been re finished and a small strip of land ceded to Number 1 to allow access to the newly-formed gable.

The house at 1 Lower Gauls sits significantly lower than the adjacent carriageway, and has in the past been prone to flooding, both from overland flow in the fields behind the cottage, and from overland flow coming off the road. The causes of this flooding and the reasons that this was effectively mitigated in recent years is discussed in the section below regarding the 2007 Millard Consulting FRA report. However the property remains potentially vulnerable to flooding in future due to its low-lying location, and has inherent problems with high groundwater, poor drainage and dampness due to the fact it sits in a bowl surrounded by a flood defence bund to the south and west, the main road to the east and the higher ground in the garden of Number 2 to the north.

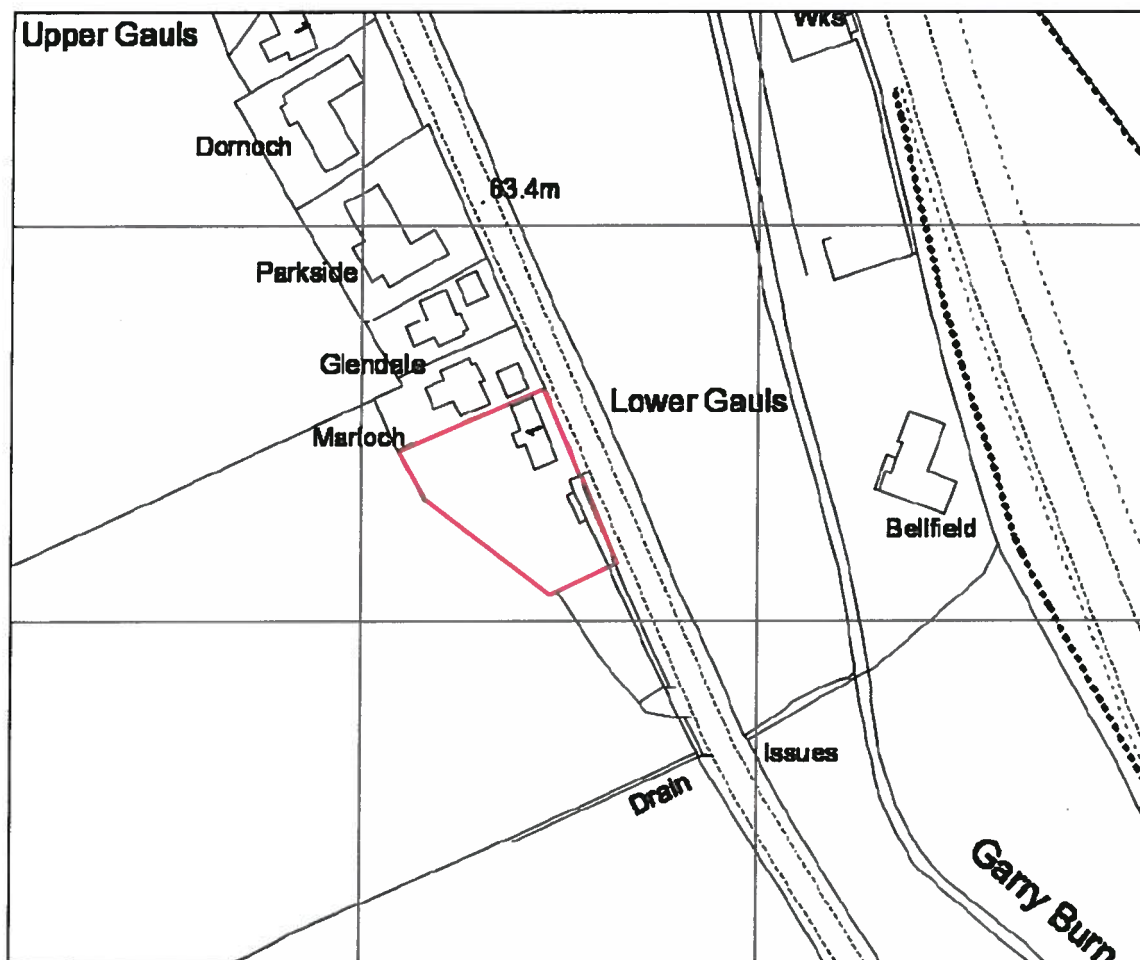
The current proposal is to demolish the property, and build two new houses on the site at higher levels on raised building platforms. The levels of these building platforms and minimum finished floor levels are top accord with those recommended for Number 2 in the original Millar FRA report.

A plan of the existing property is shown below in Figure 1.



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TA Millard Scotland Ltd trading as Millard Consulting





**Figure 1 - Location Plan and existing site layout**

There is a culvert which runs from north to south along the frontages of the row of adjacent houses and through the front garden of Number 1 The Gauls. The culvert outlet is situated at the south side of the driveway access into Number 1, where it emerges via a 400mm (approximately) diameter pipe into a ditch. The ditch runs south to join a larger field drain which flows east into the Garry Burn (for details of the ditch and culvert, please see Figure 2).



**Photograph 1 - Looking northwest across garden with Number 1 The Gauls to the right, neighbouring property of Marloch in centre beyond fence (Marloch sits on half of what was originally the grounds of Number 2 The Gauls). Note earth bund on left of picture.**

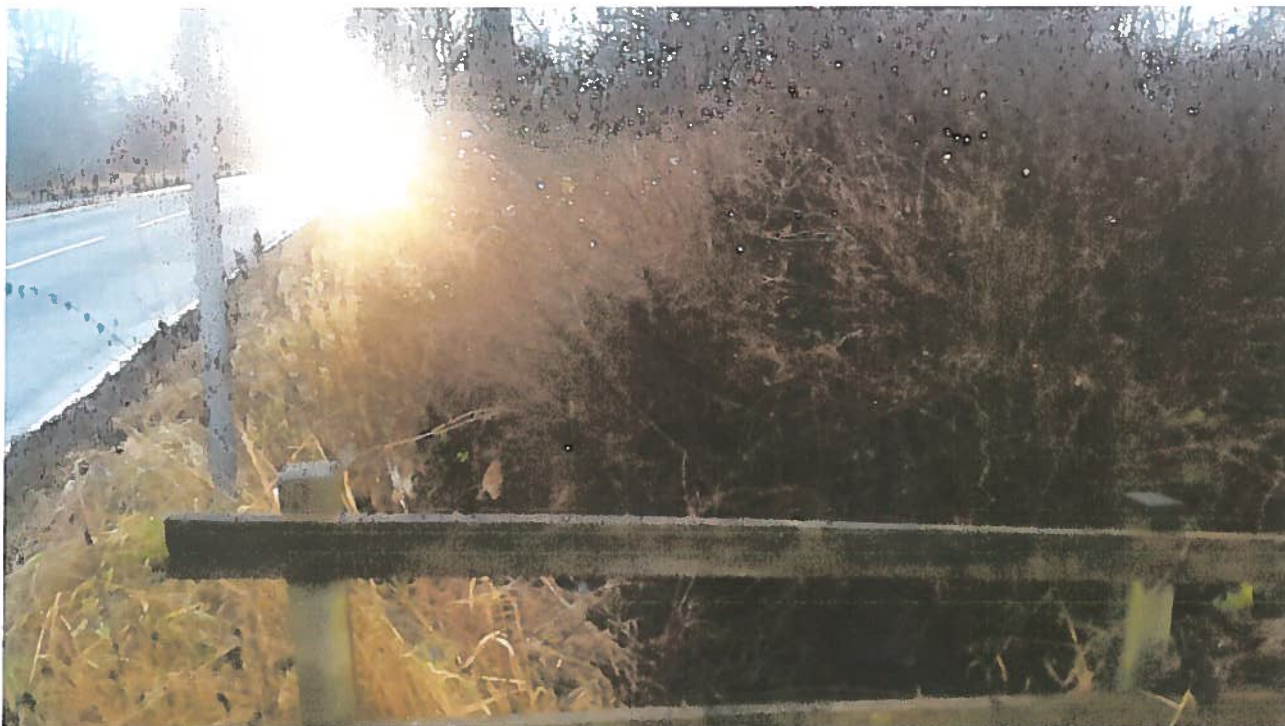




**Photograph 2 - Looking southwest from garden of Number 1 The Gauls over the earth bund to the boundary fence**



**Photograph 3 - Looking northwest along frontage of The Gauls from the driveway entrance to Number 1 along the B867 to Bankfoot. Note drop in level from road to the cottage, and retaining wall at property boundary with wooden fence above at boundary with Marloch**



**Photograph 4 - Looking southeast from driveway entrance to Number 1. On the left is the B867 to Perth, immediately in front beyond wooden fence is the outfall of the culvert which runs along the frontages of the houses at the Gauls. The outfall ditch runs southeast to the point where it meets the larger field drainage channel from the west.**



**Photograph 5 - Looking southeast along the frontages of The Gauls from Upper Gauls Cottage. On the left is the pavement which was built in 2008 and which incorporates a series of offlets which drain to the field to the east.**





**Photograph 6 - Property boundary between Number 1 The Gauls and Marloch, showing how the garden ground of the latter was built up at the time the new house was built.**

#### **Millard Consulting FRA Report, July 2007**

The above FRA report was prepared for Tay Valley Homes Ltd in support of their application for permission to demolish Number 2 Lower Gauls and build a detached property in its place. The report discussed the main issues regarding flood risk to Numbers 1 and 2 Lower Gauls, and sets out a strategy for mitigation of flood risk for Number 2, while ensuring no increase in flood risk to Number 1 (on the contrary, flood risk to Number 1 was reduced as a consequence of the works).

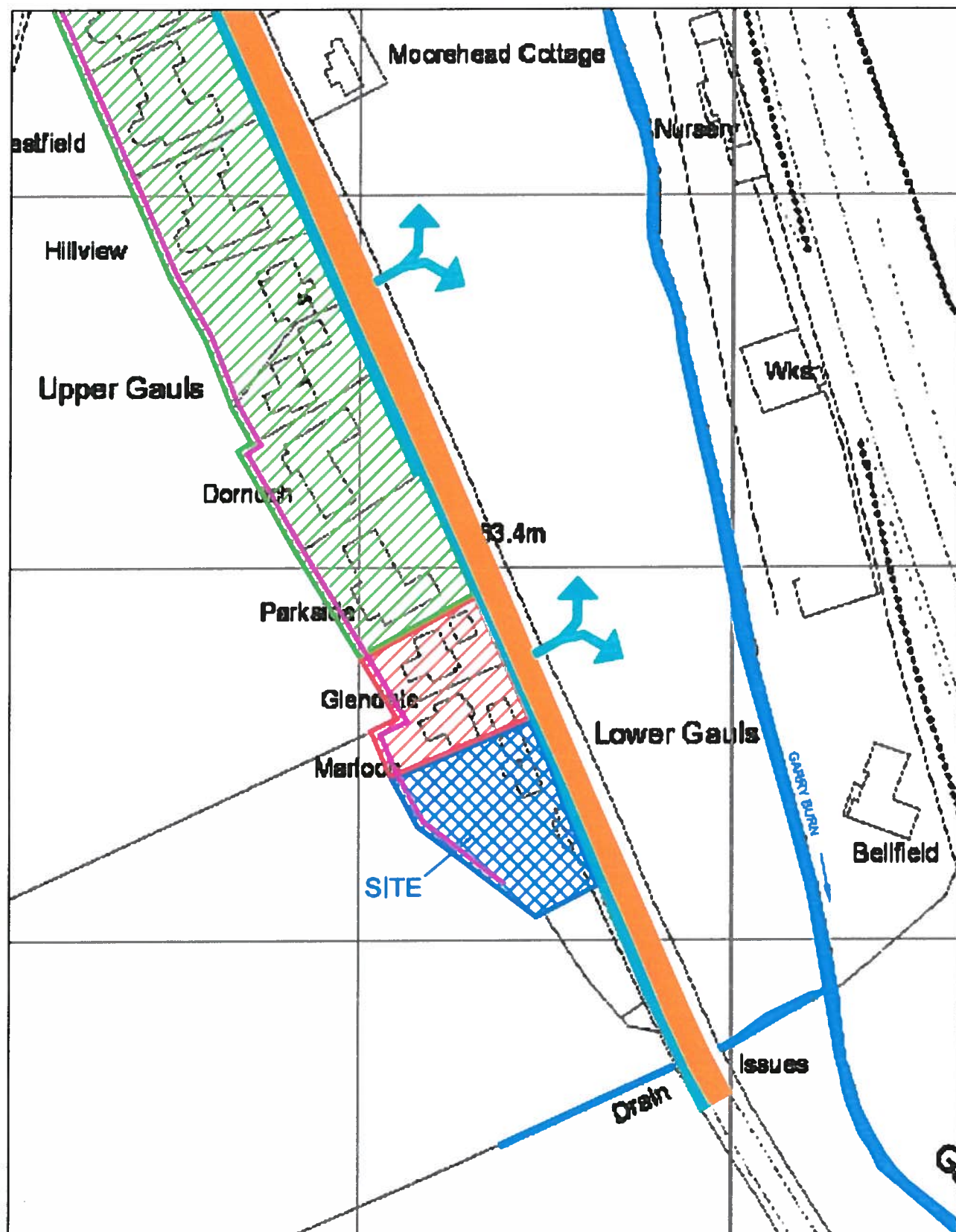
The attached copy of the original 2007 FRA report should be read and considered fully as part of this current submission, along with the subsequent correspondence which is discussed below (copy also attached).

#### **Millard Consulting Letter dated 4<sup>th</sup> December 2008**

Subsequent to the submission of the FRA report on 2007, there was correspondence with SEPA who raised objections on flood risk grounds pending satisfactory responses regarding queries raised relating to predicted flood levels. These were dealt with in a letter from Millard Consulting to Katherine Lakeman of SEPA dated 4<sup>th</sup> December 2008 (copy enclosed), which confirmed the following:

- Apart from the proposals to raise the ground within Number 2 The Gauls, the only significant actions required to ensure no increase in risk to Number 1 The Gauls was to raise the footpath in front of both properties. This was to be done as part of a footpath upgrade by Perth and Kinross Council Roads at that time along with improvements to road gullies and has since been done along the frontage of Number 1 and all properties in the row of houses to the north of Number 1.
- Predicted flood levels due to overland flow from the Garry Burn past the western side of the properties at The Gauls were checked for a revised 200 year return period flood flow of 34m<sup>3</sup>/s, and it was concluded that the site would not flood.
- Based on the re-assessed flows, minimum finished floor levels (FFLs) at Number 2 Lower Gauls were to be raised to a minimum of 64.16m AOD, to allow a 600mm freeboard above the predicted 200 year flood level.

It should be noted that subsequent to our 2008 letter, the Halcrow report to PKC "Bankfoot Flood Protection Scheme" dated November 2015 states the 200 year flood as 28.4m<sup>3</sup>/s. Hence, our assessment in 2008 was conservative.



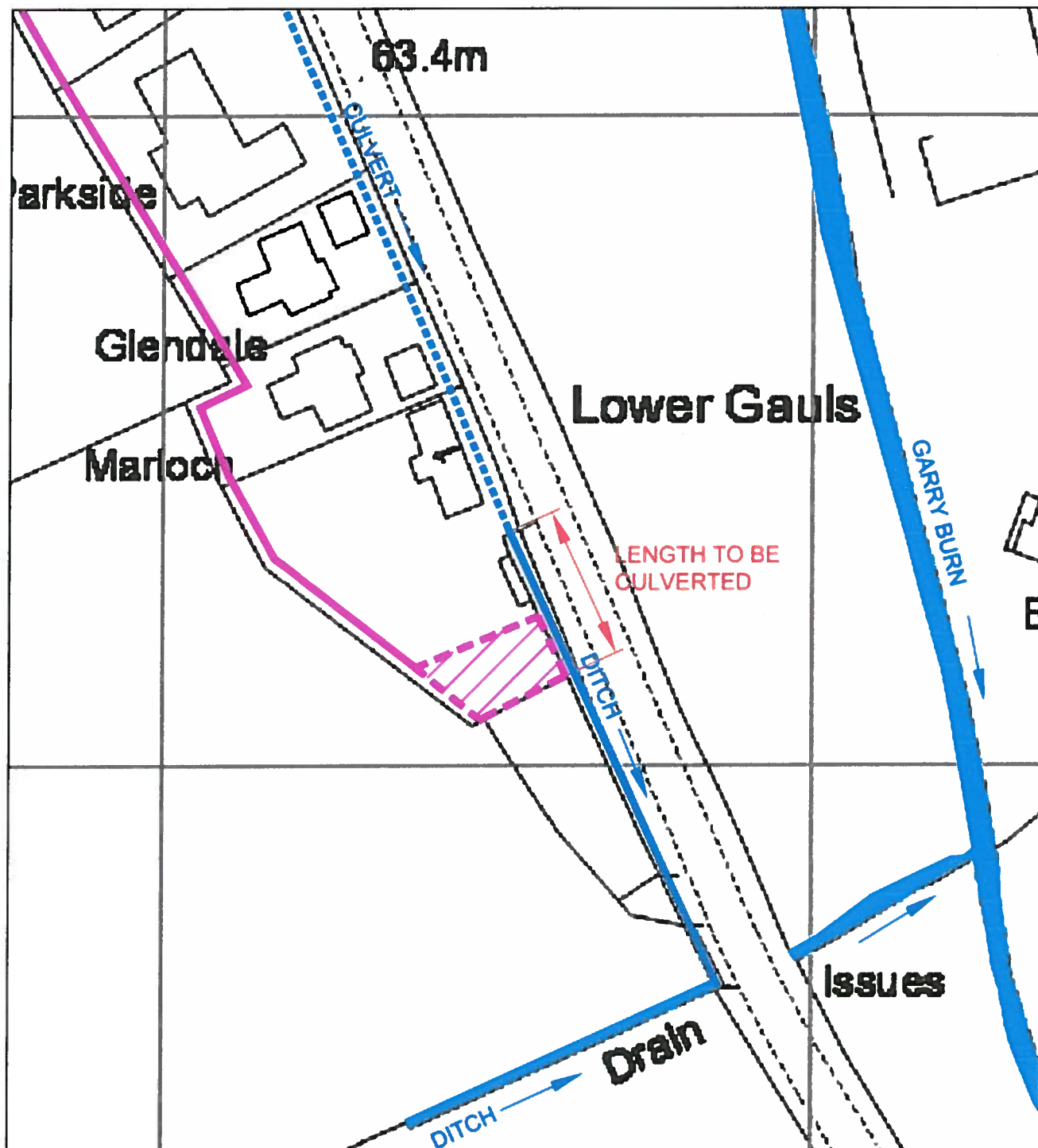


Figure 2b - Location of key features including existing earth bunds

**SEPA "Response to Request for Information Relating to Flood Risk" (SEPA Ref: PCS/1-00575)**

The above was received from SEPA in response to our December 2008 report. It confirms SEPA acceptance of our findings in the letter, and of our mitigation proposals for Number 2 Lower Gauls.

**Current Proposals**

The proposed mitigation which was put into practice for the houses build previously at Number 2 Lower Gauls should apply equally to Number 1. If anything, the minimum platform levels previously proposed in 2008 for next door are higher than necessary, as the flood flowrate used at the time for modelling flow from the Garry Burn has since been shown to be an overestimate. However it would be preferable to have the two plots at

similar levels rather than have Number 1 sit at a slightly lower level, hence we would propose that the same levels be adopted. As for the existing development next door.

Previously, SEPA had stated concerns that the raising of garden ground to form building platforms/flood free garden ground would potentially lead to loss of floodplain. However, it was possible to demonstrate that the property at Number 2 was protected by an existing ear bund to the west and higher ground on all other sides which precluded floodwater from the site. Hence the site was deemed not to be within the floodplain, and no landraising was involved. This is exactly the same as the situation for Lower Gauls, as highlighted on Figure 2 above.

It is proposed to culvert a short length of ditch along the frontage of the site, south of the existing driveway access. This will allow garden ground and a new access to be formed. The size of pipe to be used for the new culverted length will be the nearest size up from the existing pipe diameter which is readily available, i.e. 450mm diameter.

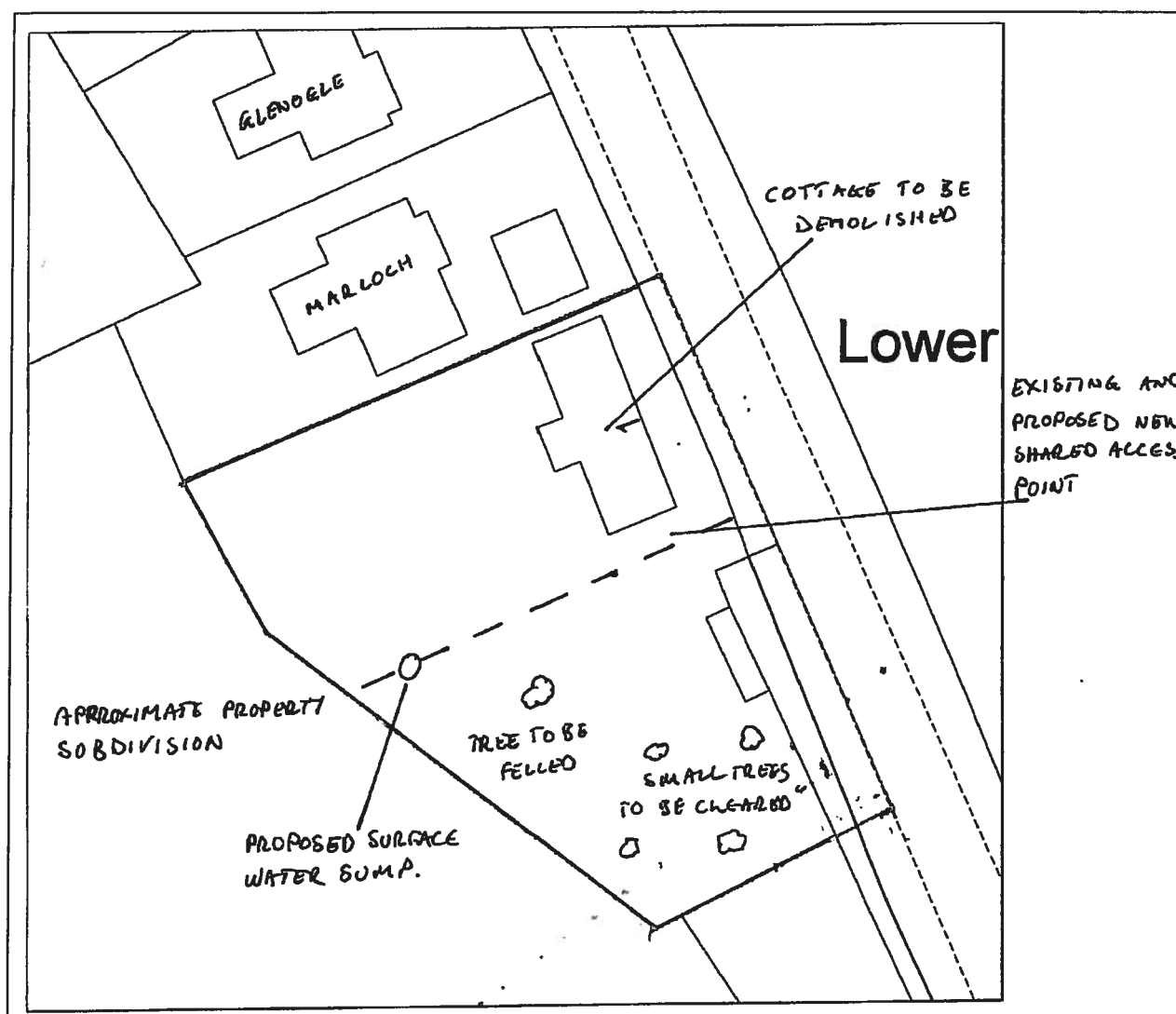


Figure 3 - Proposed development plans

As is the case for the properties built next door, the frontage of the property at Number 1 enjoys protection from surface water on the adjacent carriageway due to raised footpath levels which were included in the works carried out by PKC in 2008.

Current guidance from PKC includes a need for garden ground normally to be at least 300mm above the 200 year return period flood level, hence it is recommended that this is enacted here. This will be achieved or

slightly exceeded if the garden ground and building platform for the two proposed houses is set 300mm lower than the minimum FFL for the new houses.

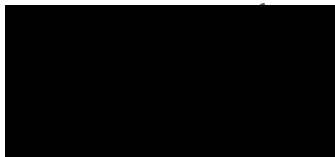
### **Summary**

Based on the above we conclude that:

- The proposed houses should be built on a platform with a minimum level of 63.86m AOD
- The proposed houses should be built with a minimum FFL of 64.16m AOD
- In accordance with good building practice, the houses should be built with a suitable upstand above surrounding ground, say 200mm.

I trust that the above is acceptable, however should you have any questions regarding any aspect, please do not hesitate to contact us.

Yours sincerely,



Dr Brian Coghlan

BSc (Hons) PhD CEng MCIWEM

Technical Director

Millard Consulting

**Encs    Report 7720/21/BC/07-07/1783 "Proposed house development at Lower Gauls, Bankfoot, Perthshire by Tay Valley Homes Ltd: Flood Risk Assessment", Millard Consulting, July 2007**

**Report 7720/21/BC/07-07/1783A Addendum "Proposed house development at Lower Gauls, Bankfoot, Perthshire by Tay Valley Homes Ltd: Flood Risk Assessment", Millard Consulting, April 2008**

**Letter to K Lakeman, SEPA, dated 4<sup>th</sup> December 2008**

**SEPA "Response to Request for Information Relating to Flood Risk" (SEPA Ref: PCS/1-00575)**



12/01/17

**Report 7720/21/BC/07-07/1783 "Proposed house development at  
Lower Gauls, Bankfoot, Perthshire by Tay Valley Homes Ltd: Flood  
Risk Assessment", Millard Consulting, July 2007**

**PROPOSED HOUSE DEVELOPMENT AT  
LOWER GAULS, BANKFOOT, PERTHSHIRE  
BY TAY VALLEY HOMES LTD**

**FLOOD RISK ASSESSMENT**

**JULY 2007**

**REPORT REF: 7720/21/BC/07-07/1783**



**PROPOSED HOUSE DEVELOPMENT AT  
LOWER GAULS, BANKFOOT, PERTSHIRE  
BY TAY VALLEY HOMES LTD**

**FLOOD RISK ASSESSMENT**

**JULY 2007**

**REPORT REF: 7720/21/BC/07-07/1783**

**CLIENT:** Tay Valley Homes Ltd

**ENGINEER:** T A Millard Scotland Ltd  
2 Whitefriars Crescent  
Perth  
PH2 0PA



**Report Prepared By:**



.....  
**B Coghlan, BSc (Hons) CEng PhD MCIWEM**

**Report Checked By:**



**K Pirie, BEng MSc CEng MICE MIHT MCIT**

## **CONTENTS**

1. INTRODUCTION
2. GENERAL DESCRIPTION OF SITE
3. GENERAL OBSERVATIONS
4. PROPOSED MITIGATION AND MANAGEMENT OF FLOOD RISK
5. CONCLUSIONS INCLUDING PROPOSED MITIGATION OF FLOOD RISK
6. REFERENCES

## **APPENDICES**

- A. DATA AND RESULTS FROM FEH CD-ROM (ESTIMATION OF INDEX FLOOD QMED)
- B. DATA AND RESULTS FROM WINFAP (ESTIMATION OF FLOOD GROWTH CURVE USING POOLING GROUP)
- C. SEPA INDICATIVE FLOOD MAP

**PLANS**

7720/21/001	SITE LAYOUT / LOCATION PLAN
649/S1	PLANS AND SITE LAYOUT AS EXISTING
649/SK01	PROPOSED HOUSE AND LOCATIONS PLAN

## 1.0 INTRODUCTION

1.1 T A Millard Scotland Ltd, Consulting Engineers, have been appointed by Tay Valley Homes Ltd to carry out a Flood Risk Assessment in relation to a proposal for a two house development at Lower Gauls, Perth Road, Bankfoot. The proposed houses will replace a semi detached cottage on the west side of the B867 Perth Road (see drawings 649/S1 and 649/SK01).

1.2 This flood risk assessment is carried out in accordance with the requirements of the Scottish Planning Policy SPP7: *Planning and Flooding* (2004). This assessment uses the methods of the Flood Estimation Handbook – Institute of Hydrology (1999). The assessment is prepared using our best engineering judgement but there are levels of uncertainty implicit in the historical data and methods of analysis. Details of the range of possible error in the methods of flood estimation are given in the Flood Estimation Handbook (FEH).

1.3 This report is confidential to the Client for the purpose of submission to the Planning Authority and SEPA. T A Millard Scotland Ltd accepts no responsibility whatsoever to other parties to whom this report, or any part thereof, is made known. Any such other parties rely upon the report at their own risk.

1.4 The location of the site is shown on Drawing Number 7720/21/001.

## **2.0 GENERAL DESCRIPTION OF SITE**

- 2.1 The site is located in a strip of existing housing which currently consists of 7 detached houses, and 2 semi detached cottages. The proposed houses would replace one of the existing semi-detached cottages.
- 2.2 The approximate National Grid Reference for the centre of the site is NO 345072.
- 2.3 Land to the east and west of the site is currently farmland. The surrounding topography is generally flat and open.
- 2.4 There are two significant watercourses in the vicinity of the site. The Garry Burn flows from the north west of the site past the southern edge of the main part of the village of Bankfoot, and is formed by a tributary the Glenshauch Burn some 500m north of the site. The Garry Burn flows south past the site. At its closest point, the Garry Burn is approximately 70m east of the site, and is separated from the site by the B867 road, and an open field. The B867 is at a significantly higher level than surrounding fields in the area of the site, and effectively cuts off the direct risk of flooding from the Garry Burn where it flows past the site.

### 3.0 GENERAL OBSERVATIONS

- 3.1 There have been several incidences of flooding in the area in recent years, most notably in 1993. There is a SEPA gauging station on the Garry Burn at Loakmill (approximately 200m downstream of the proposed site). Annual Maxima data from this site indicates that the maximum flow during the 1993 flood event was  $18.8\text{m}^3/\text{s}$ . This equates approximately to a 1 in 50 year flood event (see Appendix A).
- 3.2 There have been other occasions before and since the 1993 flood when there have been instances of localised flooding in the vicinity of the site. The existing cottage has been affected by flooding on a number of such occasions.
- 3.3 The area surrounding the Lower Gauls Cottages is shown to be at possible risk of flooding on the current SEPA Indicative Flood Map (see Appendix C).
- 3.4 The main mechanism which has caused flooding to the existing cottage is floodwaters overflowing from the Garry Burn upstream of its confluence with the Glenshauch Burn. These floodwaters flow south overland, flowing the route indicated in drawing 7720/21/001, and region the Garry Burn south of the site. When this overland flow is sufficiently extensive, it flows into the ground of the semi detached cottages of Lower Gauls, including the proposed development site. This is due to the relatively low lying (relative to surrounding ground and the adjacent road) level of the existing cottages.
- 3.5 A similar problem historically affected the two semi-detached cottages at Upper Gauls, some 100m north of the site. For this reason, the more recent houses built on the west side of the B867 have been built on raised platforms. This includes the detached house which has recently been built on the site of the southern half of the semi-detached Upper Gauls Cottages.
- 3.6 The remaining half of the Upper Gauls cottages remains at a relatively lower level, but is now protected from floodwaters in the field to the west by a raised berm on the west side of the property which is continuous with the raised ground of the properties on either side. This means there is a continuous line of protected properties to the north

of the proposed site (i.e. as shown on drawing 7720/21/001, New Build 1, 2 & 3, Upper Gauls (north), New Build at Upper Gauls (south), Dornoch and Parkside).

- 3.7 It should be noted that there is a small culvert running along the frontage of the existing Lower Gauls Cottages (indicated on drawing 649/S1) which flows into a ditch just downstream of the cottages (see drawing 649/SK01). This ditch is then culverted under the B867.

#### 4.0 PROPOSED MITIGATION & MANAGEMENT OF FLOOD RISK

- 4.1 It is clear from the foregoing that the existing property and its neighbour have been badly affected by frequent flooding, due to their low-lying situation, and consequent inflow of flood waters from the fields to the west.
- 4.2 An earth bund has been constructed along the western side of the neighbouring property of Lower Gauls (south). This links at either end to slightly raised (relative to surrounding levels) ground, and hence affords some protection from flooding. This would offer only limited protection, particularly since flood waters could still encroach from the southern boundary of the properties. If a bund was constructed around the western boundary of the site of the proposed development, and linked to the bund of the neighbouring cottage, this would increase the protection of both Lower Gauls cottages, but would still be vulnerable to flood encroachment from the south.
- 4.3 If, in addition to the above, the southern boundary of the existing Lower Gauls Cottage (south), were also protected by an earth bund, there would be a continuous bund linking higher ground at Parkside (property to the north) with the higher ground adjacent to the B867. This would form a hollow with no natural outlet. Unless constructed to a high standard, such a bund would not guarantee there would be no ingress of water from flooding in the fields to the west. Also, even relatively small amounts of run off from the adjacent (relatively high) roadway would accumulate in the hollow. Any problems due to blockage of the culvert running down the frown of the cottages could also cause accumulations of water in such a hollow.
- 4.4 The preferred solution to existing flooding problems at the proposed development site would be to demolish the existing cottage, and build up the site to a similar level to the neighbouring properties to the north (i.e. as proposed on drawing 649/SK01). It is recommended that the ground level



within the site is raised to 63.8m A.O.D in the area immediately surrounding the house.

- 4.5 The recommended minimum flow levels for the new houses should be 64.1m A.O.D.
- 4.6 The existing ground within the development site generally slopes south, i.e. towards the neighbouring cottage. It is recommended that the finished plots ramp down to road level along the frontages, and that the back gardens have a slight slope of around 1 in 50 towards the western boundary. The remainder of the site should be flat ground at the recommended level of 63.8m A.O.D.
- 4.7 It is recommended that the condition of the culvert under the front of the property (next to the road) is checked, and repaired / replaced as necessary prior to up filling the site. Consideration should also be given to the construction of a man entry chamber for inspection and maintenance purposes.
- 4.8 Since the above measures effectively extend the continuous length of raised boundaries on the western side of the strip of development right up to the edge of the property boundary of the remaining Lower Gauls Cottage, the latter will be at least partially protected from flood flows running south along the western boundary. This “sheltering” effect is enhanced by the protruding part of the proposed development site. Hence the proposed development not only removes the problem of flooding at the more northerly Lower Gauls Cottage but will have a positive effect on flood risk at the more southerly cottage.
- 4.9 There is an element of landraising in the proposals set out above. Since this is not compensated elsewhere it is possible to construe these proposals as contrary to SPP7. However, there are several reasons why this is not a significant issue:-

- Part of the plot, is already occupied by an existing building.
- The proposals are an effective solution to a significant problem of internal flooding of property.
- The floodplain in this area is heavily modified, particularly due to the presence of the B867 road embankment, which obstructs the natural drainage patterns in the area.
- The extent of potential flood storage within the existing site is insignificant due to the small area of ground, and the shallow flows associated with flat open fields.
- A precedent for this strategy has been established in that 6 other properties in the same strip of development have been built on raised platforms, and two other properties have been protected by a raised bund.
- A flood prevention scheme has in the past been proposed by Perth & Kinross Council in order to protect the Upper Gauls and Lower Gauls Cottages. This scheme was rejected on cost grounds. The proposed scheme removes the 3<sup>rd</sup> of the 4 problem properties, and reduces the potential flood risk to the one remaining original cottage.

4.10 In order to avoid any increase in flood risk, surface water runoff generated by the site should be dealt with following the principals of Sustainable Drainage Systems.

## 5.0 CONCLUSIONS

- 5.1 The ground around the proposed houses should be raised to 63.8m A.O.D (see drawing 649/SK01).
- 5.2 The ground at the front of the proposed houses should ramp down to road level along the frontages.
- 5.3 The rear garden ground should slope towards the western boundary at a slope of 1 in approximately.
- 5.4 The condition of the existing culvert which runs along the frontage of the property should be checked and remedial action taken if appropriate. Consideration should be given to the addition of a man entry chamber on the culvert, to facilitate future maintenance / inspection.
- 5.5 The finished flow level of the proposed houses should be at a minimum level of 64.1m A.O.D.
- 5.6 We have used our best engineering judgement in this Assessment. We note that as with all such Flood Risk Assessment, there is no absolute certainty regarding future weather and flow patterns.

## 8.0 REFERENCES

- i. Flood Estimation Handbook, Duncan Reed, CEH Institute of Hydrology, Wallingford, 1999.
- ii. SEPA Policy No 22, Flood Risk Assessment Strategy, Version 1, 1998
- iii. FEH CD-ROM, CEH Institute of Hydrology, Wallingford, 1999.
- iv. Climate Change Scenarios for the United Kingdom, DEFRA, April 2002.
- v. Scottish Planning Policy SPP 7: Planning and Flooding Consultation, Scottish Executive, Crown Copyright, February 2004

# Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17-00334-IPL	Comments provided by	Gavin Bissett
Service/Section	TES - Flooding	Contact Details	
Description of Proposal	Demolition of dwellinghouse and erection of 2no. dwellinghouses (in principle)		
Address of site	1 Lower Gauls Cottage, Bankfoot		
Comments on the proposal	<p>I have reviewed the information submitted for this application. We would <b>object</b> to this application. I would refer the applicant back to previous comments made by the Flooding team on the previous application (16/01482/IPL) as these are still applicable and do not seem to have been addressed.</p> <p>Further to the previous comments, I have included a copy of the 1 in 200 year flood event output (see below) from the PKC/CH2M flood study for Bankfoot (<i>Bankfoot Flood Protection Scheme – Stage 2 Report. November 2015</i>). This shows that a significant portion of the site is shown to be flooded during such a flood event. The proposals contain significant land raising within the functional floodplain (1 in 200 year), with no mitigation proposed for the loss of floodplain storage. As such this is contrary to Scottish Planning Policy. The minimum threshold for any new development would also require to be set at the 1 in 200 year (plus climate change) flood level plus 600mm freeboard.</p> <p>It is also noted from the FRA provided with the application that there are groundwater and drainage issues associated with the site. The proposals are to drain both foul and surface water via soakaways on site. Infiltration testing would be required to demonstrate that this would be suitable for the site.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant	Developer's Guidance Flood Risk and Flood Risk Assessments – June 2014		
Date comments returned	17/03/17		



KEY  
 1 in 200 year event flood depths  
 (ft)  
 1.0-1.2  
 1.2-1.4  
 1.4-1.6  
 1.6-1.8  
 1.8-2.0  
 2.0-2.2  
 2.2-2.4  
 2.4-2.6

The information contained herein is the property of Halcrow and should not be distributed outside the project without the written consent of Halcrow.  
 Project: **Halcrow**  
 Location: **Eastbrook Flood Protection Scheme**  
 Drawing: **Flood Mapping Scheme**  
 Date: **1.10.2017**  
 (27% Bridge Scheme)  
 (Sheet 4 of 4)  
 Drawing: **1.10.2017**  
 Author: **1.10.2017**

20.03.17

Sent: 20 March 2017 14:13  
To: Trevor Bechtel; RACHEL MITCHELL; Brian Coghlan  
Subject: Re: Flooding Objection

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**Subject:** Flooding Objection

Dear Mr Mitchell (on behalf of Mr T Bechtel),

I have now received a response from our Flooding Officer regarding your proposal 17/00334/IPL for a residential development in principle at Lower Gauls, Bankfoot.

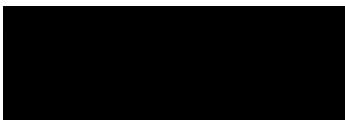
Unfortunately, our Flooding Officer has **objected** to this proposal as the submitted Flood Risk Assessment **does not** address the concerns as indicated on application 16/01482/IPL. I have attached the responses for both the current application and the previous for your reference.

I will therefore require the Flood Risk Assessment to be amended to address the concerns of the Flooding Officer before I can be in a position to support this application. This amendment will be required **within 1 month** of today's date. For the avoidance of doubt, the date this will be required is by close of day on **20<sup>th</sup> April 2017**. Should I not receive this amendment (and/or should it not be satisfactory), unfortunately, the application will have to be refused on grounds of flood risk. I would advise that you **consult with the Flooding Officer, Mr Gavin Bissett, at the earliest instance**. I have CC'd Mr Bissett into this email for your reference.

I would therefore request that you get back to me as soon as possible advising me on how you wish to pursue this matter. I would also like to point out that unlike the last application that was withdrawn, you will not be entitled a withdrawal with a free resubmission for this application as each application is only entitled one free resubmission, as per the Scottish Government fee regulations.

I await your response and trust that this matter will be prioritised to avoid the application from being delayed further.

Kind Regards,  
**Sean Panton**,  
Development Management,  
Planning & Development,  
Perth & Kinross Council,  
Pullar House,  
35 Kinnoull Street,  
PERTH,  
PH1 5GD.







From: Brian Coghlan [REDACTED]  
 Sent: 22 March 2017 16:53  
 To: Gavin Bissett  
 Subject: FW: Flooding Objection

Hi Gavin

I refer to the emails below and to the Flooding comments you have supplied to Sean Panton (docs attached). For reference I have also included a copy of our letter report regarding flood risk.

I would like to discuss these issues with you so will try calling tomorrow morning, but thought it worth sending you the following comments first, as a heads-up:

- ☐ There is a surrounding embankment to the west and south of the site, which has been in place for a number of years, to protect the cottage and garden from flooding from the west when there is overland flow past the row of houses at the Gauls. This was enhanced and raised at the time planning was given for 3 new houses at the other end of the row of houses, around 10 years ago.
- ☐ The embankment is approximately 63.5m AOD but with some areas which are lower and require maintenance.
- ☐ The embankment was not particularly effective until the development the row of houses was completed in its current form, and the embankment was raised. Formerly, water would regularly enter the garden of the cottage next door (No 1 The Gauls is the remaining half of what was two semi-detached cottages, both very low-lying) and hence through to No 1. Our FRA report in 2008 related to the demolition of No. 2 The Gaul, the raising of the grounds of N0.2 and the building of two new houses, which are now complete. There has been no flooding from overland flow in the neighbouring fields since the houses next door were built.
- ☐ There was also a problem of overland flow running along the main road during heavy rainfall and entering the gardens of Number 1 and 2 via their driveways. The route into next door no longer exists as the plots are now raise above road level. At the time we agreed with PKC Roads to raise the back of the footpath into No 1 so this path was also cut off. Hence no flooding from this route enters No 1 either.
- ☐ The cottage still sits low and is in a poorly drained hollow, so although now outwith the floodplain, the garden ground is lower than overland flow levels in the fields and hence if the protecting embankment were to fail, the cottage would flood, and it is also prone to surface water flooding in very wet weather.
- ☐ Based on the mapping you included in your document, the 200 year + cc flood level predicted by Halcrow is between 600 and 840mm approximately:

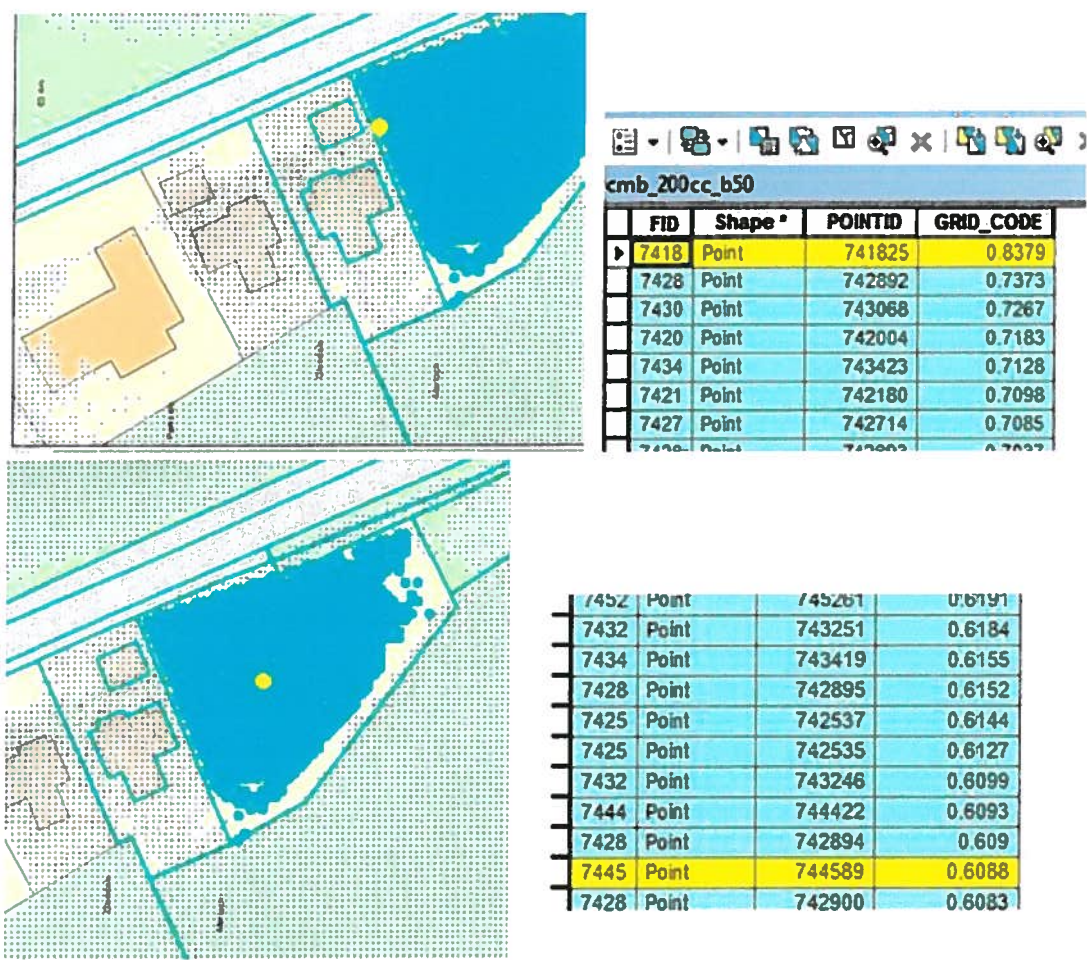
**I would comment that**

\*These levels are at the lowest points in the garden and are immediately adjacent to the existing cottage. This is exactly the problem discussed above regarding the vulnerability of the existing cottage.

\*Regarding floodplain extents, it is normally the case surely that we should consider the 1 in 200 year flood not including CC, but that CC should be added in when establishing freeboard to proposed FFL's?

\*The existing houses next door are shown as if lower than the crest of the bund at No 1. These two identical houses were built with garden ground above the road level, so

- There is a surrounding embankment to the west and south of the site, which has been in place for a number of years, to protect the cottage and garden from flooding from the west when there is overland flow past the row of houses at the Gauls. This was enhanced and raised at the time planning was given for 3 new houses at the other end of the row of houses, around 10 years ago.
- The embankment is approximately 63.5m AOD but with some areas which are lower and require maintenance.
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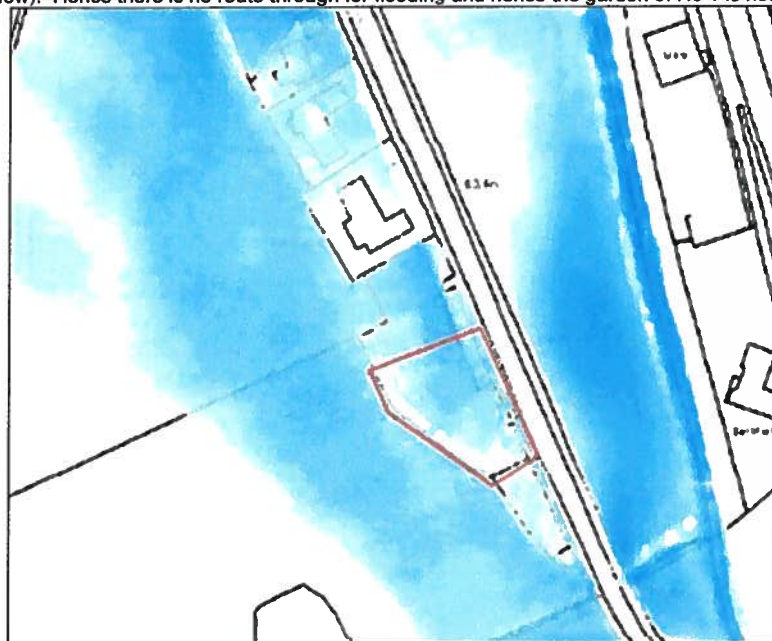


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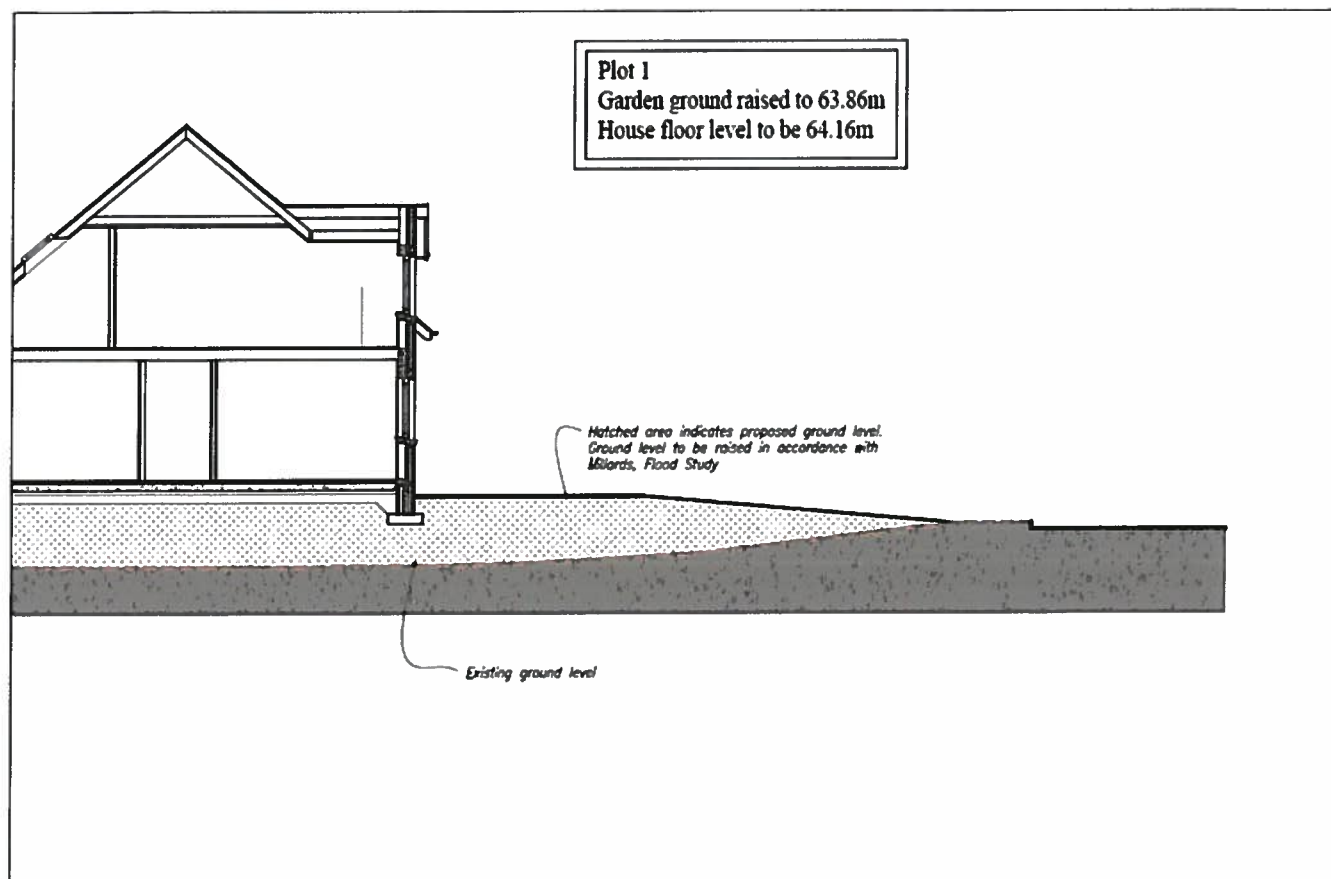
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  - The existing houses next door are shown as if lower than the crest of the bund at No 1. These two identical houses were built with garden ground above the road level, so this mapping is presumably wrong/out of date (please see further discussion of this below)
- In the 1 in 100 year + 25% blockage flood mapping also appended to your document, it is quite surprising to note the two houses next door are within the floodplain. This may explain why you view the garden of No 1 to be part of the functional floodplain, as there is a route



through for flooding from next door. However, this is based on outdated LIDAR data, the houses next door have been built since the early drafts of the Halcrow report, and are as previously mentioned built up to above road level (see photo of boundary between No1 and its neighbour below). Hence there is no route through for flooding and hence the garden of No 1 is not continuous with any floodplain.



In your report you state "The applicant does mention raising the ground – but no details are provided on this – to be in line with our current guidelines new developments need to be sited above the 1:200 year + cc level + 600mm freeboard allowance." However we do actually recommend a finished floor level of 63.86m in our report, and this is included in the architect's drawings submitted to planning, an excerpt of which is shown below. As discussed in our original FRA report, the garden ground level was used for the houses built next door, and was intended to be 300mm above the 200 year flood, and the FFL was intended 600mm above the 200 year flood level. As you have mentioned, we would currently include climate change when considering freeboard, however the Halcrow report assessed a lower flood level than our 2008 report, so these levels may already comply. If you could advise what the current predicted 200 + cc level is, we would be happy to revise up the recommendation for minimum FFLs. Regarding the garden ground, we would prefer to keep to the same level as the neighbouring plot to avoid any possibility of runoff from the development site to the existing gardens next door.



- In the architect's plans, I note the raised ground includes the area to the south where the proposed foul soakway is proposed. It would be possible to lower this to the Q200 level in this area
- I note your comments re sewer flooding. This is an area we were not asked to on in our report. I would suggest that sewer flooding is an inherent problem for this site because the existing cottage is very low lying. If new housing were built as suggested, these problems would be solved. I am not aware of any problems with the neighbouring houses.
- I note your comments re the recommended use of flood resilient methods and materials. Although the proposed houses would be well above predicted flood levels, I accept that this is an appropriate measure.

My apologies this has become a bit of a list, I had intended to keep it brief! I will call tomorrow to discuss.

Regards

Brian

**Brian Coghlan BSc (Hons) PhD CEng MCIWEM**

Technical Director

Millard Consulting

Inveralmond Business Centre

Auld Bond Road

Perth

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My apologies this has become a bit of a list, I had intended to keep it brief!  
Will call tomorrow to discuss.

Regards

Brian

**Brian Coghlan BSc (Hons) PhD CEng MCIWEM**  
Technical Director

Millard Consulting



19/04/17



**From:** Craig McQueen  
**Sent:** 19 April 2017 10:59  
**To:** 'Brian Coghlan'  
**Cc:** Gavin Bissett; Sean Panton  
**Subject:** RE: Flooding Objection

Good afternoon Brian/Sean,

I am not sure if the below is the latest email on this? However, I am aware you need a response by the 20<sup>th</sup> this week to allow the application to move forward and Gavin isn't in the office at the minute.

I think the concerns are that our latest modelling shows that the site is within the floodplain. Filling in or raising of the floodplain to allow development to go ahead is not an activity we generally support or allow. I do however understand that you have some concerns about the model and its 'up to dateness' and that you think that the site might in fact be out with the floodplain due to the embankment in behind (having been extended) and the developments adjacent (previously raised).

However, even if the embankment is to a sufficient height – there are a couple of things to note on this –

- ☐ The presence of the bund actually cannot be considered when looking at protection or flood levels to the site.
- ☐ Any modelling assessing risk to the site specifically (an FRA) should replicate flooding as if the bund weren't present.

This is in line with a *precautionary* approach and is in line with the principles of *avoidance* (Scottish Planning Policy, para 255) and in summary means that we cannot consider the 'protection' offered by any informal flood defence (those which aren't part of Council promoted Flood Protection Scheme) when discerning a planning application. There are numerous reasons for this - we cannot guarantee that any informal defence won't be demolished by the landowner, we cannot be confident they will be maintained, we are unaware of their design standard or structural condition and we cannot be certain that they aren't piped/liable to seepage/failure etc.

Based on our current understanding of flood risk in Bankfoot (which is not site specific) this essentially means that the plot is very unlikely to ever be acceptable for further development in terms of flood risk. It is currently being shown as at flood risk (being part of the functional floodplain) and this is with the potential benefits of the bund being present. The only way you will get movement from this at our end is if you can undertake a modelling exercise/flood risk analysis for the site which is 'better' than our current information and shows that the site is out with the flood plain. This could prove difficult/expensive to do and may not give you the answer you are after. But it would only be after such an exercise that we could then remove our objection

to any land raising element of the application and remove the concern on additional persons being at risk.

There are also concerns regarding groundwater and sewerage which would need to be further addressed.

I understand that this is not the answer you or your client are looking for.

For your further information the site has a predicted max flood level of 63.04mAOD.

If you need anything else then please give me a ring. Gavin may also have more to add on his return – he has looked at your FRA in greater detail than I have had the chance to.

Regards,

Craig



Millard Consulting,  
Inveralmond Business Centre  
Auld Bond Road, Perth PH1 3FX



Structures  
Infrastructure  
Flood Risk  
Environmental  
Hydrology  
Transportation

Our Ref: BC/21/7720

2<sup>nd</sup> June 2017

Mrs J Bechtel  
1 Lower Gauls  
Bankfoot  
Perthshire

(Email only)

Dear Jane,

**PLANNING APPLICATION REF 17-00334-IPL - DEMOLITION OF DWELLINGHOUSE AND ERECTION OF 2NO. DWELLINGHOUSES (IN PRINCIPLE), 1 LOWER GAULS, BANKFOOT: OBJECTION ON FLOOD RISK GROUNDS**

Based on correspondence with Gavin Bissett and Craig McQueen of PKC Flooding team, I would make the following comments:

- My correspondence and discussions with Gavin Bissett centred largely around the fact that his initial findings were based on flood mapping from 2008, and based on more severe flood scenarios than are required to establish flood risk for house development. There are several problems with this:
  - The mapping he makes reference to is not up to date.
  - It includes data relating to a blockage scenario at the road bridge, and also mapping which relates to the 200 year flood including climate change – the latter scenario is valid for establishing minimum FFLs but the 200 year flood *without* an allowance for climate change is the scenario for which flood plain extents are normally assessed.
  - The mapping does not seem to account for changes since 2008 in terms of neighbouring development, and may not include any changes in 2008 to the flood bund at the bottom of the garden.
  - The mapping does not even take into account the footprint of buildings on the site, the location of the house is shown as floodplain
- Because of the above, I had discussed these issues with Gavin, who had agreed to request updates/checks on modelling results from CH2MHill.
- Significantly, I had asked Gavin to find out from CH2MHill what the predicted Q200 (without climate change of bridge blockage) flood level would be for the overland flow in the field adjacent to the site
- On 20<sup>th</sup> March I had sent a further email to Gavin asking for a progress report – no reply received to date
- Craig McQueen's last minute intervention was clearly driven solely by the impending deadline, presumably because his department were contacted by planning. He does not seem to have the information from CH2MHill that Gavin had said he would request, and which we were waiting for



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TA Millard Scotland Ltd trading as Millard Consulting



- The series of permitted developments (including the next door site which Millard Consulting were previously involved with) have potentially contributed to a decrease in flood risk to 1 Lower Gauls, however the flood bund and raised ground next door are likely to have contributed to poor drainage of the site. Your proposals are an opportunity to rectify this inherent problem, and replicate the measures permitted all along the rest of the strip of development over the past decade or so.
- In this context I think it is important that it is acknowledged that the raising and extending of the bund was a PKC requirement included in the conditions for the 3 house and flood wall development to the east, and it would also be inconsistent for them now to say that the bund has no effect on floodplain extents.
- You will note my previous comments (above) re the effect of the bund not on flood risk but on drainage – this means that your site has if anything been adversely affected by the addition of the bund to allow other development to be permitted. The one potential benefit – protection from flooding – has been completely discounted by Mr McQueen even though PKC assumed it to be beneficial when allowing the houses at the other end of the row to be built.
- *It is still not clear then why Gavin Bissett could not have completed what he set out to do when we agreed to wait while he consulted with CH2MHill. If we knew that nothing going to be done during the 4 week period that has been "lost", we could instead have used the time to carry out a detailed survey of the site. Hence it would have been possible to confirm the floodplain extent more accurately. This is an opportunity missed. As it stands, we have no reason to believe that the new objection is based on the accurate and current physical properties of the site.*
- *Actions which could have been available to you during the 4 week period of lost time could also have included the possibility that you could have opted to withdraw your application.*
- *Also, the Flooding team should have ensured that Planning were asked to wait while discussions with CH2MHill were ongoing – Gavin Bissett told me he would ask planning to hold off on making a decision until he had the information we needed from their consultant.*

For the above reasons I strongly support your appeal against the refusal of planning permission on the basis of flood risk.

Regards

Brian Coghlan

Yours faithfully,



Dr Brian Coghlan BSc (Hons) PhD CEng MCIWEM  
Technical Director  
Millard Consulting



## **Appendix 3:**

### **Additional relevant correspondence Application 17/00334/IPL**

*(area 3 on map)*



## Tracy McManamon

---

**From:** Alan Squair [REDACTED]  
**Sent:** 24 March 2017 13:41  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Application 17/00334/IPL - 1 Lower Gauls Bankfoot

I am the owner [REDACTED] the property immediately adjacent to the application site. I have no objections to the application and would in fact actively support it. I have read the Flood Risk Assessment prepared by Millard Consulting for the applicant and the internal consultation from your Flooding Section. I am also familiar with the studies carried out in the course of the planning application for this and the adjacent property (Glendale) which are referred to in the current Assessment.

I note that the Flooding Section object to the application on the basis of loss of floodplain storage.

The Flooding consultation refers to comments on the previous application for the site which have not been addressed. I would however have thought that in commissioning the current Assessment it was the intention of the applicant to address these comments.

I have some knowledge of flooding issues in Bankfoot as a member of the Community Council but I am writing as a layman on the basis of my experience in living here for the last six and a half years. I recollect that the most serious flooding event in that time was in December 2010 when there were substantial flows of water through the fields to the West but my property was unaffected and I understand that the application site was protected by the bund on the field boundary. I am unaware of any other events in which the application site functioned as part of the floodplain and believe that even before construction of the bund the site was not prone to flooding from the West but rather from the road side.

I therefore have some difficulty in understanding how the site could make any practical contribution to the floodplain, particularly given its size in the context of the wider floodplain.

I would however see positive benefits in the site being developed as proposed. The present cottage on the site is now something of an anomaly in lying at a substantially lower level than other houses in the vicinity, it is not an attractive building and due to its low-lying location and condition does not provide a pleasant living environment. Its replacement by new houses constructed on land raised to be consistent with neighbouring building heights presents the opportunity to provide an attractive development at the entrance to the village from the South.

I trust that these comments will be taken into consideration and would urge that a recommendation for approval of this application be made.

Alan Squair

SUPPORT

**Tracy McManamon**

---

**From:** Alan Squair [REDACTED]  
**Sent:** 24 March 2017 13:46  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Application 17/00334/IPL - 1 Lowe Gauls, Bankfoot

Further to my recent e mail, my full postal address is -



Alan Squair





**From: Trevor Bechtel** [REDACTED]

**Sent: 20 April 2017 15:47**

**To: Sean Panton**

**Cc: RACHEL MITCHELL; Brian Coghlan; Gavin Bissett; Jane Bechtel; Craig McQueen**

**Subject: Reference 17/00334/IPL, Flooding**

Dear Mr Panton

With reference to the above application, we are conscious that you previously mentioned today's date as a dead line for a resolution to the flooding discussions.

Our consultant Brian Coghlan of Millards received a response from Craig McQueen of PKC yesterday despite sending updated information to PKC on the 22 March 2017. As we have had only 24 hours to consider PKC's response we request that a further 4 week period to consider our position and prepare an adequate response to PKC.

Yours sincerely

Trevor Bechtel

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**Sent:** Thursday, 20 April 2017, 16:39  
**Subject:** RE: Reference 17/00334/IPL, Flooding

Good Afternoon Mr Bechtel,

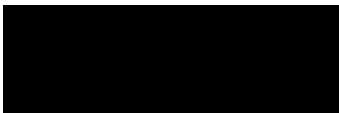
Over the past few weeks, the submitted Flood Risk Assessment for your application has gone back and forward between a number of internal and external parties for extensive discussion and comment. I am aware of the correspondence between your consultants and our internal flooding team throughout this time and I have been keeping a close eye on its progress.

I would like to draw your attention towards Mr McQueen's email of yesterday (19<sup>th</sup> April 2017). In this correspondence, Mr McQueen states that the site is 'unlikely to ever be acceptable for further development in terms of flood risk'. Whilst I sympathise with you as applicants, I must take on board the professional opinion of experts in the field and respect and consider their response to the application consultation.

I appreciate your request for an extension, however I do not think this would be appropriate as I feel it would be unreasonable to now request further information when I now have sufficient information from my colleagues to determine the application. Please note that I have now put the consultation responses from all of the consultees in relation to this application online for public viewing. This includes flooding, developer contributions, biodiversity and transport.

I will now progress to consider and determine the application and should I have any queries which I feel you can address I will be in contact. I do not wish to waste any of your time if I consider it to be unnecessary.

Kind Regards,  
**Sean Panton,**  
Development Management,  
Planning & Development,  
Perth & Kinross Council,  
Pullar House,  
35 Kinnoull Street,  
PERTH,  
PH1 5GD.  
*Comhairle Pheairt is Cheann Rois*







**Sent: Friday, 21 April 2017, 11:18**  
**Subject: Re: Reference 17/00334/IPL, Flooding**

Dear Mr Panton,

In reference to your email dated 20/04/2017 and subsequent telephone conversation with Jane Bechtel, we find it extremely disappointing that you have chosen to progress this application without allowing us adequate time to respond to Craig McQueens email regarding flooding issues (19/04/2017), particularly as you said in an e-mail on the 27th of March "I am willing to extend the deadline if required to address all of the issues. This will be discussed further once I have heard from Gavin."

With due respect to Mr. McQueen we do not understand how you can base your decision on his advice as he himself states in his email that "I am not sure if the below is the latest email on this?" and "If you need anything else then please give me a ring. Gavin may also have more to add on his return – he has looked at your FRA in greater detail than I have had the chance to." This indicates that he is not an expert on *this* site and we should have an expectation that Mr. Bissett would be able to offer further advice being much more familiar to the site, something he will not now be able to do if you progress the application.

After discussing the situation with our flooding consultant, it is quite clear that we are awaiting further information from Mr. Bissett which is not referred to in Mr McQueens email. This further information was requested by our consultant on 20<sup>th</sup> March 2017. Please see appended information from Mr. B. Coghlan from Millards Consultants below.

In your email dated 20/04/2017 you also quote Mr. McQueens email as "the site is unlikely to ever be acceptable for further development in terms of flood risk". The full sentence is "Based on our current understanding of flood risk in Bankfoot (which is not site specific) this essentially means that the plot is very unlikely to ever be acceptable for further development in terms of flood risk." The key being "not site specific".

I draw your attention to several historical planning applications immediately adjacent to the property which are site specific and all of which reached approval by the planning department, following open and constructive discussions with the council's own flooding department, and SEPA. I would have thought that these would have been reviewed by yourself when looking at this application. These had a direct impact on our property and used our property to aid their approval. They are: -

04/00802/FUL: Construction of flood barriers and three dwelling houses, approved 2004.

03/01823/FUL: Demolition of house and construction of new house, No 1 Upper Gauls Bankfoot Perth, approved 2004.

09/00694/FLL: Demolition of existing cottage and erection of two 5apt houses and a garage, approved 2009.

This last application (09/00694/FLL) was immediately adjacent to our site and almost identical. SEPA initially objected to this application but withdrew the objection (reference 06/02628/FUL, SEPA correspondence 08/05/2009, paragraphs 1-7) clearly stating the reduced flood risk to 1 Lower Gauls Cottage. These applications also used the bund around our property as a bargaining point which was approved by the council and is now being objected to and questioned by the same council - an issue we find difficult to comprehend. It would suggest that the council requested and approved bund (which we were party to) has in fact put our property at risk.

While full information on the first two is not available there is little evidence to suggest that the approval of 09/00694/FLL required anything like the level of information requested by yourselves and the flooding department, again appearing to be because of previous council decisions.

In your email of 20/04/2017 you state "I do not wish to waste any of your time if I consider it to be unnecessary." I can assure you that by progressing this application to decision without allowing more time for constructive, important and relevant discussion you will be wasting far more of our time *than* by not progressing it.

To reiterate, we find it incomprehensible that you would progress this application without full knowledge of the issues surrounding it, and prevent us - or indeed Mr Bisset - from responding to the invitation offered by Mr McQueen to either call him for further discussion, or add additional information respectively. Particularly given that we as applicants had less than 24 hour to read, digest and respond to his notes. We also would ask that our application is viewed on the same basis as the referenced successful adjacent applications.

We do not believe that you have allowed yourselves or us enough time for these issues to be fully resolved and again request that you grant us an extension of 4 weeks on this application.

Yours sincerely  
Trevor Bechtel

**Information from Mr B. Coghlan, Millards Consulting.**

· My correspondence and discussions with Gavin Bissett centred largely around the fact that his initial findings were based on flood mapping from 2008, and based on more severe flood scenarios than are required to establish flood risk for house development. There are several problems with this:

- o The mapping he makes reference to is not up to date
- o It includes data relating to a blockage scenario at the road bridge, and also mapping which relates to the 200 year flood including climate change – the latter scenario is valid for establishing minimum FFLs but the 200 year flood *without* an allowance for climate change is the scenario for which flood plain extents are normally assessed.
- o The mapping does not seem to account for changes since 2008 in terms of neighbouring development, and may not include any changes in 2008 to the flood bund at the bottom of the garden
- o The mapping does not even take into account the footprint of buildings on the site, the location of the house is shown as floodplain

- Because of the above, I had discussed these issues with Gavin, who had agreed to request updates/checks on modelling results from CH2MHill
- Significantly, I had asked Gavin to find out from CH2MHill what the predicted Q200 (without climate change of bridge blockage) flood level would be for the overland flow in the field adjacent to the site
- On 20<sup>th</sup> March I had sent a further email to Gavin asking for a progress report – no reply received to date
- Craig McQueen's last minute intervention was clearly driven solely by the impending deadline, presumably because his department were contacted by planning. He does not seem to have the information from CH2MHill that Gavin had said he would request, and which we were waiting for
- The series of permitted developments (including the next door site which Millards were involved with) have potentially contributed to a decrease in flood risk to 1 Lower Gauls, however, the flood bund and raised ground next door are likely to have contributed to poor drainage of the site. Your proposals are an opportunity to rectify this inherent problem, and replicates the measures permitted all along the rest of the strip of development over the past decade or so





**Sent: Friday, 21 April 2017, 12:50**

**Subject: RE: Reference 17/00334/IPL, Flooding**

Dear Mr Bechtel,

Thank you for your email.

I would like to take this opportunity to confirm the position of the Planning Department on this application in response to your email earlier today.

Firstly, I would like to remind you that your previous application for the site (16/01482/IPL) was objected to by our internal flooding team. This response was sent to you on Friday 16<sup>th</sup> September 2016 (approximately 7 months ago) and highlighted the issues that the flooding team had with the proposal that required to be addressed. As you are aware, I advised you to withdraw the application and re-submit with a Flood Risk Assessment (along with other Biodiversity issues). This allowed you as much time as you needed to gather the information required. You have now done this and resubmitted, hence this current application.

Unfortunately, the flooding team reviewed your submitted Flood Risk Assessment as part of this application and considered that it did not address the points raised in their previous objection and thus objected again. To give you an opportunity, you were given one month to amend your Flood Risk Assessment to address these points. Within this month, there has been extensive discussions between myself, the internal flooding team, both your consultants and our consultants and of course, yourselves. However recent correspondence from our flooding team stated these discussions did not address their concerns and they remain objecting to the application.

This confirmation from our internal flooding team stating that they remain objecting to this application is now sufficient information for the application to be determined from a planning point of view.

As I have now had this final confirmation from our flooding team on their stance on the matter, I have now requested no further information from yourself or your consultants/agents. If I had requested any further information then we would be happy to provide you with an extension, however as this is not the case I do not see the benefit of providing an extension.

Whilst I appreciate that you wish to further comment on the latest email from Mr McQueen, this can be done through the LRB process (Local Review Body) once you receive a decision. Full details in relation to the LRB can be obtained from the below link:

<http://www.pkc.gov.uk/localreviewbody>

I would advise that if you have more information to submit or further comments to make that this is the route you take to help attain you an approval for the site.

Further details in relation to LRB will be sent to you when you receive your decision notice.

At this stage, I would also like to point out that a full assessment of the site history (and neighbouring plots) has been taken into consideration and this will be available to view in the provided 'Report of Handling' when you receive your decision.

I trust the above clarifies the position of the Planning Department and advises you on how to make further comment should you wish to do so. If you require any further information in relation to above mentioned LRB process then please do not hesitate to email [planninglrp@pkc.gov.uk](mailto:planninglrp@pkc.gov.uk)

Kind Regards,  
**Sean Panton,**  
Development Management,  
Planning & Development,  
Perth & Kinross Council,  
Pullar House,  
35 Kinnoull Street,  
PERTH,  
PH1 5GD.  
*Comhairle Pheairt is Cheann Rois*





## **Appendix 4:**

**Correspondence relevant to Lower  
Gauls**

**Application 09/00694/FLL  
2 Lower Gauls**

*(area 3 on map)*





**Linda Al-Ibrahimi**

**From:** Garritt, Julia [REDACTED]  
**Sent:** 08 May 2009 17:08  
**To:** Brian Dunkin  
**Cc:** Development Management - Generic Email Account; Brian Coghlan  
**Subject:** Lower gauls, Bankfoot  
**Attachments:** 0004.4 - FR report, sent 08.05.09.doc

Dear Brian,  
cc Brian Coghlan, TAM

**TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997  
DEMOLITION OF EXISTING DWELLING AND ERECTION OF 2 SAPT  
DWELLINGHOUSES, LOWER GAULS, BANKFOOT PH1 4ED  
APPLICATION NUMBER: 06/02628/FUL  
NATIONAL GRID REFERENCE: NO 0713 3456**

Further to our email dated 23 October 2008, SEPA offers this updated advice and **removal of objection** in relation to the above mentioned site should the following conditions be met:

- Land raising of the site and driveway is above the elevated level of the new footpath, as stated in the TA Millard letter of 4<sup>th</sup> December 2008.
- Provision of 500-600 mm freeboard above the reassessed 0.5% annual probability flood level for all new houses, as stated in the TA Millard letter.

A flood risk report is attached to this letter.

Regards,  
Julia

**Dr. Julia Garritt**  
Senior Planning Officer,  
Planning Service - Perth, SEPA, Strathearn House, Broxden Business Park, Perth PR1 1RX.  
[REDACTED]

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## SEPA RESPONSE TO REQUEST FOR INFORMATION RELATING TO FLOOD RISK

### SOUTH- EAST AREA (PERTH OFFICE)

**Site:** Lower Gauls, Bankfoot

**SEPA Ref:** P/2007/0004/4

**Planning Ref:** 06/2628/FUL

**Documents Reviewed:** Further information provided by Millard Consulting, dated 04/12/08, reference no. AB/AB/7720/21 and photographs supplied by Millard Consulting of work completed by Perth & Kinross Council at Lower Gauls.

### EXECUTIVE SUMMARY OUTLINING POLICY CONTEXT

SEPA removes the objection to the proposed development provided the following is provided within the overall development proposal:

- Land raising of the site and driveway is above the elevated level of the new footpath, as stated in the TA Millard letter of 4<sup>th</sup> December 2008.
- Provision of 500-600 mm freeboard above the reassessed 0.5% annual probability flood level for all new houses, as stated in the TA Millard letter.

In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk the application must be notified to the Scottish Ministers as per the Notification of Applications Direction 2007.

### TECHNICAL REPORT

1. Millard Consulting has provided a further letter in support of its previous Addendum Flood Risk Assessment report for the development of land at Lower Gauls, Bankfoot. It is noted that the application for this development has been refused by Perth and Kinross Council. However, SEPA has reviewed the recently received information and provide this response to assist with any resubmission of the application.
2. The consultant's letter addresses several of the comments provided by SEPA in its previous response. The consultant maintains that this site is at low risk of flooding and its letter provides some clarification with regards to which bunds mentioned in the prior reports are existing and which are proposed as part of this development. This letter precedes planned work that has recently been carried out by the Council on the pavement, drive entrances and local drainage at the Lower Gauls.
3. The flood risk assessments supporting this development application note that there is a low earth bund along the western boundary of No1. Lower Gauls (the property to the south of the development site). This bund is not designed to any specific standard. Until recent work was carried out by the Council there was also the potential for flooding from the development site side and from the south ( Report 7720/12/BC/07-07/1783

section 4.3). This recent work included extending pipe work along the road frontage to convey water draining from the north. The local authority has also constructed a headwall at the south end of No 1 Lower Gauls which reduces the risk of floodwater flowing towards this property. The Council has installed a pavement with kerb along the edge of the existing road which now reduces the risk of floodwater entering the ground surrounding No 1 Lower Gauls. As a result the property should no longer suffer from the frequent flooding it has experienced to date.

4. SEPA had previously expressed concerns that the proposed development at the Lower Gauls might displace floodwater and increase the risk of flooding to the property at No 1 Lower Gauls. SEPA is now satisfied that the comprehensive works by the Council along the main road to drain the floodwaters from the road towards the east, constructing the pavement along the west side of the road and improving the drainage along the front of the Lower Gauls will together significantly reduce the previous risk of flooding to the existing properties and should ensure that the proposed redevelopment of No 2 Lower Gauls does not increase the risk to No 1 Lower Gauls.

#### **SUMMARY OF TECHNICAL POINTS**

##### **5. In summary:**

- The recent engineering works carried out by the Council to the B867 should have provided a significant reduction in flood risk to the Upper and Lower Gauls area.
- The proposed development site is to be land raised to above the elevated level of the new footpath, as stated in the TA Millard letter. The recent works by the Council should prevent any displaced floodwater, if any, impacting on the risk to No 1 Lower Gauls.
- SEPA supports the recommendation for the provision of 500-600 mm freeboard allowance above the reassessed 0.5% (1:200) annual probability flood level for all new houses, as stated in the TA Millard letter.

#### **ADDITIONAL INFORMATION FOR APPLICANT + CAVEATS**

6. Please note that SEPA is reliant on the accuracy and completeness of any information supplied by the Applicant in undertaking its review, and can take no responsibility for incorrect data or interpretation made by the authors.
7. The advice contained in this letter is supplied to you by SEPA in terms of Section 25 (2) of the Environment Act 1995 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Perth and Kinross Council as Planning Authority in terms of the said Section 25 (2).

## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	09/00694/FLL
Ward No	N5

**PROPOSAL:** Demolition of existing cottage and erection of two 5apt houses and a garage

**LOCATION:** Lower Gauls Bankfoot

**APPLICANT:** Tay Valley Homes Limited

**RECOMMENDATION:** approve the application

**SITE INSPECTION:** 2 June 2009

#### OFFICERS REPORT:

Upper and Lower Gauls is a row of traditional cottages and modern bungalows located south of Bankfoot along the west side of the B867. The block of two semi-detached cottages known as Lower Gauls lies at the south end of the row, and the northernmost of the two houses, together with its curtilage, constitutes the application site. It is a low lying site of 0.12ha which fronts the public road and is adjoined on the west by agricultural land.

Detailed consent is sought to demolish the cottage and erect two detached houses within the site. The existing vehicular access will be upgraded to serve both of the proposed houses and the exposed gable of the remaining cottage will be made good. Foul drainage is to be connected to the public sewer and surface water dealt with by soakaways or suitable alternative. As the site lies within a flood risk area, the ground is to be built up so that it is above the projected level of a 1 in 200 year event with the finished floor level of the house being 300mm higher. The houses will be single storey with attic accommodation and of fairly traditional appearance.

Council policy on housing in the countryside, as set out in the Perth Area Local Plan 1995 and the 2005 Review, supports development within compact building groups provided this would not detract from the amenity of the group and the design conforms to the relevant guidance. As noted the site lies within the flood plain for the Garry Burn and a previous application for the same proposal was refused in September 2008 following an objection from SEPA due to lack of information on flood risk (09/00698/FUL). That objection was subsequently withdrawn, as a result of discussion between the developer and SEPA, but by then the application had been determined. Given the mix of architectural styles within the group, the development, although different in scale to the cottages, would not look out of place in the context of the street scene and the layout is workable in site planning terms. I conclude therefore that the proposal is in accordance with the relevant policies.

#### DEVELOPMENT PLAN

Perth and Kinross Structure Plan 2003-Environment and Resources Policy 9

Perth Area Local Plan 1995-Policy 32



## OTHER POLICIES

Housing in the Countryside December 2005

## SITE HISTORY

06/02628/FUL Demolition of existing dwelling and erection of 2 - 5 apt dwellinghouses

## CONSULTATIONS/COMMENTS

Head Of Environmental And Consumer Services	No objection
Scottish Water	No objection
Scottish Environment Protection Agency	No objection
Perth And Kinross Area Archaeologist	No objection
Transport Planning	No objection

**TARGET DATE:** 30 June 2009

### REPRESENTATIONS RECEIVED:

Number Received: 2

#### Summary of issues raised by objectors:

The site is prone to flooding and the development would exacerbate flooding problems in the vicinity.

The development will impact adversely on the residential amenities of adjacent property.

The design is out of keeping with the character of the area.

#### Response to issues raised by objectors:

SEPA has not objected to the proposal and points out that the Council has carried out comprehensive works to drain floodwaters from the road towards the east which will significantly reduce the risk of flooding and should ensure that the proposed development does not increase the risk to adjacent property.

The proposal involves, in effect, the development of a gap site with blank gables facing lateral boundaries and houses of single storey scale. As such the impact on the surroundings in terms of overlooking or overshadowing would not be significant.



This particular area comprises a mix of styles and does not have a well defined character. Nevertheless the design does attempt to reflect the more traditional elements and that, together with appropriate conditions, will enable the development to integrate with the surroundings.

**Additional Statements Received:**

Environment Statement-not required

Screening Opinion-not required

Environmental Impact Assessment-not required

Appropriate Assessment-not required

Design Statement or Design and Access Statement-not required

Report on Impact or Potential Impact eg Flood Risk Assessment-submitted

**Legal Agreement Required:**

None

**Direction by Scottish Ministers**

None

**Conditions:-**

- 1 The development shall be begun within a period of three years from the date of this consent.
- 2 The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
- 3 Prior to the occupation of the development, the vehicular access shall be formed in accordance with the Council's approved standards, to the satisfaction of the Planning Authority.
- 4 The gradient of the access shall not exceed 3% for the first 5m measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public road.
- 5 Prior to the occupation of the development turning facilities shall be provided within the site to enable all vehicles to enter and leave in forward gear.
- 6 Prior to the occupation of the development a minimum of two parking spaces per dwelling shall be provided within the site.

- 7 The walls of the dwellings and garage, including the basecourse, shall be finished in wetdash roughcast and the roofs in natural slate, to the satisfaction of the Planning Authority.
- 8 A landscaping plan for the site, which shall make provision for hedgerow planting along the roadside and rear boundaries as well as between the plots, shall be submitted to the Planning Authority for approval prior to the commencement of work and implemented concurrently with the progress of development.
- 9 The gable end of the adjoining cottage shall be made good to the satisfaction of the Planning Authority.

**Reasons:-**

- 1 In accordance with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning etc (Scotland) Act 2006.
- 2 To ensure that the development is carried out in accordance with the plans approved.
- 3 In the interests of road safety; to ensure an acceptable standard of construction within the highway boundary.
- 4 In the interests of road safety; to ensure an acceptable standard of construction within the highway boundary.
- 5 In the interests of road safety; to ensure an acceptable standard of construction within the highway boundary.
- 6 In the interests of road safety; to ensure an acceptable standard of construction within the highway boundary.
- 7 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
- 8 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
- 9 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

**Justification:**

- 1  
The application conforms to the development plan and there are no material considerations to justify a departure.

**Notes**

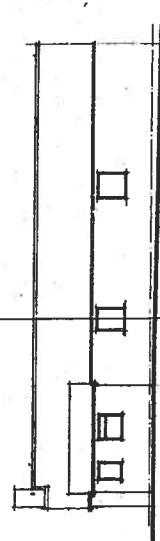
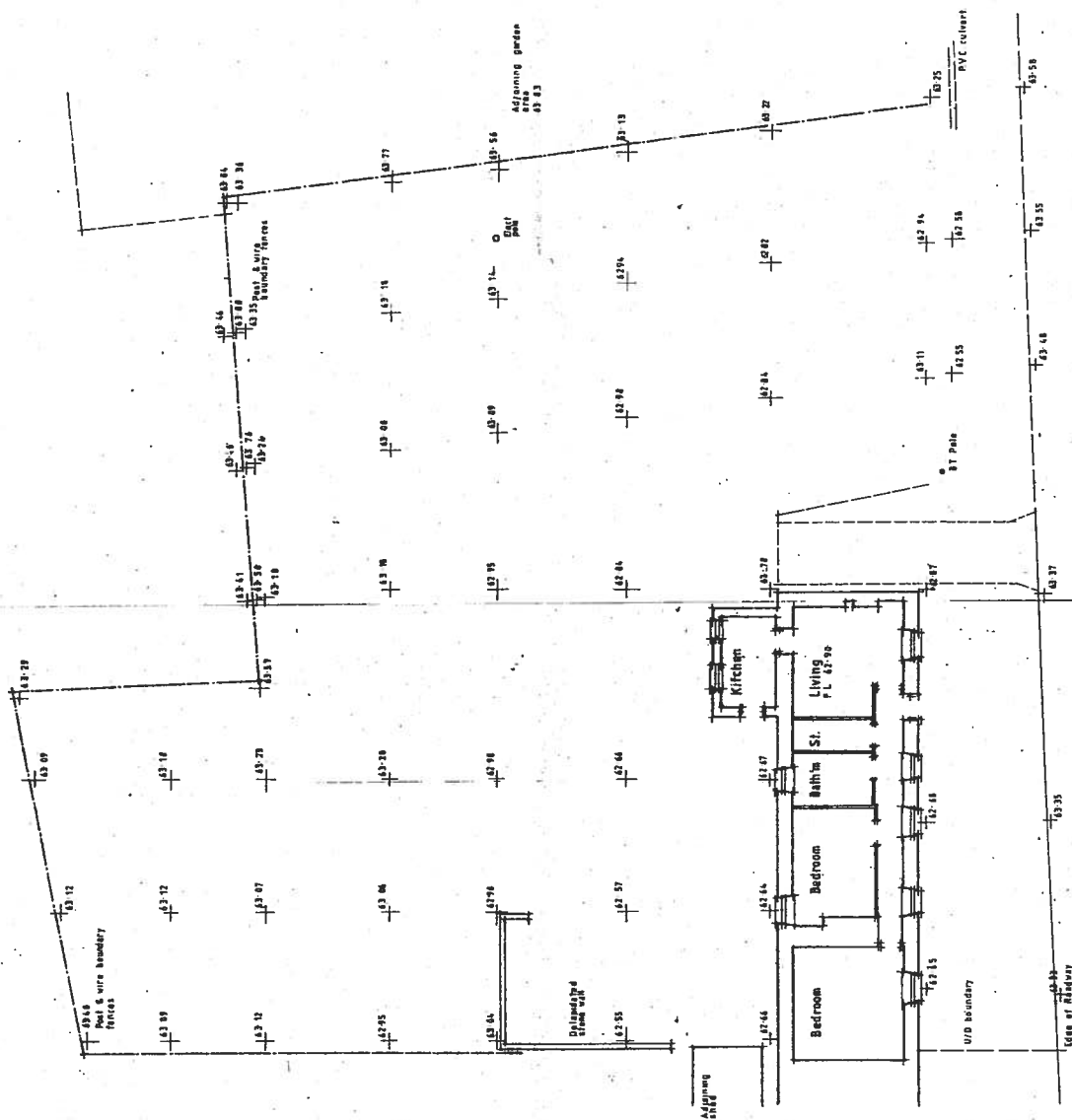


**PLANS**

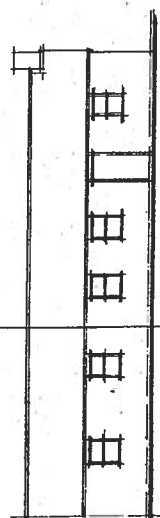




GROSS SITE AREA 0.121 HA [0.299 AC]  
ALL SITE LEVELS A.O.D.



WEST ELEVATION (EXISTING)



EAST ELEVATION (EXISTING)

ALLAN THOMSON Building Consultant  
102 TWEEDSMUIR ROAD, PERTH, PH1 2HG  
TELEPHONE/FAX [01738] 627994

Project: PROPOSED DEMOLITION OF EXISTING COTTAGE & THE  
ERECTOR OF TWO 5.4FT. HOUSES & GARAGES AT  
LOWER GALLIE, BANKFOOT FORTH TAYVALLEY HOUSES LTD.  
PLANS & SITE LAYOUT AS EXISTING

Scale: 1:100  
Date: November 2006

Drawing No. 64951  
Amended









## APPENDICES



## **APPENDIX A**

**DATA AND RESULTS FROM FEH  
CD-ROM (ESTIMATION OF INDEX  
FLOOD QMED)**



Institute of Hydrology - Flood Peaks Database  
Printed : 7 July 2007  
Station : 15027 (Garry Burn)

Station details - 15027 (Garry Burn @ Loakmill)

---

Station details

Number: 15027  
Name: Garry Burn  
Location: Loakmill  
Grid reference: 3075 □ 7339  
Unit type: Cumecs  
Catchment area (sq km): 22.650

---

Data Exported From FEH Cd-rom 1999 (pre-release Version)

---

User

Institute of Hydrology - Flood Peaks Database  
Printed : 7 July 2007  
Station : 15027 (Garry Burn)

Station details - 15027 (Garry Burn @ Loakmill)

---

Catchment Descriptors

---

NGR (IHDTM): 307500 733900  
AREA (IHDTM): 22.65  
BFIHOST: 0.576  
DPLBAR: 5.97  
DPSBAR: 110.80  
FARL: 1.000  
PROPWET: 0.46  
SAAR: 947  
SPRHOST: 36.9  
URBEXT: 0.0070  
ALTBAR: -1  
ASPBAR: 132  
ASPVAR: 0.300  
LDP: 12.18  
RMED-1D: 37.2  
RMED-2D: 48.0  
RMED-1H: 8.7  
SAAR4170: 1046  
SMDBAR: -999999.0  
URBCONC: 0.43  
URBLOC: 0.74

Institute of Hydrology - Flood Peaks Database  
Printed : 7 July 2007  
Station : 15027 (Garry Burn)

Station details - 15027 (Garry Burn @ Loakmill)

---

Annual Maxima

---

Start date (month only): October

---

Period of record, Start: 1987 End: 30 September 2005

---

Rejected periods of record

Start Year End Year

---

Annual Maxima

Water year	Date	Cumecs
1987	01 OCT 1987	4.926
1988	01 OCT 1988	6.938
1989	01 OCT 1989	6.328
1990	01 OCT 1990	7.395
1991	01 OCT 1991	8.265
1992	01 OCT 1992	5.302
1993	01 OCT 1993	18.833
1994	01 OCT 1994	6.843
1995	01 OCT 1995	4.879
1996	01 OCT 1996	3.920
1997	01 OCT 1997	9.814
1998	01 OCT 1998	7.391
1999	01 OCT 1999	10.391
2000	01 OCT 2000	4.549
2001	01 OCT 2001	13.865
2002	01 OCT 2002	15.036
2003	01 OCT 2003	2.700
2004	01 OCT 2004	17.200





**APPENDIX B**

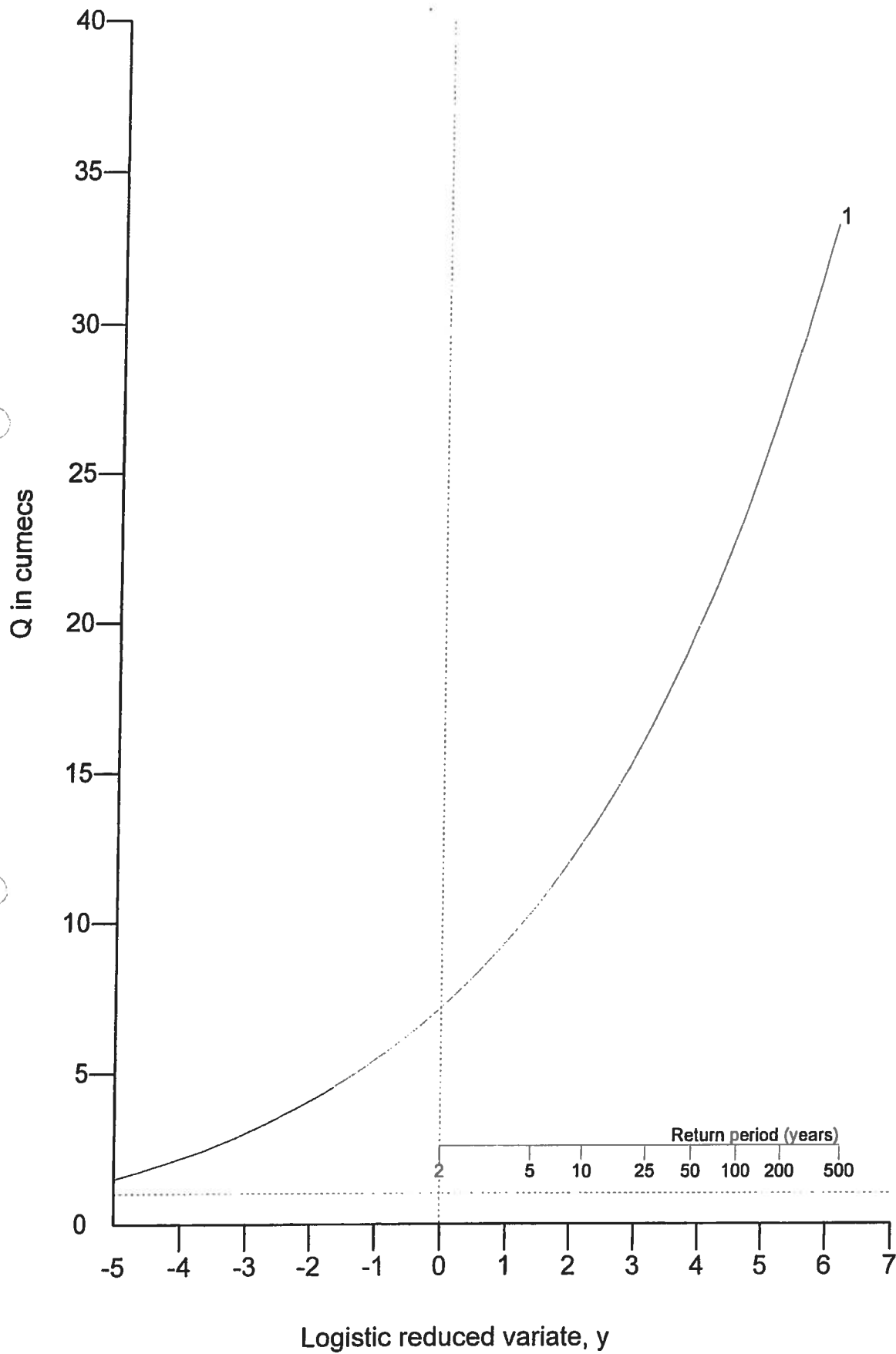
**DATA AND RESULTS FROM  
WINFAP (ESTIMATION OF  
FLOOD GROWTH CURVE USING  
POOLING GROUP)**



# Pooling-group - Garry Burn

Distributions

1. GL



Institute of Hydrology - Flood Peaks Database  
Printed : 7 July 2007  
Station : 15027 (Garry Burn)

Flood Frequency Curve Fittings

---

Standardised by median

---

Return periods

	GL
2	7.165
5	10.349
10	12.760
25	16.369
50	19.577
100	23.317
200	27.701
500	34.701

**APPENDIX C**  
**SEPA INDICATIVE FLOOD MAP**



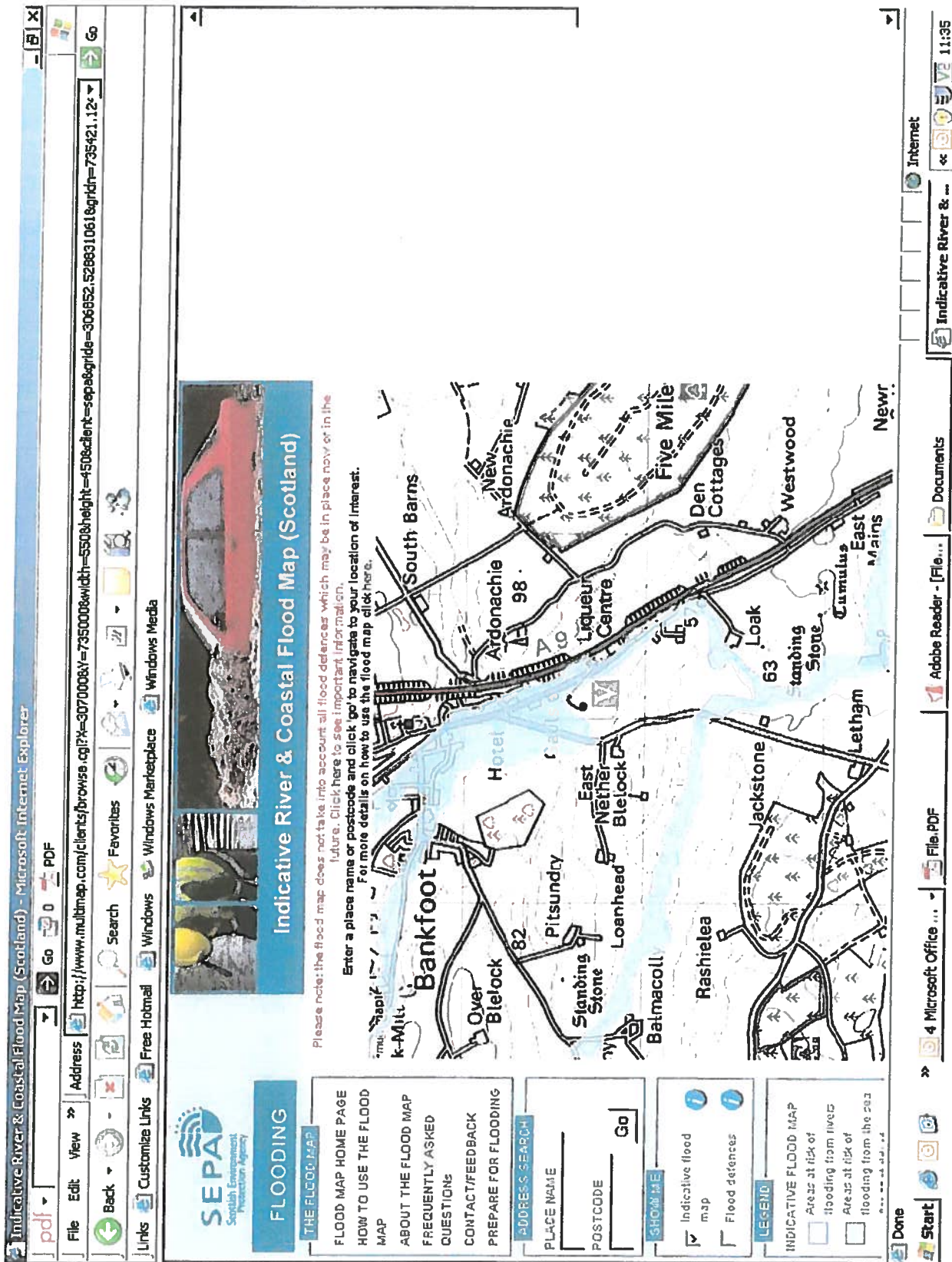


Figure 1 – SEPA Indicative Flood Map

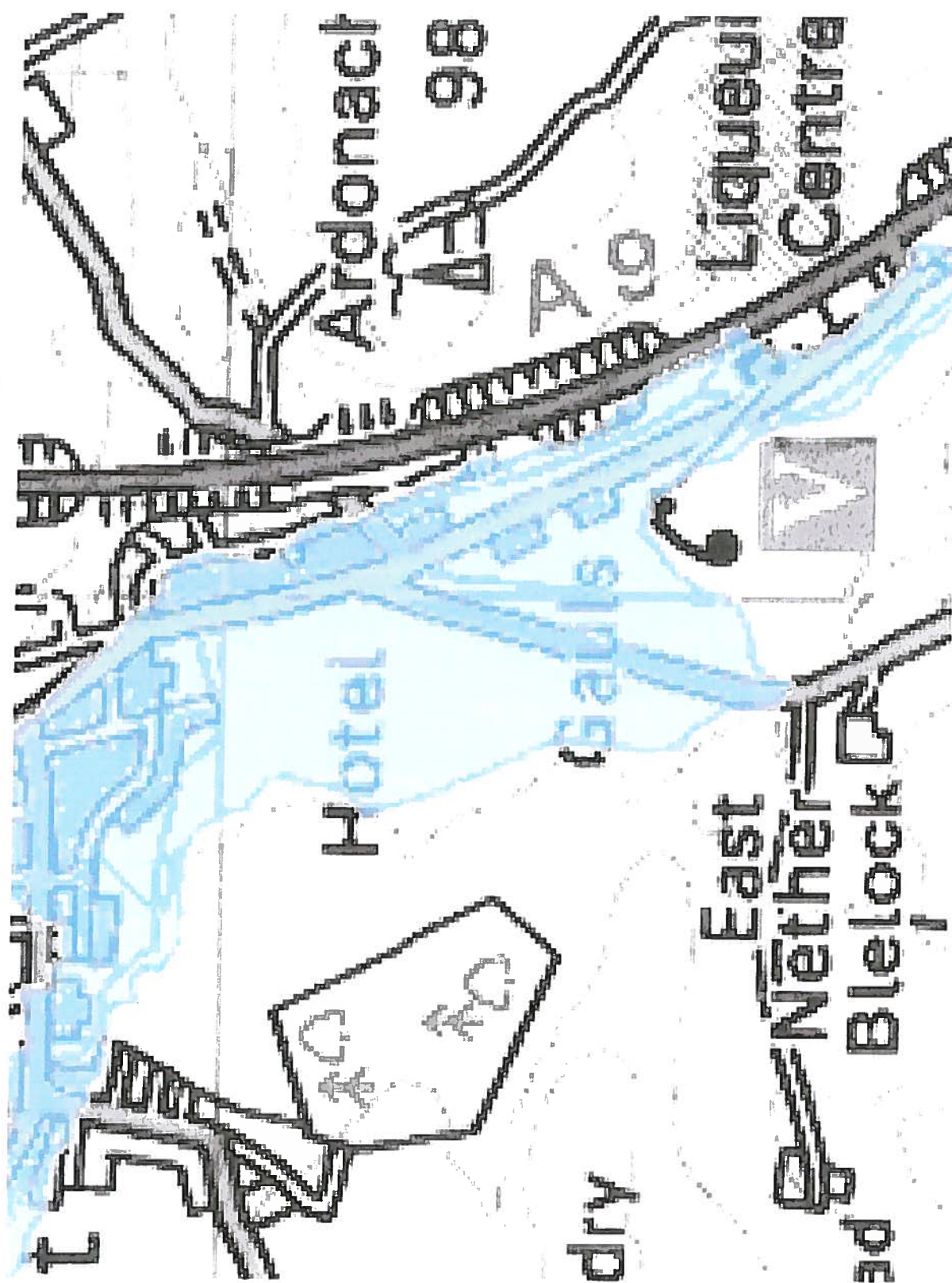


Figure 2 – Detail from SEPA Indicative Flood Map





## Appendix 5:

Correspondence relevant to Lower Gauls  
on applications

03/01823/FUL & 04/00802/FUL

1 Upper Gauls & 3 houses north of Upper  
Gauls

*(area 1 & 2 on map)*



ArupScotland

William J Ritchie

Housing Development at Bankfoot

Engineering Review of Development in Terms of Flood Risk

November 2002

Ove Arup & Partners Scotland Ltd  
No. 1 Courthouse Square, Dundee DD1 1NH  
Tel +44 (0) 1382 227618 Fax +44 (0) 1382 228572  
[www.arup.com](http://www.arup.com)

Job number 67806/37

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3.	THE PROPOSED DEVELOPMENT	3
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6.	SUMMARY AND RECOMMENDATIONS	7

## FIGURES

- 1 Site Location Plan
- 2 Site Topography
- 3 Proposed Development Plan
- 4 Route of Flood Waters West of B867

## 1. INTRODUCTION

Mr W J Ritchie applied for Planning Consent to erect three houses on an area of land on the southern outskirts of Bankfoot, Perthshire. His application (Ref 0200876OUT) was turned down by Perth and Kinross Council. One of the reasons for refusal was that the proposed development was considered to be at risk from flooding and no indication of the impact on the risk to existing properties in the immediate area had been submitted.

Ove Arup and Partners Scotland were commissioned by Tayside Regional Council to undertake a Flood Study at Bankfoot in March 1995. The report recommended measures to protect the properties at Upper and Lower Gauls near to the proposed development from out of bank flows from the Garry Burn. Arup Scotland have since been commissioned by Perth and Kinross Council to develop the recommendations made in the Flood Study in order to devise and promote a flood prevention scheme under the auspices of the Flood Prevention (Scotland) Act 1961 for the area at Upper and Lower Gauls.

Arup Scotland have been appointed by Mr Ritchie to provide a review of his proposals in terms of the recommendations of the flood study and to assess the impact of the proposed development and flood risk to adjacent properties.

This report has been prepared for the sole and exclusive use of Mr Ritchie in response to his particular requirements. Any other party using the information contained within this report does so at their own risk and no duty of care is extended to that party.

## 2. SITE LOCATION AND TOPOGRAPHY

The site is located immediately to the west of the B867 to the south of Bankfoot Village, Perthshire. The National Grid Reference is NO 071 348 (Refer figure 1). The land concerned is currently in agricultural usage, owned and farmed by Mr Ritchie.

The site is bounded to the south by adjoining cottages at Upper Gauls.

The topography of the area is mildly undulating (Refer Figure 2). Ground levels fall generally from north to south. The level of the B867 is noticeably higher than the fields on either side. The road interrupts the natural drainage of the land eastwards towards the Garry Burn.

To the south of the proposed development area, the existing adjoining cottages at Upper Gauls are sited on relatively low ground, below both adjacent road level and neighbouring ground. Floor levels in the two cottages are 63.61m and 63.27m above Ordnance Datum (AOD), north and south respectively.

Further south, two newer houses (Parkside and Dornoch) have been constructed at a significantly higher level, the garden ground having been raised locally above the adjacent road and field. The floor levels are set at 64.1m AOD, around 0.9m higher than the original ground level of the field. It is understood that the higher elevations were a deliberate measure taken to protect the properties from floodwater which was known to affect the area periodically.

The remaining properties at Lower Gauls are similar to Upper Gauls in that they are built at a lower level than the adjacent road. Floor level here is 62.95m AOD.

The final feature of note is a shallow drainage ditch on the southern road verge. The ditch commences immediately west of Upper Gauls and is culverted beneath the B876 in a 450mm diameter pipe into a small open chamber on the east side of the road. From there a 225mm diameter clay pipe crosses the field to the east to an outfall at the Garry Burn.

Between Upper and Lower Gauls and in front of Lower Gauls the ditch is piped. The roadside ditch continues southwards from Lower Gauls, is culverted under the B867 and continues east into the Garry Burn.

### 3. THE PROPOSED DEVELOPMENT

The proposed development comprises three housing plots located immediately to the north of Upper Gauls and west of the B867 (Refer Figure 3).

The intention of the developer, is to generally raise ground levels within these plots by infilling and to fix floor levels at a height above this elevated surface. The infilled area will extend southwards beyond Upper Gauls to merge into the higher ground at Parkside.

By this means it is intended to protect both the proposed development and also the existing cottages at Upper and Lower Gauls by providing a barrier against flood water flowing out of bank from the Garry Burn.

In order to assess the effectiveness of this proposal the nature and pattern of flooding locally needs to be examined.

#### 4. FLOODING AT BANKFOOT

Bankfoot village is situated at the confluence of the Glenshaugh Burn and the Garry Burn. Upstream of the village the two burns have a combined catchment area of 18.27km<sup>2</sup>. Periodically flooding incidents have occurred affecting residential property, roads and agricultural land within and to the south of the village.

In the aftermath of widespread and severe flooding of tributaries throughout the Tay River catchment in January 1993, Tayside Regional Council commissioned a series of flood studies throughout the area affected. Following production of the River Tay Catchment Study, Ove Arup and Partners were appointed to undertake a number of more detailed localised flood studies of rural communities within the Tay Catchment.

Investigation of flooding at Bankfoot was included in this commission and a final report was issued by Ove Arup and Partners in March 1998. The report described the factors influencing extreme water levels to be expected along the Glenshaugh Burn and Garry Burn through Bankfoot and downstream.

Arup Scotland have been given permission by Perth and Kinross Council to issue a copy of the flood study report to accompany and be read in conjunction with this report.

As part of the flood study a detailed inspection of the Glenshaugh Burn along its entire course through the village and along the Garry Burn to a point downstream of Lower Gauls was made. The report described the route and nature of the burns, the presence of any constrictions and the adjacent buildings and premises where flooding occurred.

The study looked into the hydrology of the burns, using information from the gauging station situated at Loakmill on the Garry Burn a short distance downstream and applying various methods of analysis to estimate flood flows. The report concluded that the return period of the peak flow in the Garry Burn and its tributaries at Bankfoot in 1993 was in the 50 to 100 year range.

The study also examined the hydraulic capacity of the burns through Bankfoot, using the information on channel geometry gained from the survey to calculate the water level profiles along the burn.

The report focused on a number of areas affected by flooding, made recommendations on measures which could be taken to mitigate against flood damage and provided an (estimated) cost benefit analysis of the flood protection works suggested.

Within Bankfoot village options considered included channel widening, regrading the bed of the burn, construction of a floodwall and upstream storage of floodwater. The report concluded however that none of the schemes considered was justified in cost benefit terms.

Flooding at Upper and Lower Gauls was also investigated as part of this study and the findings, conclusion and recommendations are summarised as follows.

##### 4.1 Flooding at Upper and Lower Gauls

The investigation found that the four dwellings at Upper and Lower Gauls had to be evacuated due to the flooding in 1993. It was noted that the houses were lower than the adjacent B867, which interrupted the natural drainage of the land towards the Garry Burn.

The source of flood water at Lower and Upper Gauls was thought to be overflow from the Garry Burn upstream, which flowed southwards across the fields to the west of the B867, prevented from returning to the burn by the level of the road (Refer Figure 4).



Runoff from snowmelt on the fields was also thought to have contributed to the floodwaters.

The roadside ditch and drains previously described were of insufficient capacity to carry the floodwater under the B867 back to the Burn. Water rose to the level of the road and inundated the adjacent properties. The two newer houses at higher level were not however affected.

This phenomenon is understood to have occurred previously and has occurred again several times since 1993.

The investigation then considered measures to protect the properties at Upper and Lower Gauls. It was rightly concluded that the capacity of the drains and culverts beneath the B867 could not reasonably be made sufficient to cope with unpredictably large flows. The only effective protection for the dwellings at Upper and Lower Gauls would be to either raise the floor levels to be above the adjacent road level, as had been done with the newly built house at Parkside, or to construct a flood bund or wall around each of the dwellings.

Comparing flood damage costs with estimated construction costs for flood protection works and by combining works to both sets of cottages as one scheme, it was thought that an economic case in support of promoting a flood prevention scheme could be made.

#### 4.2 Recent Work at Upper and Lower Gauls

On the basis of the findings and recommendations made in the flood study report, Perth and Kinross Council (the successor to Tayside Regional Council) appointed Arup Scotland in September 2000 to develop a flood prevention scheme for Upper and Lower Gauls.

Further more detailed work has been carried out including a geotechnical site investigation and topographic survey. A scheme was devised to provide a flood barrier in the form of a wall around the properties with sealable floodgates at the vehicle accesses.

However the scheme proved to be much more expensive than originally anticipated and consequently could not in fact be justified on economic grounds. It is not likely that this scheme to protect the cottages will therefore be promoted by the Council.

5. CONSIDERATION OF DEVELOPMENT PROPOSALS IN TERMS OF FLOOD RISK AND PROTECTION

As previously indicated, in developing the three housing plots to the north of Upper Gauls, the intention was to raise ground levels locally and to the west of Upper Gauls in order to protect both the new houses and the existing cottages from floodwater.

Taking cognisance of the findings and recommendations of the flood study and the experience of a similar approach having protected the recent buildings at Parkside and Dornoch, the development proposal would seem to have much merit.

Raised ground to the west of the B867 would channel surface flows away from the low lying north east corner at Upper Gauls and the general north to south fall in ground levels would cause water to bypass the existing houses at least as far as Lower Gauls.

The proposed development would therefore in effect provide an equivalent level of protection to the houses at Upper Gauls to that afforded by the flood prevention scheme. Indeed the development proposal could actually be considered an improvement on flood scheme proposals as it ties flood defences in with higher ground to the north, providing a more robust protection.

From discussion with the householder, Lower Gauls is flooded from the north east corner of the property by water travelling south along the west verge of the road from Upper Gauls. The proposed heightening in ground levels north and west of Upper Gauls would therefore be likely to benefit Lower Gauls in cutting off this route for flood water.

Considering the existing topography to the west of Lower Gauls however, floodwater may be able to reach Lower Gauls from the field at the west. The proposed development may therefore not improve conditions at Lower Gauls in overall terms.

Clearly the level of infilling and proposed floor levels is critical to achieve sufficient protection to all properties. The ground rises naturally northwards to a level above that affected by the route of the floodwater. Plots 2 and 3 are likely to be sited on ground not currently affected by overland flooding. However plot 1 would certainly require protective measures.

It is recommended therefore that the ground within all the plots is raised to a level at least 150mm above adjacent road level and that floor level in the new houses is fixed a further 450mm above that level. At plot 1 this equates to a minimum ground level of 64.25m AOD and floor level of 64.70m AOD. This raised ground level carried south around the western perimeter of Upper Gauls would merge in with existing ground level at the western boundary of UpperGauls/Parkside and provide a similar level of protection to that recommended by the flood study report.

Ground levels raised to the heights described represent a level of protection to the new development well in excess of 100 years and to Upper Gauls of 50 to 100 years return period.

The choice of material to be used as infill is also important. Along the western edge of the infill a material with high clay content (boulder clay) should be provided in order to be as impermeable as possible to resist infiltration of floodwater. Further into the plots more granular material may be used if required to offer better compaction under driveways etc. It is recommended that prior to upfilling the existing sandy topsoil is removed. It would also be prudent to excavate a cut off trench under the western edge of the infill and backfill this with compacted boulder clay, to provide a barrier against sub-soil infiltration of floodwater under the infill into Lower Gauls.

## 6. SUMMARY AND RECOMMENDATIONS

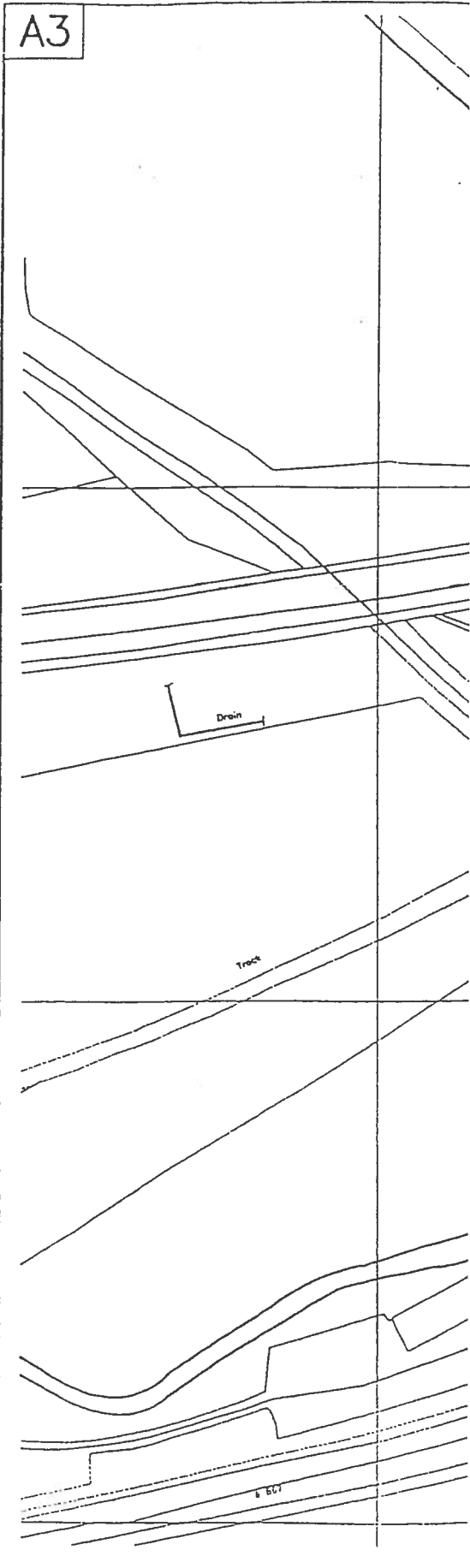
- A planning application for three new houses at Bankfoot was lodged by Mr W J Ritchie.
- Arup Scotland were appointed by Mr Ritchie to review his development proposals in respect of flood risk and in terms of recommendations made in previous flood study reports for the area made by Ove Arup and Partners.
- The site is situated west of the B867 where existing ground level is lower than the road.
- The area is subject to out of bank flood flows from the Garry Burn trapped by the road which interrupts the natural drainage path back to the burn.
- Ove Arup and Partners undertook a flood study for Bankfoot in 1998, which focused on the major flood which occurred in January 1993.
- The flood study included and made flood protection recommendations for the area in the vicinity of the proposed development.
- Subsequent investigative work and design development has shown the recommended flood protection works to be unjustified in cost benefit terms.
- The proposed development includes measures to raise ground levels locally in order to protect the new development and also in consequence the adjacent existing houses at Upper Gauls.
- From the findings of the flood study report and subsequent investigation, it is considered that the development proposal can be arranged so as to provide protection to the development in excess of the 100 year level and to Upper Gauls in the 50 to 100 year range.
- It is recommended that ground level within the housing plots is raised to at least 150mm above adjacent road level and house floor levels are fixed 450mm above finished ground level.
- It is recommended that raised ground level is carried south around the western perimeter of Upper Gauls to tie into existing ground levels at Parkside.
- It is recommended that the material used as infill to raise ground levels has a high clay content (boulder clay) along the western edge.
- Topsoil should be stripped from the site prior to upfilling.
- It is recommended that a clay filled cut-off trench is cut into the ground around the western edge of the infill in order to deter sub-surface infiltration of floodwater into Upper Gauls.

ArupScotland

FIGURES

A3

10cm

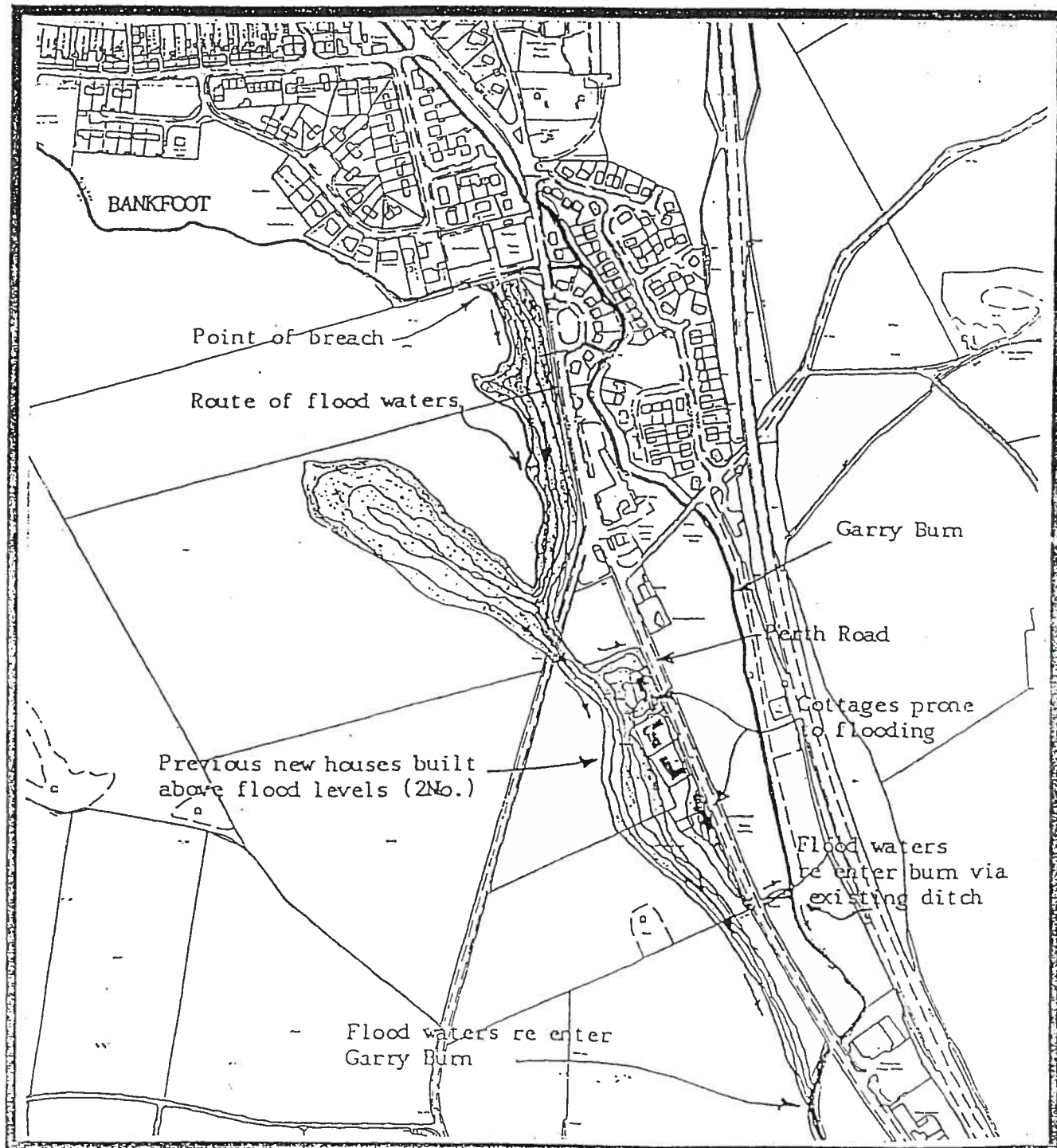


Rev.	Date	By	Description



DEVELOPMENT AT UPPER GAULS, BANKFOOT.

ROUTE OF FLOOD WATERS WEST OF B867



# ARUP

www.arup.com

No. 1 Courthouse Square, Dundee DD1 1NH  
Tel +44 (0)1382 227 618  
Fax +44 (0)1382 228 672



Job No.

Drawing No.

Rcv

67806/37

FIGURE 3

Scales 1:1000

Originator S.L.

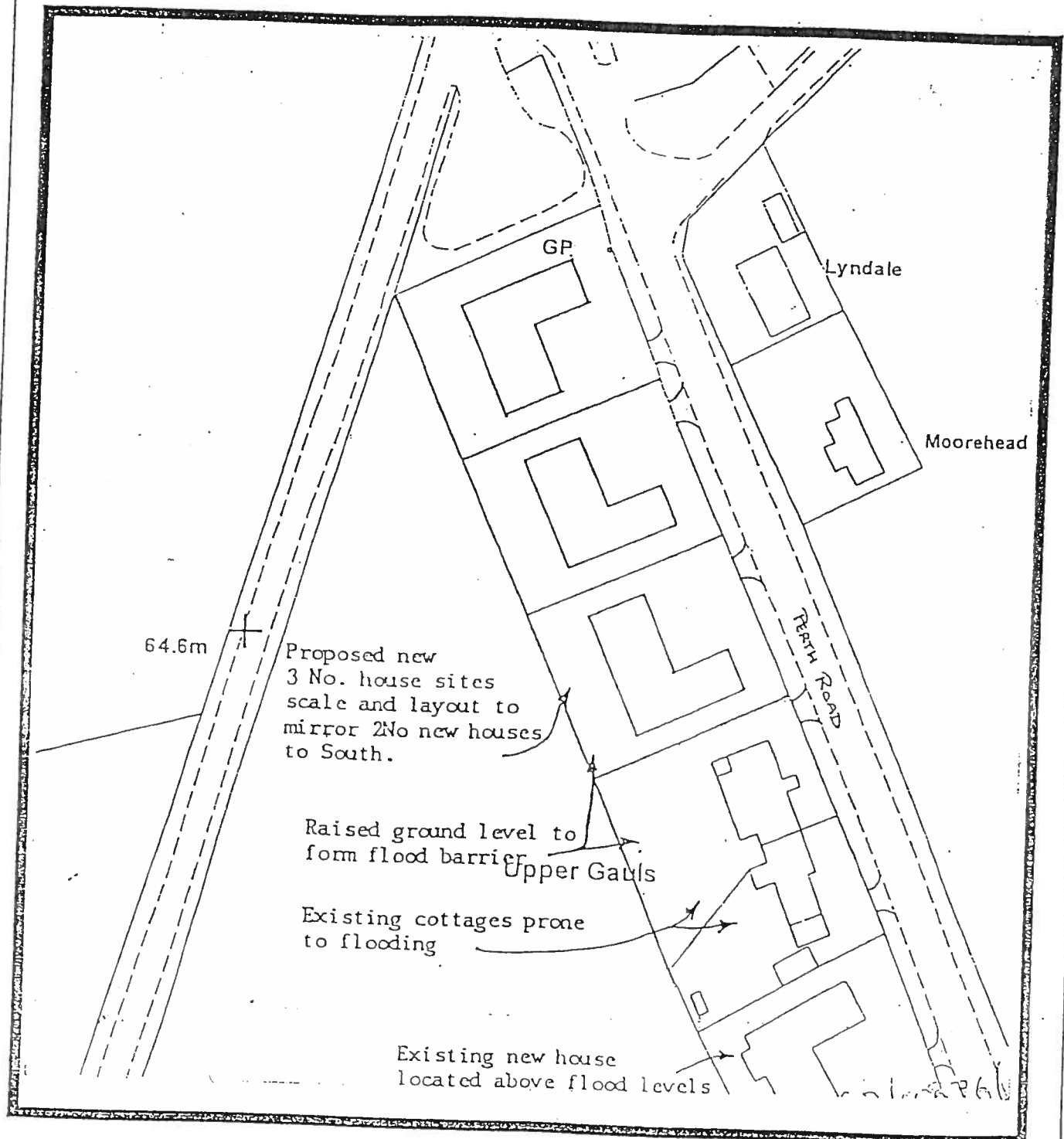
Checked GSD

Approved SLD

Date Nov. 2002

DEVELOPMENT AT UPPER GAULS, BANKFOOT.

PROPOSED DEVELOPMENT PLAN





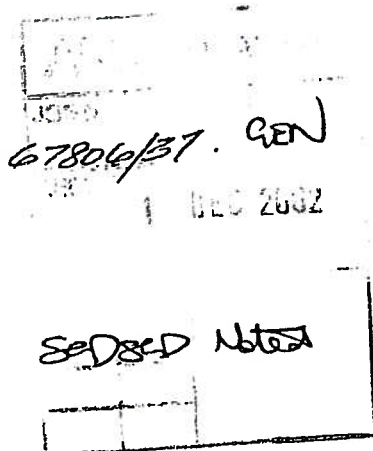


Your ref:  
Our ref: 300ST/ATW/MAM  
Direct dial: 01738 494108  
Direct fax:  
e-mail: awood@bidwells.co.uk  
Date: 11 December 2002

**BIDWELLS**

PROPERTY CONSULTANTS

W J Ritchie Esq  
Parkside  
Gauls  
Bankfoot  
Perthshire



5 Atholl Place  
Perth PH1 5NE  
Telephone: 01738 630666  
Facsimile: 01738 627264  
www.bidwells.co.uk

Dear Mr Ritchie

**The Eagle Star Life Assurance Company Limited - Strathord Estate  
Flooding at Gauls Cottages**

I write to confirm that should your development gain consent, my understanding is that this would prevent any water spilling down the front of the Gauls Cottages as it does at present and inundating my clients' property.

At the rear of 1 and 2 Lower Gauls Cottages, there may be a very slight risk in extraordinary flood conditions of some water spilling in to the rear of these gardens.

As the ground level at the north end of number 2 Lower Gauls is at a sufficient height to prevent this happening, I propose that my clients would raise the ground levels within the gardens of these cottages into a landscaped bund. This would secure these houses from future flooding without any highly expensive walls or systems that have been previously suggested.

I attach a plan showing the location of the bund to be created. <sup>raising</sup> I trust that both Perth & Kinross Council and the Scottish Executive will reconsider your proposal as the raising of the ground levels over the hatched area on the plan, combined with our own efforts, would stop 4 houses flooding.

I look forward to hearing from you and trust you obtain a favourable outcome to your application.

Yours sincerely



Solicitors & Estate Agents  
2 Tay Street • Perth • PH1 5LJ  
Tel: 01738 440088 • Fax: 01738 441131 • LP-6-Perth  
Email [mgs@condies.co.uk](mailto:mgs@condies.co.uk)



S G Dickson Esq  
Arup Scotland  
No 1 Courthouse Square  
DUNDEE  
DD1 1NH

Our Ref: MGS.IGG  
RIT.3.1

Your Ref:

Date: 13 December 2002

Dear Mr Dickson

**W J RITCHIE**  
**DEVELOPMENT AT THE GAULS**

I refer to prior correspondence in this matter. Can I trouble you, hopefully, one last time on the matter of the flooding at Lower Gauls. I enclose herewith a copy of a letter and plan which Mr Ritchie has received from Andrew Wood of Bidwells, the terms of which are self-explanatory. Are you able to confirm that if Eagle Star, as proprietors of the Lower Gauls Cottages, were to carry out the work outlined by Mr Wood in his letter and per his plan that this would effectively resolve any flood risk there might be at 1 and 2 Lower Gauls Cottages? As I understand it, the measures which Mr Ritchie proposes would avoid Lower Gauls Cottages flooding from water coming down the road. If Andrew Wood's proposals were put into effect, would this substantially avoid the risk of flooding from the field?

Yours sincerely



Condies  
Solicitors & Estate Agents  
2 Tay Street  
PERTH  
PH1 5LJ

Dear Sirs

**W J RITCHIE**  
**DEVELOPMENT AT THE GAULS, BANKFOOT**

We refer to your letter dated 13 December 2002 in regard to correspondence from Bidwells in respect of proposed works at lower Gauls.

Bidwells proposal is to raise the ground levels within the gardens to the rear of the cottages at lower Gauls to form a landscaped bund between the gardens and the field to the west. The intention is to provide a barrier to flood waters flowing through the field.

Whilst Bidwells proposal does not specify the height to which they intend to raise the bund, in principle, if these works are carried out in association with the flood mitigation works proposal as part of the development works at the Gauls, we consider that the risk of flooding at lower Gauls would be significantly reduced.

We would suggest however that, owing to the permeable nature of ground conditions, the bund at lower Gauls is constructed to incorporate a clay filled cut-off trench underneath, to reduce the possibility of water seepage under the bund during times of flooding.

We trust that this information sufficiently answers your query.

Yours faithfully



Andrew T Wood Esq  
Bidwells  
5 Atholl Place  
PERTH  
PH1 5NE

ARUP

Dear Mr Wood

**THE EAGLE STAR LIFE ASSURANCE COMPANY LTD - STRATHORD ESTATE  
NO 1 UPPER GAULS COTTAGE, BANKFOOT**

We refer to your letter dated 4 September 2003 in regard to your proposal to redevelop the property at No 1 Upper Gauls by demolition of the existing property and construction of a new detached dwelling set at higher level.

Together with your letter you enclosed a copy of a written response from SEPA to Perth and Kinross Council Planning and Development Services which commented on the hydrological aspects of your proposal. SEPA have requested submission of further information in support of the proposal in respect of the impact on the neighbouring property at No 2 Upper Gauls and on the properties at Lower Gauls.

It is clear from the SEPA report that a copy of the Arup Report "Housing Development at Bankfoot - Engineering Review of Development in terms of Flood Risk" dated November 2002 was submitted to the planning department in support of the development at No 1 Upper Gauls. This report was written on behalf of Mr W Ritchie in support of his proposed development of three new houses to the north of No 2 Upper Gauls.

As author of this report and of previous flood studies in the area, Arup have been asked to respond on your behalf to the SEPA comments.

Given that all parties appear to have read the Arup report of November 2002, there is no need to reproduce the full detail and findings, other than those points which relate to the issues raised by SEPA on the current planning application.

The two issues raised by SEPA were that:

"The raising of the site levels (at No 1 Upper Gauls) may increase the risk of flooding to No 2 Upper Gauls which is immediately north of the site".

"The raising of ground levels at No 1 Upper Gauls will remove some potential storage of floodwater therefore it could be argued that there may be some increase in risk to properties at Lower Gauls but it would be very difficult to quantify".

./2



In responding to these issues a number of points must be considered.

Firstly that the proposal by Bidwell on behalf of Eagle Star for redevelopment of No 1 Upper Gauls is made in association with that by Mr W Ritchie to raise ground to the north and west of No 2 Upper Gauls as part of his development. Mr Ritchie's proposal ties together the naturally higher ground located to the north with the existing raised ground levels to the west of No 1 Upper Gauls and Parkside. This will provide a barrier to floodwater flows to the north and west of both cottages at Upper Gauls protecting them directly from overland flood flows. In effect the two existing properties at Upper Gauls will become surrounded by higher ground, the road to the east and the land at Parkside already lying at higher elevations.

In this situation infilling to raise ground levels within No 1 Upper Gauls is therefore unlikely to adversely affect No 2 Upper Gauls.

A route for drainage of surface water away from the properties will however require to be maintained. At present we believe that the ditch and culvert along the western roadside verge carries surface water runoff away from the properties. We understand that there is an inlet near the vehicle entrance to No 1 Upper Gauls. Raising of levels around No 1 Upper Gauls may seal off this inlet for surface water runoff from No 2 Upper Gauls. It will be important therefore to provide an alternative inlet to the culvert to serve No 2 Upper Gauls although this should be a straightforward matter of installing a new branch/gully.

The second issue raised concerned the effect that proposals at Upper Gauls may have on the flood risk at Lower Gauls. This matter was previously considered in the Arup report of November 2002. Lower Gauls is reported to be flooded from the north east corner of the property by water travelling south along the verge of the road from Upper Gauls. The raising of ground at Upper Gauls will cut off this source of floodwater, indirectly protecting the properties at Lower Gauls. However, the report also considered that water may be able to reach Lower Gauls from the field to the west. This issue was further addressed in December 2002 with a proposal by Bidwell to raise a landscaped bund around the west and south of Lower Gauls (Refer to attached plan). Arup were asked to comment on this proposal at that time and concluded that if this work was carried out in association with the flood mitigation work as part of the development at Upper Gauls, the risk of flooding at Lower Gauls would be significantly reduced.

With both of the potential routes for floodwater into Lower Gauls cut off, the issue of possible loss of storage at Upper Gauls is not really significant. The small proportion of flood water which would previously have flowed through Upper Gauls towards Lower Gauls will in future be diverted to flow southwards through the fields to the west of all the properties and re-enter the Garry Burn to the south.

In conclusion provided that all the various elements of flood protection work are carried out by both landowners and that the recommendations on the form of construction made in the Arup report and subsequent letters are implemented, the risk of flooding to all the properties at "the Gauls" should reduce significantly.

We trust that this review and our comments on your proposal are sufficient for your purposes. Should you require any further clarification please do not hesitate to contact the undersigned.

Yours sincerely



Mr Andrew T Wood  
Bidwells  
Property Consultants  
5 Atholl Place  
PERTH  
PH1 5NE

ARUP

Dear Mr Wood

**THE EAGLE STAR LIFE ASSURANCE COMPANY LIMITED  
STRATHORD ESTATE  
NO. 1 UPPER GAULS COTTAGE, BANKFOOT**

We refer to our letter dated 10 September 2003 which provided observations and comments on flooding aspects associated with proposed development at Upper Gauls, Bankfoot.

In our report we referred to the proposal to raise a landscaped bund around the west and south of the property at Lower Gauls, in order to provide protection against overland flooding which could potentially enter the property from the fields to the west, but we did not allude to the height of the bund.

We understand that historically floodwater flowing through the fields here has been shallow ("around two to three inches") and has flowed southwards toward the burn rather than enter the property at Lower Gauls. It would be reasonable to suggest therefore that the bund need not be more than 600mm in height above existing ground level in order to provide an adequate protection against floodwater.

The bund should be formed using compacted clayey subsoil (boulder clay) and topsoiled using the existing topsoil stripped from underneath the bund. Side slopes on the bund should ideally not exceed one vertical to two horizontal in order to remain stable. Planting the bund in grass will help to bind the surface together.

We trust that this further information is of assistance.

Yours sincerely





MURDOCH  
METHVEN CASTLE  
PERTH PH1 3SU

*Chartered Architects*

Phone & Fax (01738) 840016  
E-mail : d.murdoch@ukonline.co.uk

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

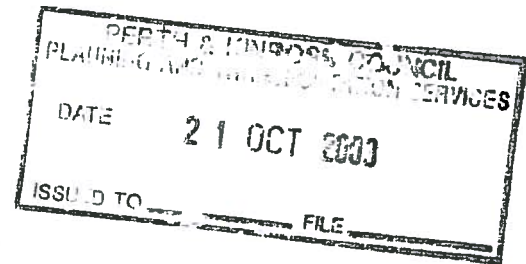
Your Reference:

My Reference

Date: 16 October, 2003

Dear Sirs

**The Eagle Star Life Assurance Company**  
**Strathord Estate**  
**1 Upper Gauls Cottage**



Please find enclosed a planning application for the proposed replacement house at the above comprising;

- An application form duly completed.
- 4 sets of the drawings 411/S1, PL1 & PL2, one set coloured.
- A copy of the flood study dated November 2002 by ArupScotland with supporting correspondence dated 10 & 19 September 2003.

Further to our letter dated 5 September to your Anne Condliffe, in which we advised that the previous application, Reference 02/0208/FUI, could be considered as withdrawn, we confirm that this is a new planning application of the same nature within 12 months of the previous application. Accordingly no application fee is due.

We understand from Mrs Condliffe that the planning department was disposed to recommending that the previous application be approved subject to satisfactory resolution of the flood risk. We trust that the additional information will be sufficient for your purposes and given the consideration of the previous application that this application can be dealt with timeously.

Please don't hesitate to get in touch if you require any additional information. In the meantime we look forward to receipt of registration.





SCOTTISH ENVIRONMENT PROTECTION AGENCY  
SOUTH EAST AREA

**Hydrology Department Response To Request For Information On Flood Risk Regarding The Demolition Of House And Erection Of New House At No.1 Upper Gauls, Bankfoot, Perth.**

**Reference: P/2003/0191 (03441338)**

There is a current application for planning permission to demolish the existing house and erect a new house at No.1 Upper Gauls at Bankfoot, NGR NO 071 346.

In its earlier response (24 March 2003) SEPA raised concerns regarding the impact that the proposed development might have on the risk of flooding to the existing property at No.2 Upper Gauls and those at Lower Gauls.

SEPA has received a copy of a letter from Ove Arup & Partners, dated 10 September 2003, written in response to SEPA's concerns.

In its earlier response SEPA stated *"the proposed raised platform at no.1 Upper Gauls may trap the floodwater at no.2 Upper Gauls, perhaps increasing the risk of flooding and also possibly making it more difficult to drain floodwater away from this property if it does get flooded"*. Ove Arup's letter states that a route for drainage of surface water away from the property will need to be maintained. Their letter states that the raising of ground levels around no. 1 Upper Gauls may seal off the existing culvert/pipe which carries surface water runoff away from no. 2 Upper Gauls. They stress that it is important to provide an alternative inlet to the culvert to serve no. 2 Upper Gauls and suggest that this could perhaps be achieved by installing a new branch/gully. An open gully would be easier to maintain than a culvert or pipe. SEPA strongly recommends that this work is undertaken before ground raising commences at no. 1 Upper Gauls.

Ove Arup's letter also explains that no 2. Upper Gauls will be protected from floodwater from the west by the raising of ground levels to the north and west of this property as part of a development proposed by another party.

Ove Arup's letter explains that the raising of ground levels at the Upper Gauls should remove the risk of floodwater flowing south along the road verge from Upper Gauls to Lower Gauls. This should reduce the risk of flooding to properties at Lower Gauls from this source. The letter also explains that Bidwell were proposing to form a raised bund around the west and south of Lower Gauls which should further reduce the risk of flooding to these properties.

The collective measures described by Ove Arup in their letter should ensure that there is no increase in the risk of flooding to the properties at no 2 Upper Gauls and Lower Gauls. As their letter explains there is more than one landowner involved and the success of the measures is dependent on the cooperation of all parties.

## Summary

The raising of ground levels at no. 1 Upper Gauls may seal off the existing culvert/pipe which carries surface water runoff away from no. 2 Upper Gauls.

It is essential that an alternative inlet to the culvert to serve no. 2 Upper Gauls is put in place and Ove Arup suggest that this could be achieved by installing a new branch/gully.

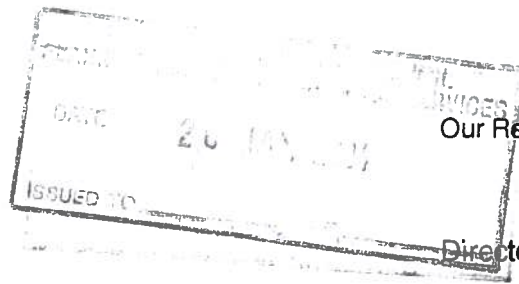
Ove Arup explain that the proposed raising of ground levels at no 1 Upper Gauls should, in part, reduce the risk of flooding to Lower Gauls however the success of reducing the risk of flooding to both no.2 Upper Gauls and Lower Gauls relies on a number of measures being carried out by more than one landowner.

The advice contained in this letter is supplied to you by SEPA in terms of Section 25(2) of the Environment Act 1995 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Perth and Kinross Council as Planning Authority in terms of the said Section 25(2).

A Malcolm MacConnachie  
Senior Hydrologist  
SEPA, Perth

20 January 2004





Our Refs: P/2003/0191  
Red File - 'The Gauls'  
03/44/1338

Directorate of Operations

If telephoning ask for  
Extension 1898

22 January 2004

Perth & Kinross Council  
Planning & Development Services  
Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

For the attention of Brian Dunkin

Dear Sir

**TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997**  
**DEMOLITION OF HOUSE AND CONSTRUCTION OF NEW HOUSE AT NO 1 LOWER GAULS,**  
**BANKFOOT, PERTH**  
**APPLICATION NUMBER: 03/01823/FUL (EAGLE STAR LIFE ASSURANCE COMPANY LTD)**  
**NATIONAL GRID REFERENCE: NO 0714 3455**

Thank you for your consultation in respect of the above, which I received on 29 October 2003, apologies for the late response to this application. This response is written with reference to SEPA's previous correspondence with your authority regarding this proposed development, dated 23 January 2003 and 26 March 2003.

**SEPA offers no objection to this planning application.** Further comment and advice is noted below.

The application details that the proposed development will connect with the public sewer for foul drainage, and therefore SEPA has no further comment to make on this issue. However the applicant should consult with Scottish Water to ensure such a connection is available.

The preferred method of surface water disposal is through the use of Sustainable Urban Drainage Systems (SUDS). On this site these measures could be incorporated in the form of a soakaway system. This surface water soakaway must be approved by your Building Control Department.

The applicant should be aware that if they propose to discharge any surface water into the public sewer they must contact Scottish Water regarding consent to discharge.

The applicant's agent has submitted additional information to address the concerns raised in SEPA's initial hydrology report, dated 24 March 2003. A copy of SEPA's response to this information is attached and a summary is provided below.

- The raising of ground levels at no. 1 Upper Gauls may seal off the existing culvert/pipe which carries surface water runoff away from no. 2 Upper Gauls.
- It is essential that an alternative inlet to the culvert to serve no. 2 Upper Gauls is put in place and Ove Arup suggest that this could be achieved by installing a new branch/gully.



7 Whitefriars Crescent, Perth PH2 0PA  
tel 01738 627989 fax 01738 630997  
www.sepa.org.uk

- Ove Arup explain that the proposed raising of ground levels at no 1 Upper Gauls should, in part, reduce the risk of flooding to Lower Gauls however the success of reducing the risk of flooding to both no.2 Upper Gauls and Lower Gauls relies on a number of measures being carried out by more than one landowner.

Yours faithfully



<b>TCP/11/16(477) – 17/00334/IPL – Residential development (in principle), site of former 1 Lower Gauls, Bankfoot</b>
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## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

**REFERENCE DOCUMENTS** *(part included in  
applicant's submission, see pages 505-510, 517-540 and 579-  
600)*



# PERTH AND KINROSS COUNCIL

Mr T Bechtel  
c/o Alastair Mitchell Architect  
Alastair Mitchell  
15 Sandeman Place  
Luncarty  
Perthshire  
Scotland  
PH1 3RJ

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 20 April 2017

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/00334/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 3rd March 2017 for permission for **Residential development (in principle) Site Of Former 1 Lower Gauls Bankfoot** for the reasons undernoted.

Interim Head of Planning

### Reasons for Refusal

1. The proposal is contrary to Policy EP2 - New Development and Flooding of the Perth & Kinross Local Development Plan 2014 in addition to Scottish Planning Policy. The site is in a functional flood plain and the provided Flood Risk Assessment does not effectively demonstrate where and how the misplacement of water from the proposed land rising would affect the area during a flooding event. Furthermore, the implementation of an additional property on the site would increase the persons at risk during a flooding event.

### 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](http://www.pkc.gov.uk) "Online Planning Applications" page

### Plan Reference

17/00334/1

17/00334/2

17/00334/3

17/00334/4

17/00334/5

17/00334/6

17/00334/7

17/00334/8

17/00334/9

## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	17/00334/IPL	
Ward No	N5- Strathtay	
Due Determination Date	02.05.2017	
Case Officer	Sean Panton	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Residential development (in principle).

**LOCATION:** Site of Former 1 Lower Gauls, Bankfoot, Perth.

#### SUMMARY:

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

**DATE OF SITE VISIT:** 16<sup>th</sup> March 2017

#### SITE PHOTOGRAPHS



#### BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is at 1 Lower Gauls, Bankfoot. The site is approximately 1590m<sup>2</sup> and the proposal is for a residential development (in principle). It is indicated that the proposed residential development will comprise of 2 dwellinghouses, one with an approximate plot size of 870m<sup>2</sup>, leaving the resultant plot with an approximate size of 720m<sup>2</sup>. The existing dwellinghouse on the site will have to be demolished to accommodate the proposal.

The proposal also involves raising the land on the entirety of the site by approximately 1.3metres (average) to prevent the development site from flooding. The site currently has an unauthorised bund to the western and southern boundaries to prevent the existing building from flooding, however this bund has no legal merit.

There was a previous application for the site (16/01482/IPL) which was withdrawn in September 2016 for issues relating to Biodiversity and Flooding. The applicant was advised to withdraw the application and resubmit with a Bat Survey and a Flood Risk Assessment to avoid the application from being refused. This present application now forms the resubmission of the previously withdrawn 16/01482/IPL.

It should be noted that this application has sufficient information to be considered as a detailed application. The applicant was advised of this prior to validation however wished for the application to remain as an in principle application rather than a detailed.

## **SITE HISTORY**

16/01482/IPL - Demolition of dwellinghouse and erection of 2no. dwellinghouses (in principle) at 28<sup>th</sup> September 2016: Application Withdrawn.

## **PRE-APPLICATION CONSULTATION**

No pre-application consultation was undertaken other than discussions in regards to the previous application for the site which was withdrawn (16/01482/IPL).

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

### **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of TAYplan should be noted. The vision states *“By 2032 the TAYplan region 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 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 principal policies are, in summary:

**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 RD1 - Residential Areas**

In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

**Policy TA1B - Transport Standards and Accessibility Requirements**

Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

**Policy NE3 - Biodiversity**

All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

**Policy EP2 – New Development and Flooding**

There will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere.

**OTHER POLICIES**

**Development Contributions**

Sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development.

## CONSULTATION RESPONSES

### Internal

#### Transport Planning:

Transport Planning has no objection to the proposed development providing a number of conditions and an informative are added to any consent.

#### Contributions Officer:

The Contributions Officer recommended that should any consent be granted then 2 conditions are added to the consent in relation to the proposal being in accordance with the Developer Contributions Guidance.

#### Biodiversity Officer:

The Biodiversity Officer initially requested a Phase 1 Bat Survey to be submitted. This was consequently submitted (28<sup>th</sup> March 2017) and the Biodiversity Officer now suggests that the recommendations from the conclusions of the Phase 1 survey are carried out.

#### Local Flood Prevention Authority:

Extensive discussions were held with the flooding team who **object** to the proposal as the provided Flood Risk Assessment does not provide an appropriate level of information to confirm that the land raising proposed as part of this application will not negatively affect the flood plain storage of the area.

### External

#### Scottish Water:

Scottish Water did not respond to the consultation.

## REPRESENTATIONS

1 letter of representation was received regarding the proposal. In summary, the letter highlighted the following points:

- No objection to the proposed development
- No recollection of known flooding issues on the site
- Difficulty in understanding how the site can make a practical contribution to the floodplain
- Existing cottage is an anomaly and is lower than the existing houses
- Existing cottage is not attractive and does not provide a pleasant living environment
- Development of site would provide a more attractive entrance to Bankfoot

## ADDITIONAL STATEMENTS RECEIVED:

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required



Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Submitted (Planning Statement)
Report on Impact or Potential Impact eg Flood Risk Assessment	Submitted

## **APPRAISAL**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

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

### **Policy Appraisal**

The application site is located within the settlement boundaries of Bankfoot; therefore Policies RD1 'Residential' and PM1 'Placemaking' are directly applicable. The site is also within an area known to Flood Risk therefore Policy EP2 – New Development and Flooding is of paramount importance. Policy NE3 – Biodiversity, Policy PM3 – Infrastructure Contributions and Policy TA1B - Transport Standards and Accessibility Requirements are also applicable to this application and will be applied accordingly.

As this is a planning in principle application, the key test of the acceptability of this proposal on policy grounds is ultimately whether or not the proposed land use (for residential) is consistent with the requirements of the Local Development Plan without compromising residential amenity or the character and distinctiveness of the area. As the site falls within an area known to flood risk, Policy EP2 – New Development and Flooding states that there will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere.

As this proposal involves land rising in a functional flood plain with no clear justification or a satisfactory Flood Risk Assessment, the proposal is considered to be contrary to Policy EP2 – New Development and Flooding therefore the principle of a residential development on this site cannot be supported and the key test of acceptability is not consistent with the requirements of the identified Local Development Plan.

### **Design and Layout**

As this is a planning in principle application, the exact details in relation to design and layout cannot be fully determined. However it is considered that an acceptable

scheme could be achieved which would not appear out of place on the streetscene and would respect the surroundings.

The indicative plans as submitted do not raise any significant concerns as the proposed dwellinghouses are of a scale proportionate to the site whilst being appropriately sited leaving a sufficient level of amenity space for the properties. The design of the proposed dwellinghouses themselves could be improved to add more character, however as stated, this is a consideration for a detailed application and not an in principle application.

## **Landscape**

Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. In this case, the siting of a proposed residential development on this site within the settlement boundary of Bankfoot is not considered to erode local distinctiveness, diversity and quality of the landscape.

## **Biodiversity**

The previous application for this site (16/01482/IPL) had a recommendation from the Biodiversity Officer that a Bat Survey was carried out to determine the presence of protected species within the building proposed to be demolished. The applicant subsequently withdrew the application to allow for more time to prepare a Bat Survey (in addition to a Flood Risk Assessment). However, when this present application was received, there was no Bat Survey included as was requested. I contacted the applicants regarding this and they informed me that this survey had not been included in the resubmission as they had been advised from external parties that Bat Surveys are not possible at the time of the year in which they requested. I then reminded the applicant that although a full survey was not possible to be undertaken due to bat roost emergence periods, a Phase 1 survey was still capable of being carried out. This Phase 1 Survey was consequently submitted (28<sup>th</sup> March 2017) and the survey showed that there was no evidence of bats present however noted that the property does provide good roosting opportunities. The Biodiversity Officer now suggests that the recommendations from the conclusions of the Phase 1 survey are carried out; however I do not consider this to be appropriate due to the Phase 1 survey showing no evidence of bats. I therefore have no concerns in relation to Biodiversity.

## **Residential Amenity**

As this is a planning in principle application, the exact impact upon existing amenity and also the proposed residential amenity of future occupiers of the proposed dwellinghouses cannot be fully determined. However it is considered that an acceptable scheme could be achieved which would not compromise the amenity of existing residential properties and will equally provide a suitable level of residential amenity for future occupiers of the proposed houses.

The indicative plans as submitted do not raise any significant concerns as the location of the 2 proposed dwellinghouses are respectful to the neighbouring properties to the north and the position and orientation of windows do not present any issues of overlooking. However, as previously mentioned, this can only be considered in full at a detailed application stage.

### **Visual Amenity**

The site is located to the edge of a building group with established site boundaries in the settlement boundary of Bankfoot. A residential development could therefore be accommodated without detrimentally impacting the visual amenity of the area.

### **Roads and Access**

The indicative plans submitted show 2 properties which each have their own access and driveways. These access points and driveways are considered to be appropriately sited and proportionately scaled for the size of the indicated dwellinghouses. Transport Planning also responded to the consultation and stated that they had no objection to the proposed development subject to conditions. Full details of the appropriateness of the roads and access however can only be determined at a detailed application stage and not at an in principle stage. I do however believe that an acceptable scheme can be achieved on this site and I therefore have no concerns in relation to roads and access.

### **Drainage and Flooding**

Perth and Kinross Council have had extensive fluvial flood modelling carried out by consultants, CH2M, looking at flood risk in Bankfoot from the Glenshauch and Garry Burns.

The flood extent maps as a result of this modelling show that the site under question is at severe risk of flooding as it is a functional flood plain. This modelling information **includes** the flood barrier bund to the rear of the property that is already constructed.

The Local Flood Prevention Authority responded and objected to the previous application to the site that was withdrawn (16/01482/IPL) on the grounds of a lack of information for a site at such risk of known flooding. The application was then resubmitted (as present) and includes a Flood Risk Assessment as requested.

The Flood Risk Assessment that was submitted was sent to the Local Flood Prevention Authority for consultation who then again objected to the proposal as the Flood Risk Assessment does not address the concerns of the previous objection.

The Local Flood Prevention Authority demonstrated that a significant portion of the site is shown to be flooded during a flooding event. The proposals incorporate significant land rising within the functional floodplain (1 in 200 year), with no mitigation proposed for the loss of floodplain storage. As such this is contrary to Scottish Planning Policy. The minimum threshold for any new development would

also require to be set at the 1 in 200 year (plus climate change) flood level plus 600mm freeboard. It was considered that the submitted Flood Risk Assessment did not address these points.

The Local Flood Prevention Authority then had extensive discussions with the agent and sent the submitted Flood Risk Assessment to the external consultants who had recently carried out extensive fluvial flood modelling looking at flood risk in Bankfoot from the Glenshauch and Garry Burns for comment.

Unfortunately, neither the external consultants nor the Local Flood Prevention Authority are satisfied that this proposal can be accommodated without significantly reducing flood plain storage which would in turn flood other areas. The Flood Risk Assessment does not effectively demonstrate where and how this misplacement would affect the area which is a requirement of Policy EP2 of the Perth & Kinross Local Development Plan 2014. Policy EP2 states that there will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere.

Although there is an existing bund to the south of the site, I would like to further confirm that this bund **has** been taken into consideration from the consultants during the Bankfoot Flood Study.

The Local Flood Prevention Authority also highlighted that there are further concerns regarding groundwater and sewerage which would need to be further addressed.

As such, it is considered that the proposal is contrary to Policy EP2 – New Development and Flooding. The provided Flood Risk Assessment does not demonstrate that the proposal would be acceptable and the Council cannot permit a development where flood risk is not clearly demonstrated.

## **Developer Contributions**

### Primary Education

The Council's 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.

This proposal is within the catchment of Auchtergaven Primary School.

### Transport Infrastructure

The Council's Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport

infrastructure improvements which are required for the release of all development sites in and around Perth.

The application falls within the identified Transport Infrastructure Supplementary Guidance reduced contribution boundary and the Developer Contributions Officer requested that a condition to reflect this should be attached to any consent granted.

### **Economic Impact**

The development of this site would count towards local housing targets, accounting for short term economic investment through the short term construction period and indirect economic investment of future occupiers of the associated 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 not considered to comply with the approved TAYplan 2012 or the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for 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 application.**

### **Conditions and Reasons for Recommendation**

- 1 The proposal is contrary to Policy EP2 – New Development and Flooding of the Perth & Kinross Local Development Plan 2014 in addition to Scottish Planning Policy. The site is in a functional flood plain and the provided Flood Risk Assessment does not effectively demonstrate where and how the misplacement of water from the proposed land rising would affect the area during a flooding event. Furthermore, the implementation of an additional property on the site would increase the persons at risk during a flooding event.

**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**

Not Applicable.

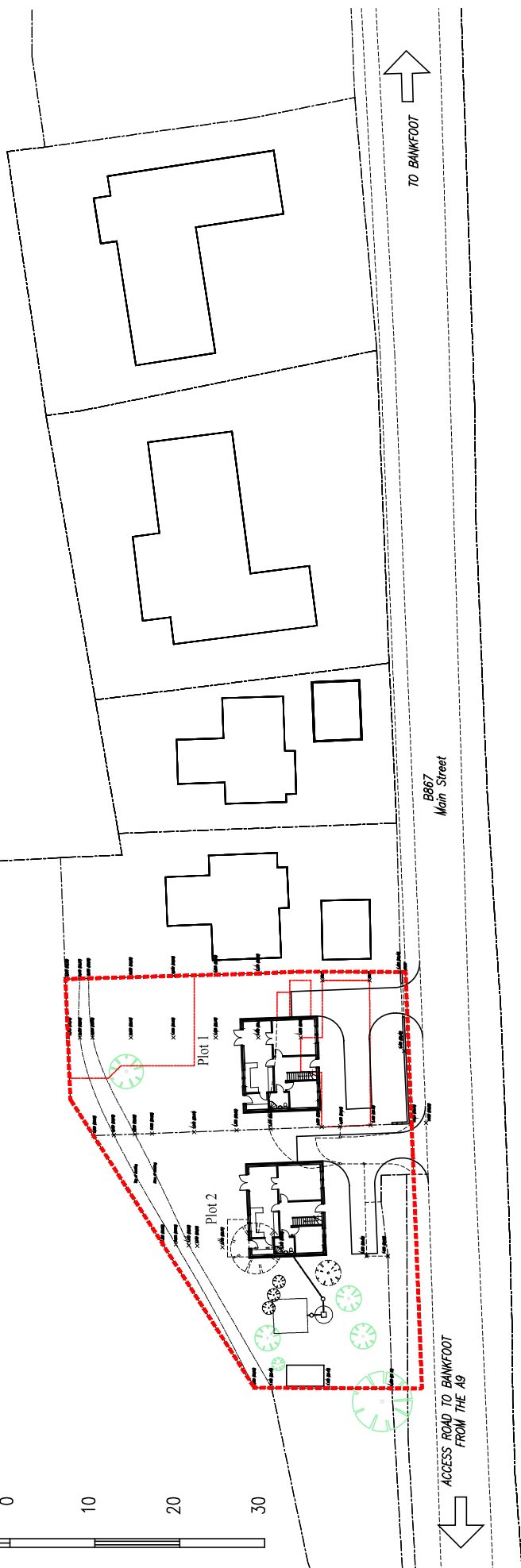
**Procedural Notes**

Not Applicable.

**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

17/00334/1  
17/00334/2  
17/00334/3  
17/00334/4  
17/00334/5  
17/00334/6  
17/00334/7  
17/00334/8  
17/00334/9

**Date of Report** 20<sup>th</sup> April 2017



Proposed Site Plan  
Scale 1:500

Proposed Residential Development at, 1 Lower Gauls Cottage, Bankfoot for Mr T Bechtel	
Proposed Site Plan Drawing No. PL/11 Rev A	Scale 1:500

## **PLANNING STATEMENT**

**No.1 Lower Gauls Cottage  
Bankfoot  
Perthshire  
PH1 4ED**

An application was made for outline planning permission for the demolition of the existing dwelling house and the erection of 2No. new dwelling houses on the site of the former dwelling house and associated garden ground at No.1 Lower Gauls Cottage, Bankfoot. (Ref 16/01482/IPL)

The application was subsequently withdrawn to allow sufficient time to allow additional information to be prepared.

We have now reviewed the details that are required and would like to confirm the following,

- A flood study of the area has been prepared by Millards. The flood study covers the whole of the site and also makes reference back to the new houses that have already been constructed adjacent to the existing dwelling house. Site sections have been prepared showing the upfill that is required across the site to meet with the recommendations within the flood study. The new finished ground levels will be set to match the level of the new adjacent properties.
- The intention would be that one of the new houses would utilise the existing foul and rainwater connections that exists on the site. The second house would utilise a new rainwater and foul soakaway and will therefore not add to the flooding within the area.
- It was noted that a bat survey is required for the existing property. Due to the seasonal nature of bat habitations, a survey cannot be carried out at this time of year. As the intention is to apply for outline planning only at this stage, can consideration be given to attaching a condition to any future planning application confirming that a full bat survey is to be undertaken in advance of the demolition of the existing house.

We trust the above report and associated documentation will allow any previous concerns to be clarified.



**Letter to K Lakeman, SEPA, dated 4<sup>th</sup> December 2008**





B867 along the frontage of the site. It was found that the flood levels rose from a level of 62.76m to 62.84m in the field and from 63.65m to 63.7m on the road.

The bund at the rear of No.2 Lower Gauls is situated generally at a level of 63m AOD, therefore we conclude that the grounds of this property will remain flood free, even with the revised flow rate. The rise in level on the road does not take into account the new offlets which have been constructed within the eastern footpath of the B867. We feel that as this is such a small rise, the extra flood water created by the revised flowrate would all be dispersed through the new offlets into the field on the eastern side of the B867.

Output from the re-run of the model is enclosed with this letter. As can be seen from the HECRAS output, the revised flowrate only slightly increases flood levels adjacent to the Lower Gauls Cottages and therefore does not affect the findings of our previous Flood Risk Assessment report and subsequent addendum reports.

*"The proposed development flood remediation works follow on from the advice and design adopted to the newer residences adjacent Upper Gauls. These residences were raised above the existing road level to assist in limiting the flood risk to the property. The recent council works have provided some further relief to the general area. It is important that the proposed new residences are elevated above the new curb/footpath, with the provision of freeboard, and that all driveways are resurfaced to achieve this elevated level. The floodwater flowing down the residential side of the road will therefore be conveyed past all the existing and proposed residences to the existing ditch south of No.1 Lower Gauls."*

In our Addendum Report 7720/21/BC/07-07/1783A – ADDENDUM it was confirmed that the minimum finished floor levels for the proposed development will be 600mm above the proposed back of footpath level. This equates to finished floor levels of 64.16m AOD. As previously stated, the driveways at No.1 and No.2 Lower Gauls will be raised as part of the footpath works being undertaken by Perth and Kinross Council. As for the other residences on Perth Road, we can confirm that the proposed footpath works extend as far north as Upper Gauls. Therefore all driveways within this area will also be raised on completion of the footpath works by Perth and Kinross Council.

*"There is an existing drainage ditch and culvert along the road frontage of the Upper and Lower Gauls properties. It is recommended that the condition of this culvert is identified and any replacement/repair works be completed as part of this development. It is not known if the new footpath works have affected this ditch/culvert flow. It may be appropriate to consider whether the proposed land raising will increase any localised flooding from this ditch/culvert upstream of the development site. It is recommended that the Planning Authority satisfy themselves that the proposed land raising and elevated driveways will not increase the local risk of flooding from this small drain/culvert".*

The matter of the existing drainage ditch was covered in our Addendum Report 7720/21/BC/07-07/1783A – ADDENDUM. We stated that a new offlet channel should be constructed to ensure that floodwater flowing along the B867 will flow into the ditch. Also, drawing number 7720/21/002, enclosed within the addendum report was annotated to state that the existing ditch was to be cleaned out. As part of these works we propose the existing culvert is inspected by CCTV survey, and that any repair works required to the ditch be undertaken at the same time as the cleaning out exercise.

In response to the comment regarding localised ponding at the ditch, we can state that the only diversion of flood water occurs with the construction of the new footpath on the western side of the B867. The majority of the flood water flowing down the B867 shall be dispersed into the field on the eastern side of the B867, due to the new offlets which have been constructed in the eastern footpath. There will therefore only be a small amount of flow reaching the drainage ditch. This flow will be reduced by the proposed works.

*"To provide the additional flood protection works at No.1 Lower Gauls, it may be required from planning that the development site boundary is redrawn to include this property."*

As highlighted above, we are not proposing any alterations to the property at No.1 Lower Gauls. The only alteration discussed is related to the footpath construction works by Perth and Kinross Council Roads. We therefore have no reason to re-draw the site boundary.

We trust that the above, along with the enclosed satisfies SEPA and will allow you to remove your objection to the planning application for the above development.

Should you have any queries, please do not hesitate to contact us.

Yours sincerely,

A black rectangular box redacting the signature of Andrew Braid.

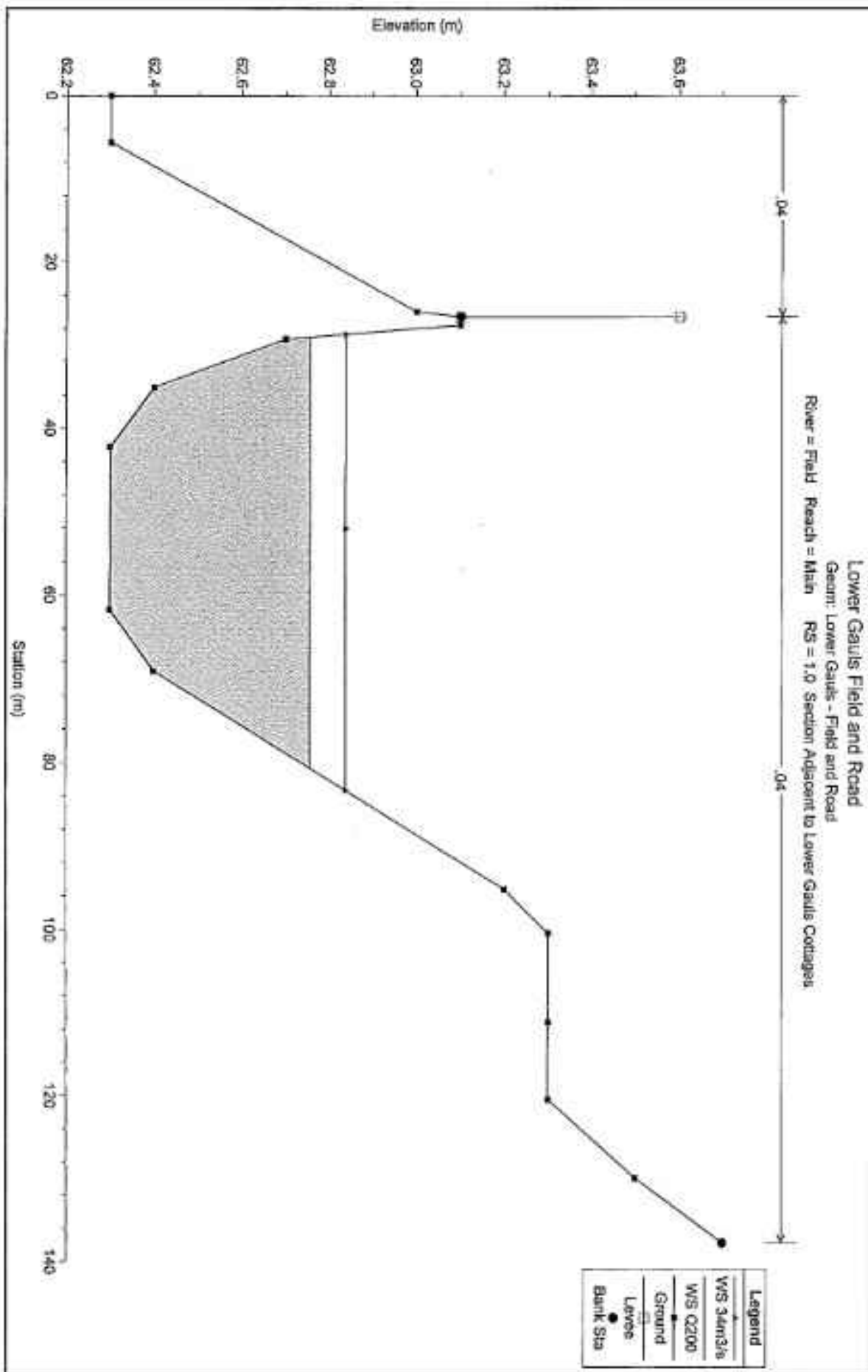
Andrew Braid  
Millard Consulting

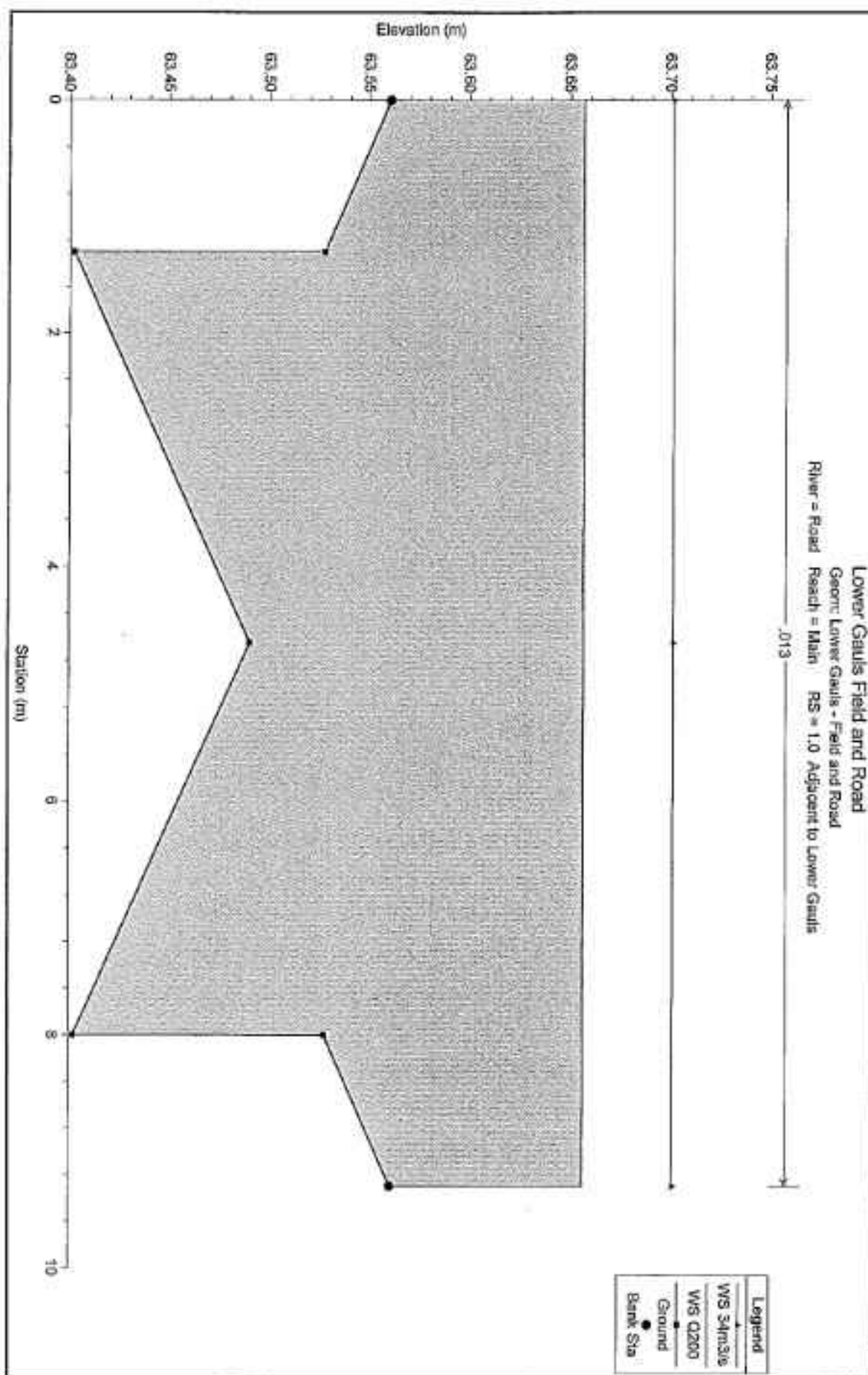
Enc

c.c.

☐ Ian Carling – Tay Valley Homes









**SEPA “Response to Request for Information Relating to Flood  
Risk” (SEPA Ref: PCS/100575)**



## SEPA RESPONSE TO REQUEST FOR INFORMATION RELATING TO FLOOD RISK

### SOUTH- EAST AREA (PERTH OFFICE)

**Site:** Lower Gauls, Bankfoot

**SEPA Ref:** PCS/100575

**Planning Ref:** 09/00694/FUL

**Documents Reviewed:** Further information provided by Millard Consulting, dated 04/12/08, reference no. AB/AB/7720/21 and photographs supplied by Millard Consulting of work completed by Perth & Kinross Council at Lower Gauls – originally submitted in relation to 06/02628/FUL.

### EXECUTIVE SUMMARY OUTLINING POLICY CONTEXT

SEPA is able to remove its objection to the proposed development provided the following is provided within the overall development proposal:

- Land raising of the site and driveway is above the elevated level of the new footpath, as stated in the TA Millard letter of 4<sup>th</sup> December 2008.
- Provision of 500-600 mm freeboard above the reassessed 0.5% annual probability flood level for all new houses, as stated in the TA Millard letter.

In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk the application must be notified to the Scottish Ministers as per the Notification of Applications Direction 2007.

### TECHNICAL REPORT

1. Millard Consulting has provided a further letter in support of its previous Addendum Flood Risk Assessment report for the development of land at Lower Gauls, Bankfoot. It is noted that the application for this development has been refused by Perth and Kinross Council. However, SEPA has reviewed the recently received information and provide this response to assist with any resubmission of the application.
2. The consultant's letter addresses several of the comments provided by SEPA in its previous response. The consultant maintains that this site is at low risk of flooding and its letter provides some clarification with regards to which bunds mentioned in the prior reports are existing and which are proposed as part of this development. This letter precedes planned work that has recently been carried out by the Council on the pavement, drive entrances and local drainage at the Lower Gauls.
3. The flood risk assessments supporting this development application note that there is a low earth bund along the western boundary of No1. Lower Gauls (the property to the south of the development site). This bund is not designed to any specific standard. Until recent work was carried out by the Council there was also the potential for flooding from the development site side and from the south (Report 7720/12/BC/07-07/1783

section 4.3). This recent work included extending pipe work along the road frontage to convey water draining from the north. The local authority has also constructed a headwall at the south end of No 1 Lower Gauls which reduces the risk of floodwater flowing towards this property. The Council has installed a pavement with kerb along the edge of the existing road which now reduces the risk of floodwater entering the ground surrounding No 1 Lower Gauls. As a result the property should no longer suffer from the frequent flooding it has experienced to date.

4. SEPA had previously expressed concerns that the proposed development at the Lower Gauls might displace floodwater and increase the risk of flooding to the property at No 1 Lower Gauls. SEPA is now satisfied that the comprehensive works by the Council along the main road to drain the floodwaters from the road towards the east, constructing the pavement along the west side of the road and improving the drainage along the front of the Lower Gauls will together significantly reduce the previous risk of flooding to the existing properties and should ensure that the proposed redevelopment of No 2 Lower Gauls does not increase the risk to No 1 Lower Gauls.

#### **SUMMARY OF TECHNICAL POINTS**

5. In summary:

- The recent engineering works carried out by the Council to the B867 should have provided a significant reduction in flood risk to the Upper and Lower Gauls area.
- The proposed development site is to be land raised to above the elevated level of the new footpath, as stated in the TA Millard letter. The recent works by the Council should prevent any displaced floodwater, if any, impacting on the risk to No 1 Lower Gauls.
- SEPA supports the recommendation for the provision of 500-600 mm freeboard allowance above the reassessed 0.5% (1:200) annual probability flood level for all new houses, as stated in the TA Millard letter.

#### **ADDITIONAL INFORMATION FOR APPLICANT + CAVEATS**

6. Please note that SEPA is reliant on the accuracy and completeness of any information supplied by the Applicant in undertaking its review, and can take no responsibility for incorrect data or interpretation made by the authors.
7. The advice contained in this letter is supplied to you by SEPA in terms of Section 25 (2) of the Environment Act 1995 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Perth and Kinross Council as Planning Authority in terms of the said Section 25 (2).

**Report 7720/21/BC/07-07/1783A ADDENDUM “Proposed house development at Lower Gauls, Bankfoot, Perthshire by Tay Valley Homes Ltd: Flood Risk Assessment”, Millard Consulting, April 2008**



**Proposed Development  
Lower Gauls, Bankfoot  
7720/21/BC/07-  
07/1783A-ADDENDUM**

29<sup>th</sup> April 2008

PROPOSED HOUSE DEVELOPMENT AT LOWER GAULS, BANKFOOT, PERTHSHIRE

FLOOD RISK ASSESSMENT

April 2008

REPORT REF: 7720/21/BC/07-07/1783A - ADDENDUM

CLIENT: Tay Valley Homes

ENGINEER: Millard Consulting  
2 Whitefriars Crescent  
Perth  
PH2 0PA

Tel: 01738 638141  
Fax: 01738 638157  
Email: perth@millardconsulting.co.uk

Report Prepared By:

.....  
A Braid

Report Checked By:

.....  
B Coghlan (Director)



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2.2	LOWER GAULS COTTAGE	Page 4
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## APPENDICES

A.	DATA AND RESULTS FROM HEC-RAS RIVER ANALYSIS (ESTIMATION OF FLOOD LEVELS)
B.	CORRESPONDENCE
C.	PHOTOGRAPHS

## PLANS

7720/21/002	PREDICTED FLOODING SHOWING MITIGATION PROPOSALS
S1100/FW/02	FOOTWAY CONSTRUCTION
S1100/FW/12	FOOTWAY CONSTRUCTION
24646	B867 BANKFOOT – NEW FOOTWAY CONSTRUCTION

## **1.0 INTRODUCTION**

- 1.1 This addendum report is in addition to the previous Millard Consulting Flood Risk Assessment Report Reference 7720/21/BC/07-07/1783 and as such should be read in conjunction with this document.
- 1.2 This addendum report is in response to a planning objection letter from the Scottish Environment Protection agency dated 28<sup>th</sup> September 2007. Several issues regarding flood risk have been raised by SEPA in the aforementioned letter and this Addendum report is in response to this.
- 1.3 This report is confidential to the Client for the purpose of submission to the Planning Authority and SEPA. Millard Consulting accepts no responsibility whatsoever to other parties to whom this report, or any part thereof, is made known. Any such other parties rely upon the report at their own risk.

## **2.0 HYDRAULIC MODELLING**

- 2.1 In the previous Flood Risk Assessment Report, no hydraulic modelling was undertaken as it was assumed that the required level of protection would be achieved by setting the floor level of the proposed houses at the same level as the neighbouring (recently completed) houses. However, SEPA point out in their report dated 28<sup>th</sup> September 2007 that there was a significant flood event in 2004, and that these other properties were seen to be at risk during the flood event. Hence they have requested a more detailed report, including hydraulic modelling of flows. In this Addendum Report, a hydraulic model has been established to model overland flood flow during a 1 in 200 year flood event. The provision of a hydraulic model is required to satisfy two of three issues raised by SEPA in their objection letter dated 28<sup>th</sup> September 2007.
- 2.2 In their letter dated 28<sup>th</sup> September 2007, SEPA state that "the existing flood risk to the site from the Main Road has not been addressed and as such the proposed landraising may increase the flood risk to the adjoining property at 1 Lower Gauls". They also query the fact that "the proposed development may be at risk of flooding as the finished floor levels are not based upon any modelling work". It is these two points which the hydraulic model shall address.
- 2.3 Since the previous Flood Risk Assessment Report, it has transpired that improvements are to be made to the B867 adjacent to the location of Lower Gauls Cottages, with new footways being constructed. A substantial part of these works are now complete and numerous "offlets" have been constructed to convey floodwater which flows along the road, into a field on the opposite side of the B867 from the Gauls Cottages. The proposed upgrade works have been modelled in our assessment, however, none of the cross sections model the proposed offlets and the results enclosed within Appendix A of this report therefore do not account for floodwater which would flow through these offlets.

## **2.1 BRIDGE OVER GARRY BURN**

- 2.1.1 In the original Millard Consulting Flood Risk Assessment Report, a Q200 flow rate of  $27.7\text{m}^3/\text{s}$  was estimated for the Garry Burn at Bankfoot. It is known through anecdotal evidence that the flood flow which flows past Lower Gauls Cottages, does so due to a bridge over the Garry Burn restricting the flow through. The bridge is located adjacent to the village tennis courts approximately 550m north of Lower Gauls Cottages on the B867.
- 2.1.2 HECRAS output of the bridge capacity model is enclosed within Appendix A of this report. It is assumed that the capacity of the bridge is  $3\text{m}^3/\text{s}$  as flow upstream will be bank full at this flow. It is further assumed that all flows in excess of  $3\text{m}^3/\text{s}$  will flow overland towards the development site (see drawing 7720/21/002). However, it should be noted that this is a very conservative assumption, as the flow through the bridge will continue to increase above this figure as the level of water upstream rises.

## **2.2 LOWER GAULS COTTAGES**

- 2.2.1 As the bridge over the Garry Burn reaches capacity, the burn begins to overtop its banks and flow southwards towards Lower Gauls. Approximately 275m north of the site, the flood flow splits into two due to the existence of a row of houses north of Upper Gauls. Our hydraulic model shows that approximately  $2.3\text{m}^3/\text{s}$  flows along the B867 past the frontage of the row of houses which include Upper Gauls and Lower Gauls Cottages. The remaining  $22.4\text{m}^3/\text{s}$  flows through farmland to the West of the houses and Gauls Cottages.
- 2.2.2 Our model includes cross sections of the B867 and the farmland to the West of the cottages. All cross sections included in the hydraulic model are enclosed within Appendix A of this report.
- 2.2.3 The hydraulic model shows floodwater which flows through farmland to the West of the houses to be contained within the field, as shown on the HECRAS output within Appendix A. The flood level adjacent to the development site would be 62.76m AOD.
- 2.2.4 The HECRAS output shows the flood water level on the B867 adjacent to Lower Gauls Cottages as approximately 63.65m. This is theoretically 90mm higher than the proposed back of footpath level (based on Perth & Kinross Council drawing S1100/FW/02). However as explained in paragraph 2.3, the model does not take account the significant effect of the numerous offlets which have now been provided due to the recent footway construction works undertaken by Perth and Kinross Council (see below).
- 2.2.5 Nine new offlets have been provided by Perth and Kinross Council as part of the upgrade works total a length of 42.5m (see photographs in Appendix C). By inspection, it is clear that the offlets located in the eastern footway of the B867 would dissipate the vast majority of the  $2.3\text{m}^3/\text{s}$  flow predicted to flow south along the road in front of the row of houses. It is therefore clear that all water flowing along the eastern side of the road would discharge to the adjacent field, while on the western half of the road, the maximum depth of flow would be no more than the height of the centerline of the road, i.e. less than 90mm deep. Therefore, the actual flood level on the road adjacent to Lower Gauls Cottages would be nominal and to a maximum depth of approximately 90mm. Please see drawing number 7720/21/003 which illustrates the predicted flooding scenario adjacent to Lower Gauls Cottages.
- 2.2.6 Output from the HECRAS hydraulic model is enclosed within Appendix B.

### 3.0 PROPOSED MITIGATION MEASURES

- 3.1 As stated in the previous section, Perth and Kinross Council are currently undertaking upgrade works to the B867 in the vicinity of Lower Gauls Cottages. The upgrade works consist of construction of new footways on both sides of the road, with numerous offlets being provided on the eastern side (see photograph in Appendix C). These offlets have been constructed with a fall of typically 1 in 40 to 1 in 60 towards the adjacent field, which lies at a lower level. The offlets will allow flood water flowing along the road to flow into the adjacent field and rejoin the Garry Burn. The new footway to be constructed along the frontage of Lower Gauls Cottages will provide an extra barrier against floodwater flowing along the B867 and will ensure that any floodwater which cannot flow off the road via the offlets, will be contained in the road channel.
- 3.2 The finished floor level of the proposed dwelling will be raised to 600mm above the level of the back of the proposed footway along the frontage of Lower Gauls Cottage. This will ensure that a 600mm freeboard is provided over any floodwater which may flow along the B867 as far as Lower Gauls Cottages.
- 3.3 The driveway of the proposed property should be raised to the same level as the back of the adjacent footway or higher. It is recommended that the driveway of No.1 Lower Gauls Cottages is also raised to the same level (this is in line with the proposed completed works by Perth & Kinross Council as conveyed to us at a site meeting with Mr D Salman of Perth & Kinross Council Roads)
- 3.4 Any floodwater which does manage to flow along the B867 past the Lower Gauls Cottages will flow into an existing ditch. At the upstream end of the ditch (next to the driveway of N° 1 Lower Gauls), a new offlet channel is to be constructed by Perth & Kinross Council to ensure floodwater flows into the ditch. No flow will be able to enter the garden of No.1 Lower Gauls as there will be a raised entrance as discussed in Section 3.3 above. The ditch then flows below the B867 and discharges into the Garry Burn. The proposals are summarised on drawing number 7720/21/003.
- 3.5 The measures currently being built by Perth & Kinross Council as part of their footway construction will effectively remove the risk of flooding.
- 3.6 The current footpath construction works by Perth & Kinross Council will effectively exclude any water flowing along the road in front of N°s 1 & 2 Lower Gauls from entering either of the properties. However, as part of the proposed (subsequent) redevelopment of N° 2 Lower Gauls, it is recommended that the site levels of the garden ground of the new houses should be raised to a minimum level of the back of the new footpath. It should be noted that this

measure will not effect flood risk to N° 1 Lower Gauls or any other property, and will not result in any net loss of floodplain.

#### **4.0 CONCLUSIONS**

- 4.1 No.2 Lower Gauls is suitable for re-development and will be free from flooding during a 1 in 200 year flood providing certain mitigation measures are undertaken.
- 4.2 The proposed footway construction works as specified by Perth and Kinross Council must be completed. These works are currently underway and this is evident in the photographs shown in Appendix C.
- 4.3 The minimum finished floor level for the proposed development should be 600mm above the level of the back of the proposed footway adjacent to Lower Gauls. This will provide a 600mm freeboard above the highest Q200 flood level in the vicinity of the site.
- 4.4 The driveway into both existing Lower Gauls Cottages should be raised to the same level as the back of footway at the frontage of the properties. Subsequently the garden ground at the redeveloped site at N° 2 Lower Gauls should be raised to a minimum level equal to the back of the footway at the frontage of the site.
- 4.5 The ditch adjacent to the B867 immediately south of No.1 Lower Gauls should have a new offlet channel constructed to ensure that any floodwater which reaches the ditch, flows into the ditch and ultimately into the Garry Burn. This work is about to be carried out by Perth & Kinross Council as part of their footway works.
- 4.6 We have used our best engineering judgement in this Assessment and our calculations have been carried out using the Flood Estimation Handbook, WINFAP, HEC-RAS and other standard hydrological methods. We note that as with all such Flood Risk Assessments the accuracy of the results is only as good as the data and statistical techniques used.



## 5.0 REFERENCES

- i. Flood Estimation Handbook, Duncan Reed, CEH Institute of Hydrology, Wallingford, 1999.
- ii. SEPA Policy No 22, Flood Risk Assessment Strategy, Version 1, 1998
- iii. FEH CD-ROM Version 2.0, CEH Institute of Hydrology, Wallingford, 2006.
- iv. HEC-RAS, Version 3.1.3, March 2001, US Army Corps of Engineers Hydrologic Engineering Centre.
- v. Climate Change Scenarios for the United Kingdom, DEFRA, April 2002.
- vi. Scottish Planning Policy SPP 7: Planning and Flooding Consultation, Scottish Executive, Crown Copyright, February 2004



## APPENDICES



**APPENDIX A**

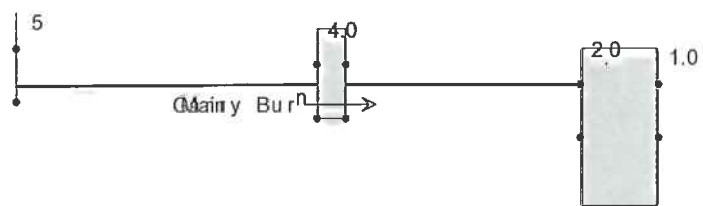
**DATA AND RESULTS FROM  
HEC-RAS RIVER ANALYSIS  
(ESTIMATION OF FLOOD LEVELS)**



**GARRY BURN  
AT BRIDGE**

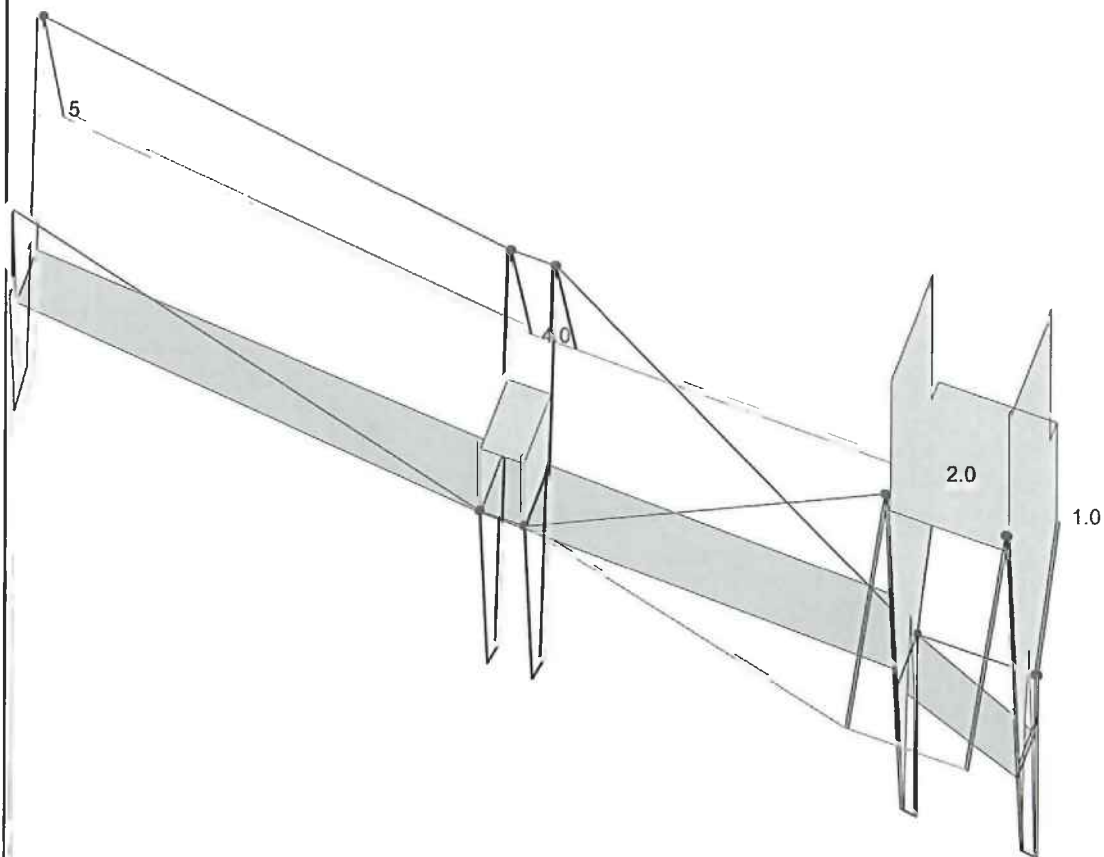






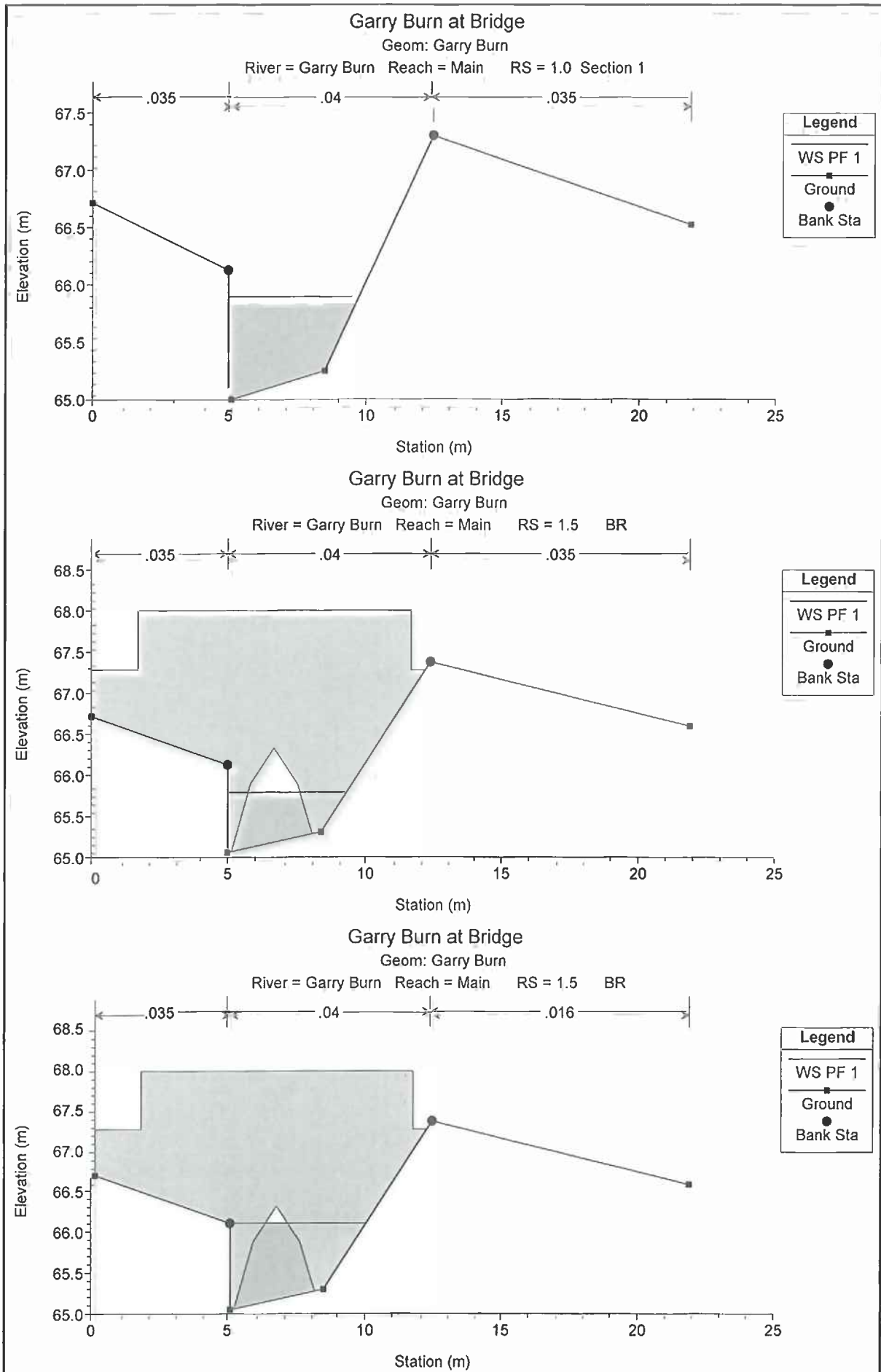
Garry Burn at Bridge  
Geom: Garry Burn

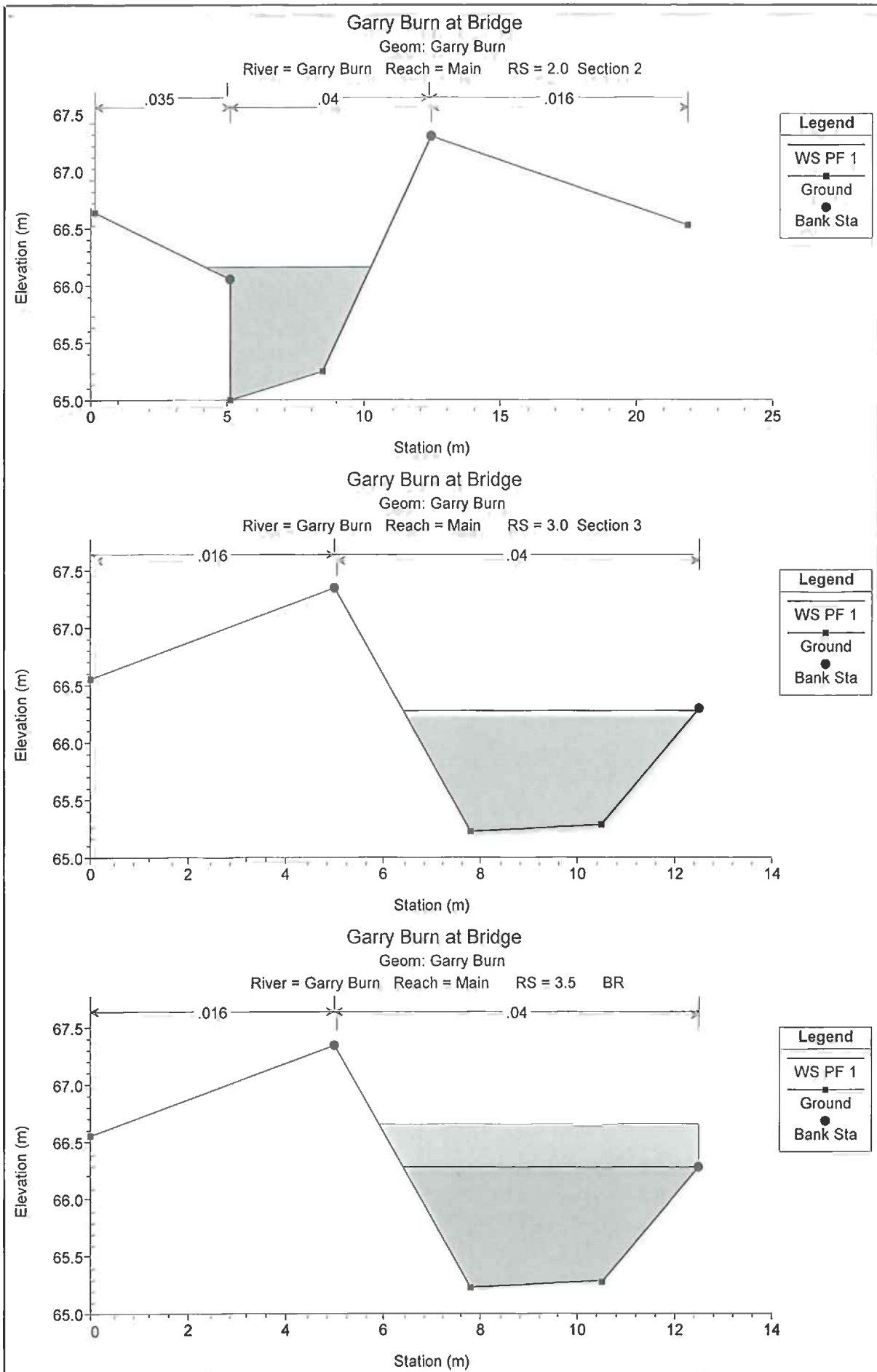
Legend	
WS PF 1	
Ground	
Bank Sta	



HEC-RAS Plan: Plan 02 River: Garry Burn Reach: Main Profile: PF 1

Reach	River Sta	Profile	Q Total (m3/s)	M'n Ch El (m)	W S. Elev (m)	Crit W.S (m)	E G Elev (m)	E.G. Slope (m/m)	Vel Chnl (m/s)	Flow Area (m2)	Top Width (m)	Froude # Chl
Main	5	PF 1	3.00	65.61	66.35		66.40	0.004306	1.06	2.83	4.98	0.45
Main	4.0	PF 1	3.00	65.23	66.28	65.71	66.31	0.001195	0.67	4.51	6.08	0.25
Main	3.5	Bridge										
Main	3.0	PF 1	3.00	65.23	66.28		66.30	0.001231	0.67	4.46	6.05	0.25
Main	2.0	PF 1	3.00	65.07	66.23	65.61	66.26	0.001269	0.69	4.42	6.10	0.24
Main	1.5	Bridge										
Main	1.0	PF 1	3.00	65.07	65.89	65.61	65.96	0.005004	1.11	2.71	4.52	0.46



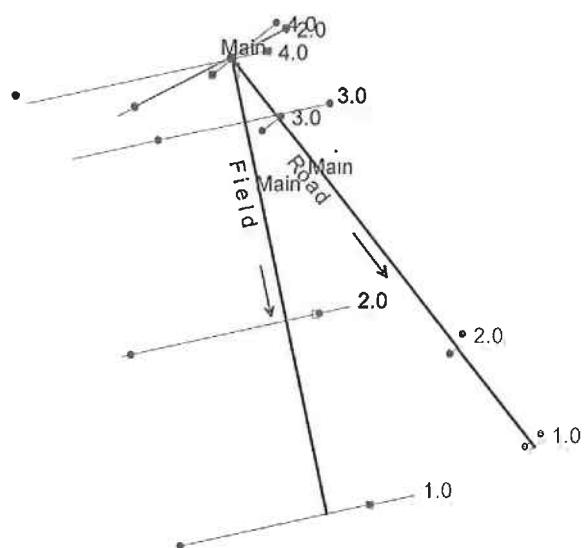







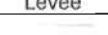
**B867 AND FIELD**

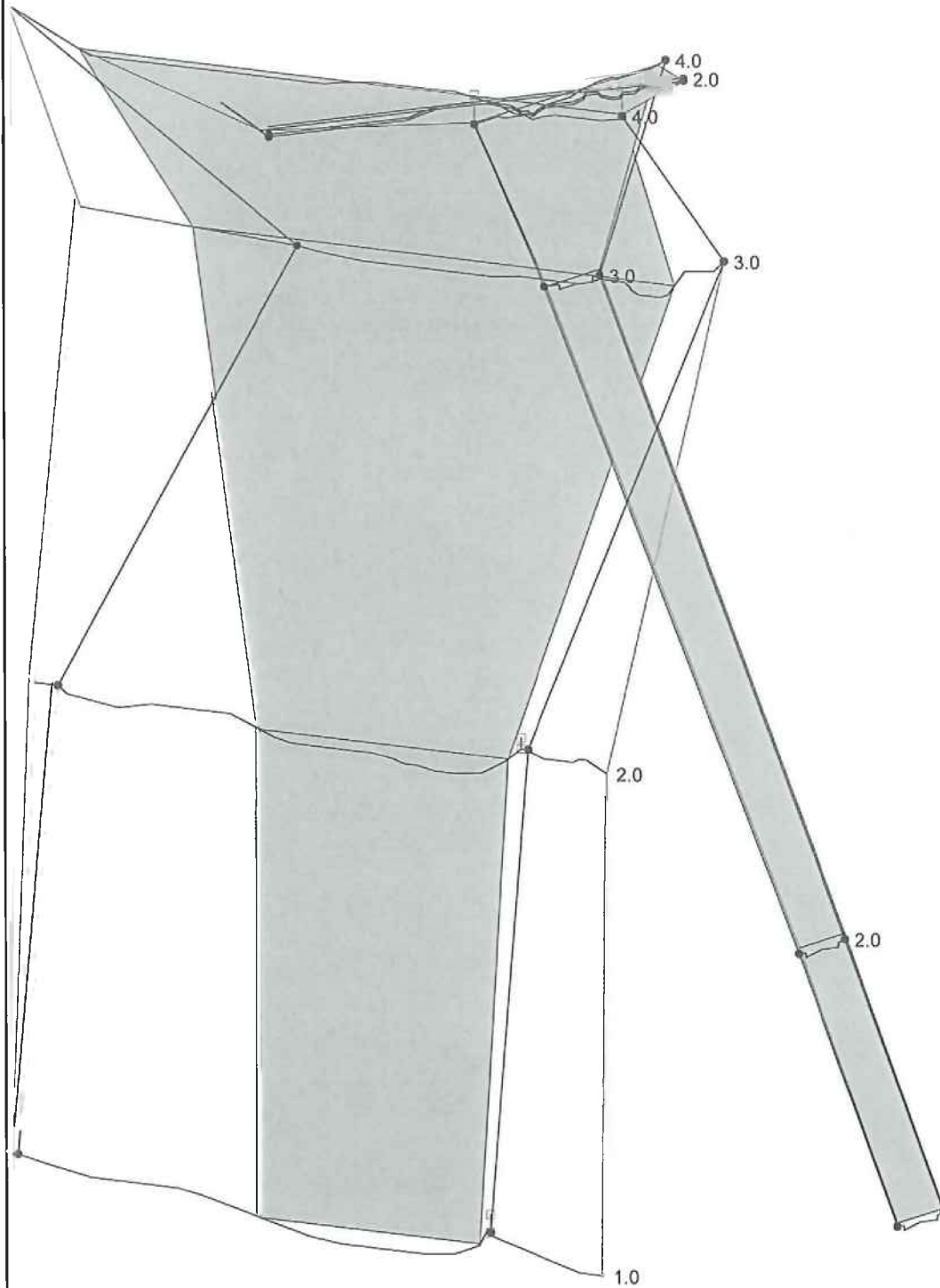






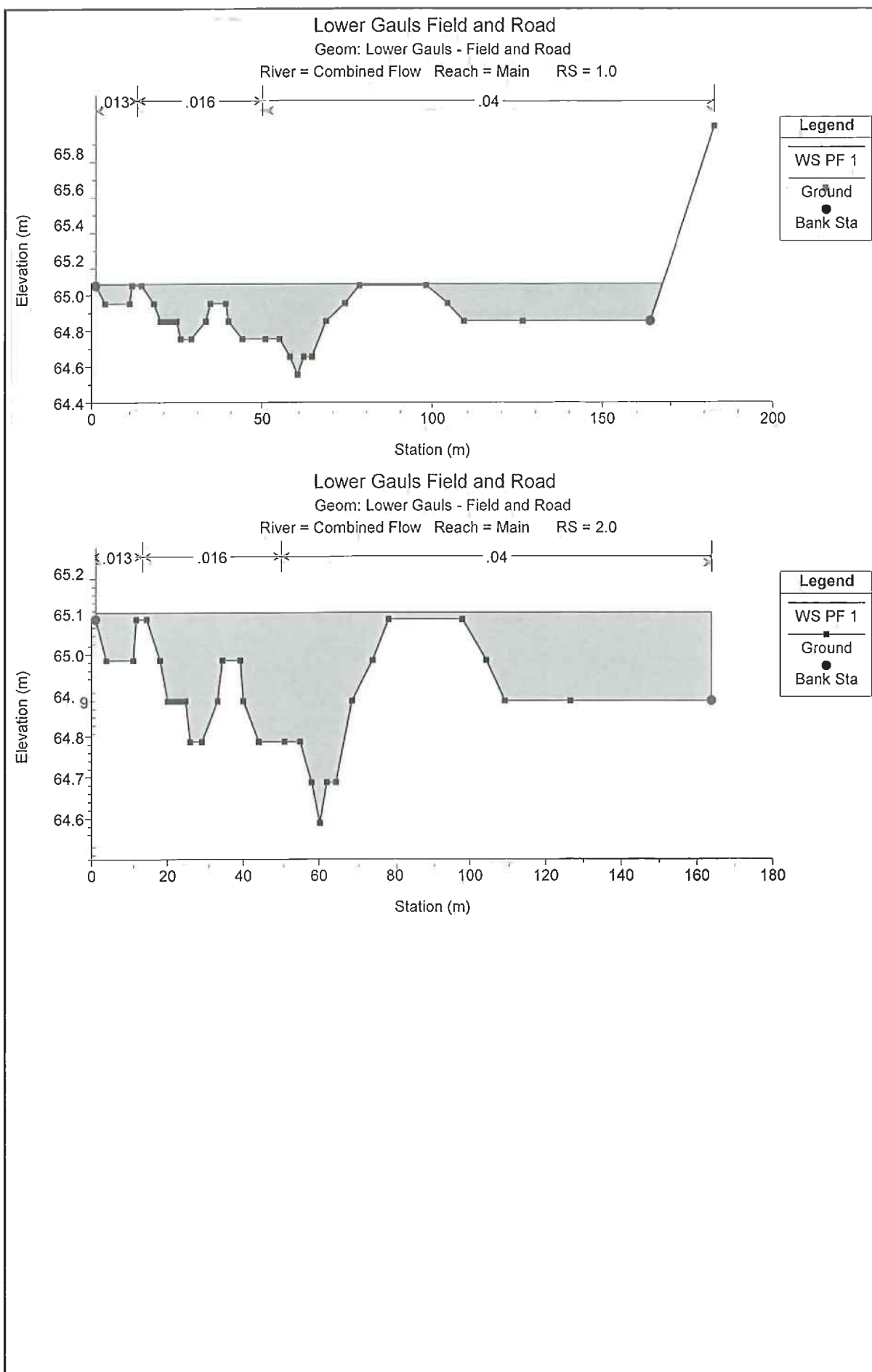
Lower Gauls Field and Road  
Geom: Lower Gauls - Field and Road

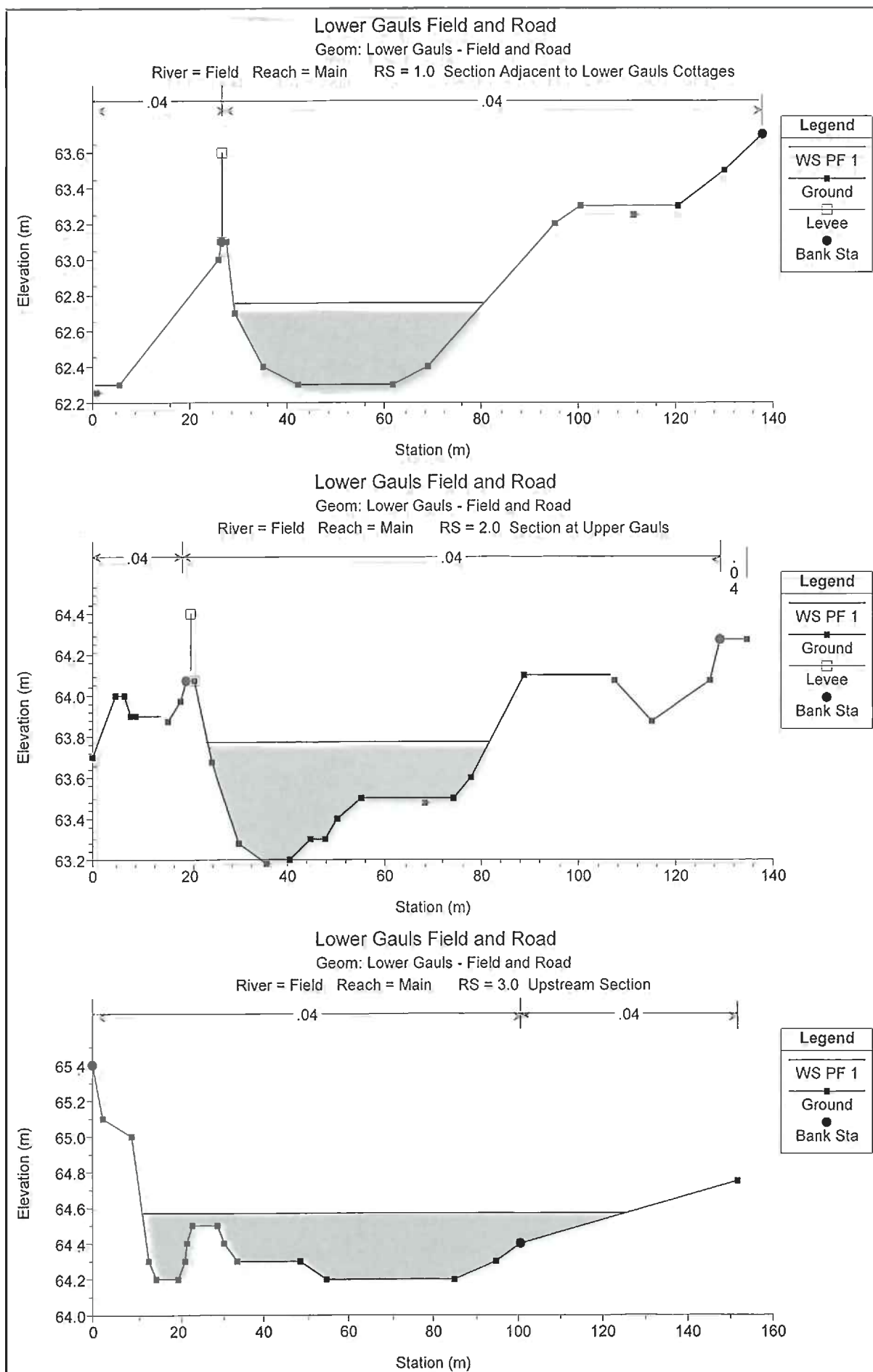
Legend	
	WS PF 1
	Ground
	Bank Sta
	Levee

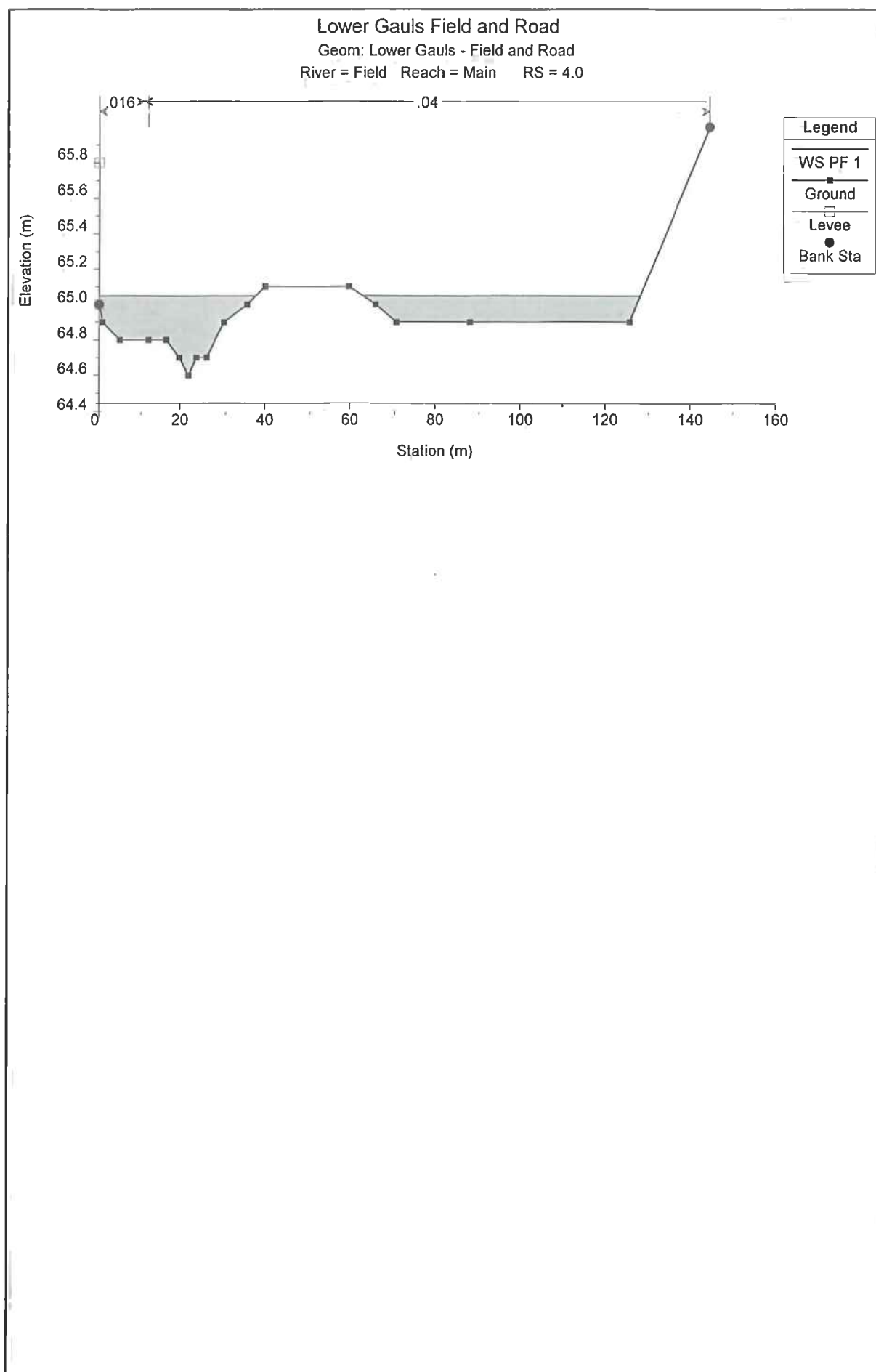


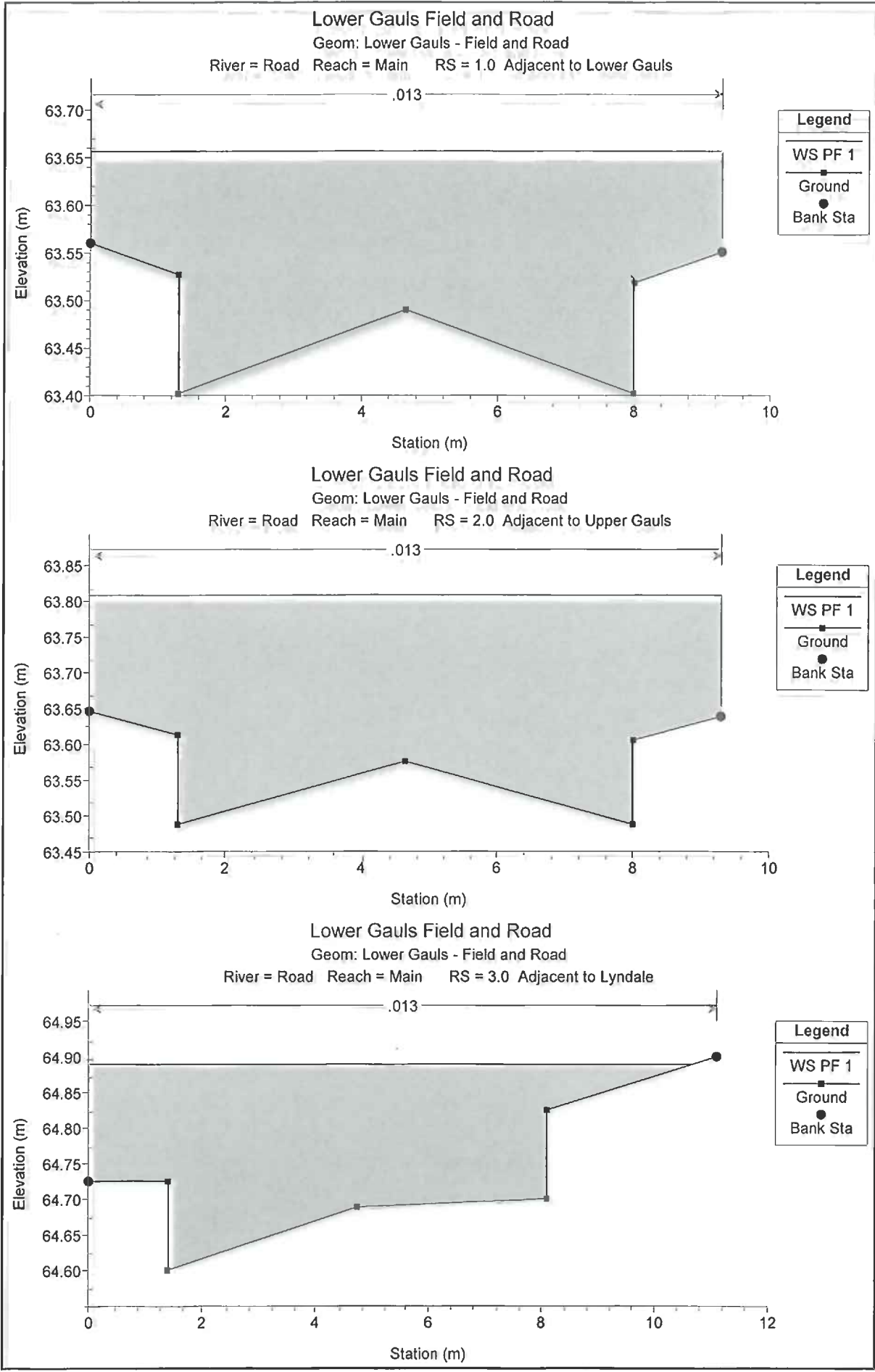
HEC-RAS Plan Run 1 Profile: PF 1

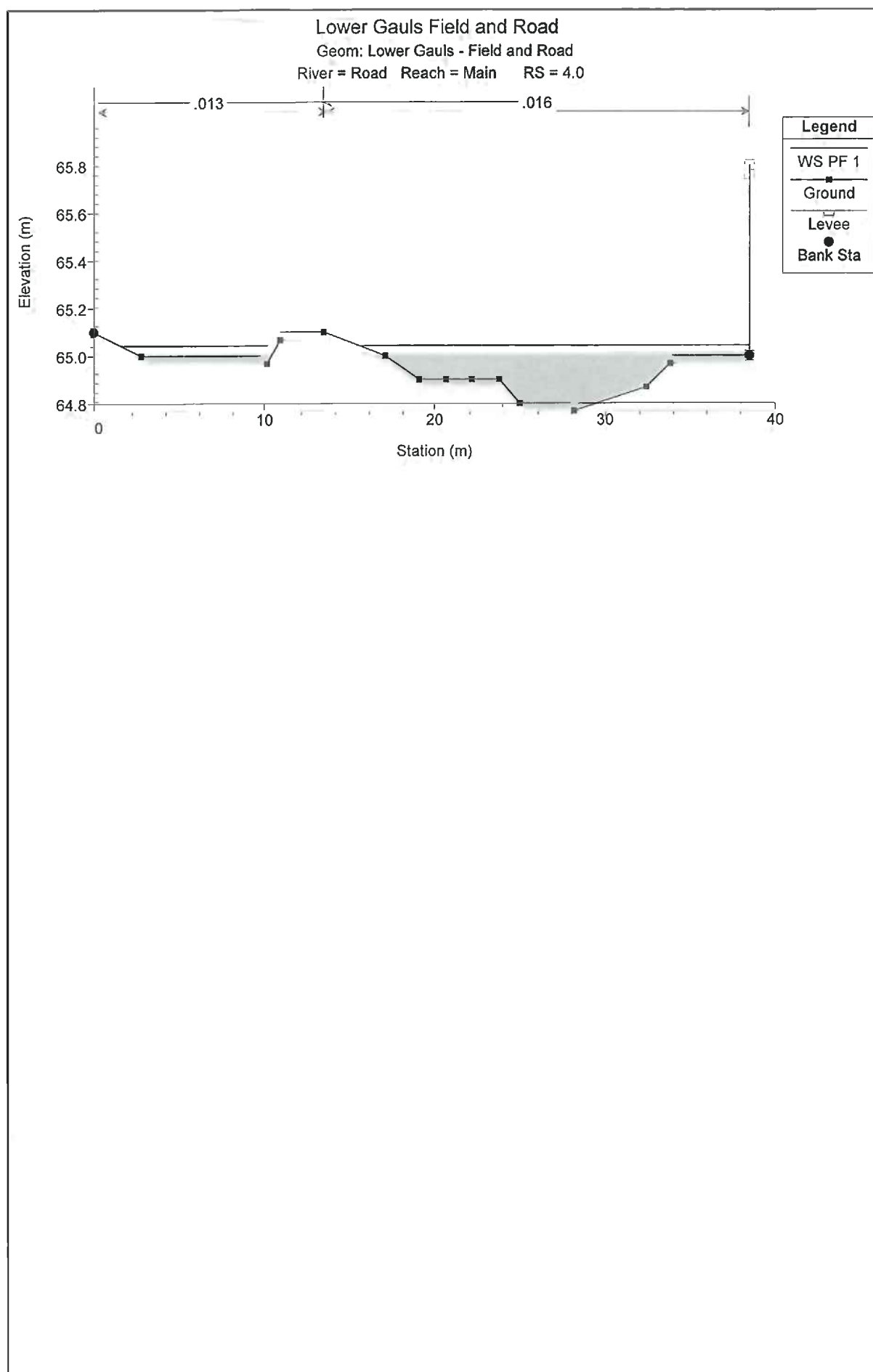
River	Reach	River Sta	Profile	Q Total (m <sup>3</sup> /s)	Min Ch El (m)	W.S. Elev (m)	Crit W.S (m)	E.G. Elev (m)	E.G. Slope (m/m)	Vel Chnl (m/s)	Flow Area (m <sup>2</sup> )	Top Width (m)	Froude # Chl
Road	Main	4.0	PF 1	2.30	64.80	65.04	65.02	65.07	0.002007	0.69	3.34	31.56	0.68
Road	Main	3.0	PF 1	2.30	64.60	64.89	64.89	64.97	0.003177	1.29	1.79	10.67	1.00
Road	Main	2.0	PF 1	2.30	63.49	63.81		63.86	0.001157	0.99	2.31	9.30	0.64
Road	Main	1.0	PF 1	2.30	63.40	63.66	63.66	63.75	0.003153	1.35	1.70	9.30	1.01
Field	Main	4.0	PF 1	22.40	64.60	65.05	65.05	65.13	0.017719	1.29	17.36	102.61	1.00
Field	Main	3.0	PF 1	22.40	64.20	64.57	64.45	64.60	0.005598	0.83	28.26	113.59	0.49
Field	Main	2.0	PF 1	22.40	63.20	63.77	63.68	63.84	0.007998	1.10	20.30	59.54	0.60
Field	Main	1.0	PF 1	22.40	62.30	62.76	62.66	62.83	0.010013	1.24	18.05	51.65	0.67
Combined Flow	Main	2.0	PF 1	24.70	64.60	65.12		65.15	0.004259	0.81	30.62	164.00	0.60
Combined Flow	Main	1.0	PF 1	24.70	64.60	65.11	65.04	65.14	0.004768	0.83	29.83	167.61	0.63













**APPENDIX B**  
**CORRESPONDENCE**



Perth and Kinross Council  
Development Services  
Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

If telephoning ask for:  
Katherine Lakeman

28 September 2007

For the attention of Brian Dunkin

Dear Sir,

**TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997  
DEMOLITION OF EXISTING DWELLING AND ERECTION OF 2 5 APT DWELLING HOUSES NO 2  
LOWER GAULS BANKFOOT PERTHSHIRE  
APPLICATION NUMBER: 07/02628/FUL (TAY VALLEY HOMES LTD)  
GRID REFERENCE: NO 0713 3456**

Thank you for your consultation in relation to the flood risk assessment for the above planning application which SEPA received on 19 July 2007.

**SEPA objects to this proposal as it may place property or persons at serious risk of flooding.**

**Flood Risk**

The site in question has a risk of flooding and it follows that to allow development to proceed may place property or persons at serious risk contrary to national planning policy and guidance, with particular regard to *SPP7: Planning and Flooding*.

In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk the application must be notified to the Scottish Ministers as per The Town and Country Planning (Notification of Applications) (Scotland) Direction 2007.

SEPA's hydrology function has considered the findings of the Flood Risk Assessment for the above planning application and a copy of their report is appended to this letter. The main issues that SEPA would wish to raise are:

- the existing flood risk to the site from the Main Road has not been addressed and as such the proposed landraising may increase the flood risk to the adjoining property at 1 Lower Gauls;
- the proposed development may be at risk of flooding as the finished floor levels are not based upon any modelling work; and,
- flood risk in this area has probably already been exacerbated as a result of landraising to facilitate new development at the Upper Gauls without the provision of compensatory storage.

In light of the above, SEPA considers that the proposed development is contrary to the 'General Principles' advocated in paragraph 15 of *SPP7: Planning and Flooding*. These state that new developments should be free from significant flood risk, should not materially increase the risk of flooding elsewhere and should not affect the ability of the functional floodplain to attenuate the effects of flooding by storing flood water. Furthermore, it is contrary to Environment and Resource Policy 9 of the

*Perth and Kinross Structure Plan* which exercises a presumption against development in areas where there is a significant probability of flooding.

SEPA would emphasise that the flooding of this type of development could have especially serious adverse consequences and as such residential development is recognised as being unsuitable in areas of medium to high risk in the *Risk Framework* presented in SPP7.

SEPA would consider removing the objection of the issues raised in this letter and report were adequately addressed.

Yours faithfully

Katherine Lakeman  
Senior Planning Officer

cc. Alan Thomson, 102 Tweedsmuir Road, Perth PH1 2HG Tel: 01738 627984  
Bruce Gloak, SEPA Perth EPI Team Leader

**SCOTTISH ENVIRONMENT PROTECTION AGENCY  
SOUTH EAST AREA**

**SEPA Response To Request For Information On Flood Risk Regarding Proposed Housing Development at No. 2 Lower Gauls, Bankfoot, Perthshire.**

**Planning Authority Ref: 06/02628/FUL**

**SEPA Ref: P/2007/0004/1**

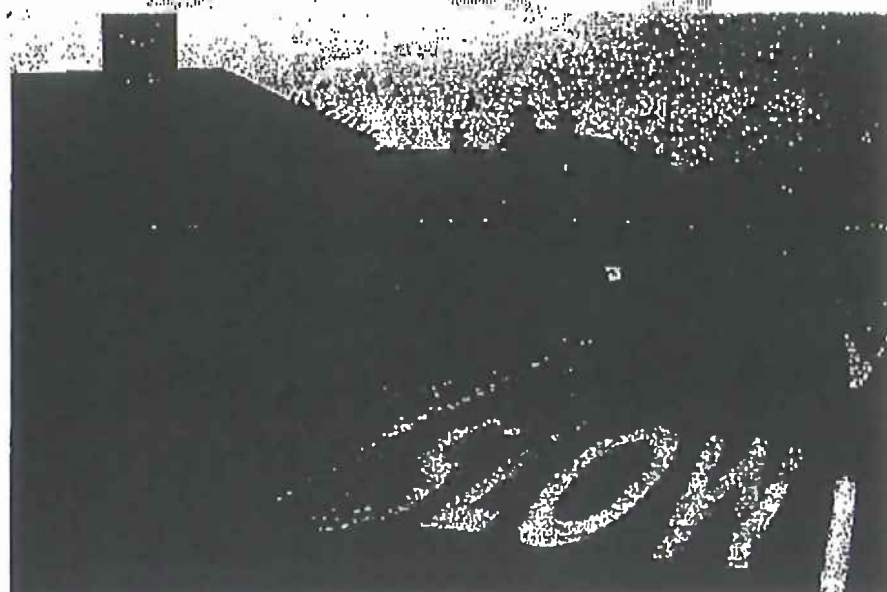
SEPA has reviewed the FRA by TA Millard (TAM) submitted in respect of flood risk to this site and provide the following comments.

The proposals put forward in the TAM report do not address the existing flood risk to the site from the main road. As such, the landraising works proposed at 2 Lower Gauls may only serve to increase the flood risk to the remaining semi-detached cottage at 1 Lower Gauls.

The proposed finished level of the raised ground and the property internal floors are not based on any modelling work, hence a degree of uncertainty exists. It is stated in the TAM report that the site would be built up to 'a similar level to the neighbouring properties to the north'.

SEPA previously advised that the recently built properties to the north (i.e. at Upper Gauls, which have been constructed on raised platforms) were almost flooded in August 2004. This event has a return period of only about a 1 in 20 years. SEPA advise TAM that the rarity of the 1993 flood in Bankfoot was not 1 in 50, but was 1 in 30 years (3.3% Annual Probability).

The landraising that has taken place at the Upper Gauls for these recent properties, has likely only served to increase the amount of flood water conveying along the main road towards the Lower Gauls. SEPA provide a photograph below which shows how flood water finds it's way onto the main road at the Upper Gauls cottages and flows south towards the site of interest here.



**Photo 1: flood water flows onto main road at the north end of the Upper Gauls cottages and conveys southwards along the road towards the Lower Gauls (Photo - SEPA, August 2004).**

## Summary

- The proposals as they stand, are unacceptable to SEPA and are contrary to SPP7, i.e. the proposed re-development of this site could increase flood risk to an existing property.
- The proposed finished floor levels are not based on any modelling work and therefore a degree of uncertainty exists in relation to the adequacy of the proposed mitigation measures.
- Flood risk in this area is possibly greater than what is was historically, as a result of the landraising (without the provision of compensatory storage) that has taken place in recent years at the Upper Gauls.

The advice contained in this letter is supplied to you by SEPA in terms of Section 25(2) of the Environment Act 1995 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Perth & Kinross Council as Planning Authority in terms of the said Section 25(2).

SEPA Perth  
21/9/07



**APPENDIX C**  
**PHOTOGRAPHS**







Photograph 1 – Looking south along the B867 from the new footway on the eastern side of the road. The recently constructed offlets can be clearly seen. Lower Gauls Cottages can be seen in the background.



Photograph 2 – A view looking south along the B867 from the frontage of “Hillview”. The new footway on the eastern side of the road can be seen with new offlets incorporated.



Photograph 3 – A picture of the most northerly offlet. Existing dwellinghouse “Moorehead Cottage” can be seen in the top left of the picture.



Photograph 4 – Looking southwards along the B867. The offlets constructed in the new footway are clearly seen in this picture.



Photograph 5 – Again looking southwards along the B867. The new footway and offlets can be seen. Lower Gauls Cottages can also be seen in the extreme right of this picture.



**PLANS**

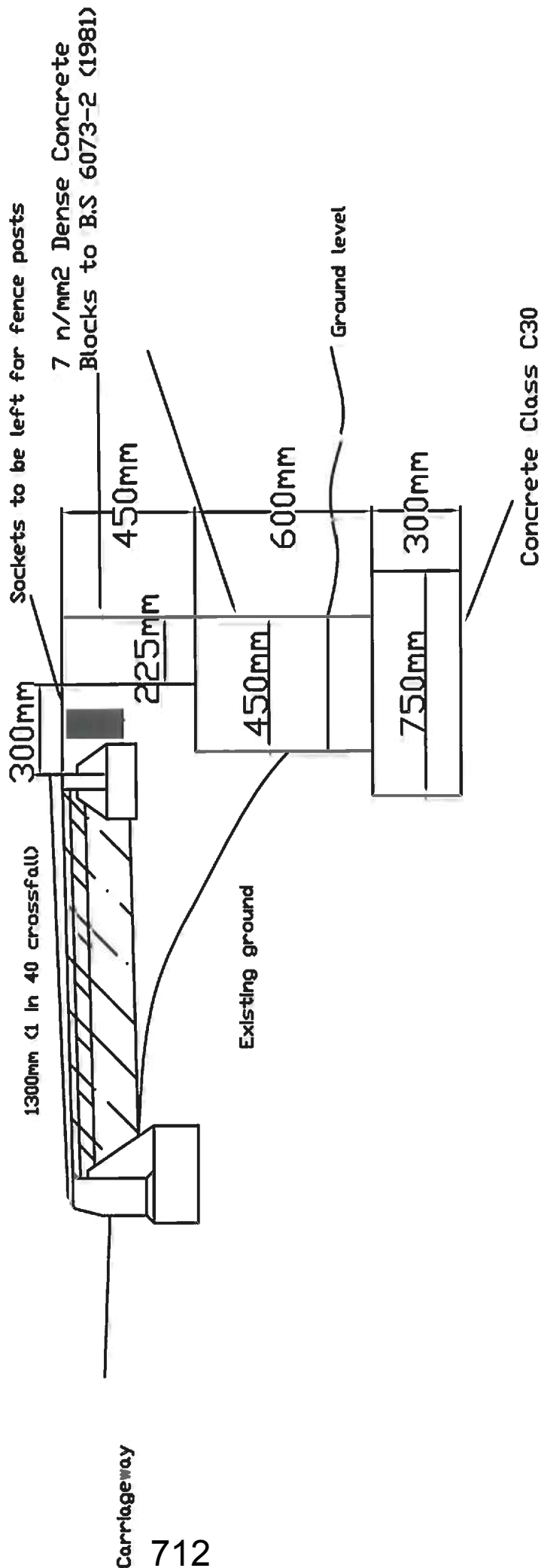






# Section two, Retaining wall

Chainage 123.2 M to 157.7 M

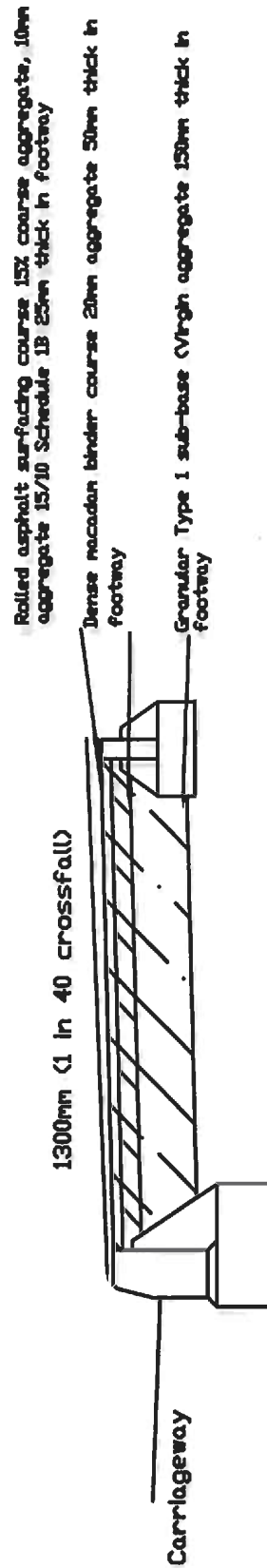


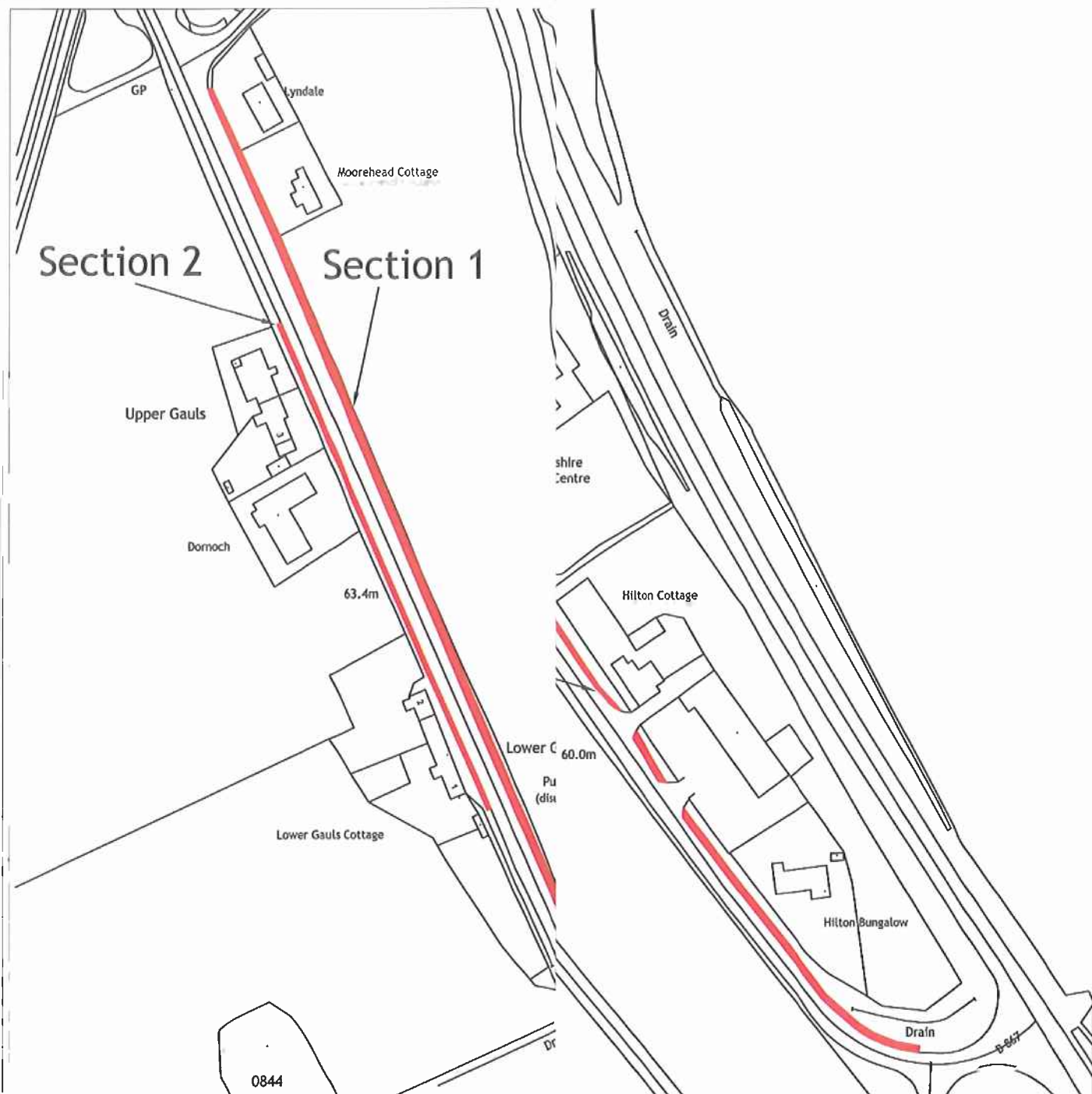
Carriageway

712




## Section two





## Site Plan

Area of works denoted in red. ■

Surf	Revision Details	by	Approved	Date
<b>AMENDMENTS</b>				
<small>Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office. © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Perth &amp; Kinross Council. Licence No. OS100016971.  Date: .....</small>				
 <b>PERTH &amp; KINROSS COUNCIL</b>		<b>B867 Bankfoot - New Footway Construction</b>		
The Environment Service		Executive Director - J F Irons B.Sc., C.Eng., F.I.C.E.		
Drawn by: D.S. Approved by: D.G. Date:		Drawing Scale: Not to Scale Project code: 245-46		

Demolition of Lower Gauls Cottage and  
Associated Sheds, Bankfoot:

Phase 1 Bat Survey and Assessment

March 2017

A Report to Trevor and Jane Bechtel

	DATE	PREPARED	REVIEWED	REMARKS
ISSUE 1	27/03/2017	GP	DD	~
REVISION 1				
REVISION 2				
REVISION 3				

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## **1 INTRODUCTION**

### **1.1 Scope of Report**

- 1.1.1 This independent report by Heritage Environmental Ltd. (HEL) presents the results of an initial (daytime) Phase 1 survey and assessment for roosting bats in relation to the proposed demolition of Lower Gauls Cottage (and associated sheds), Bankfoot, Perth and Kinross. The survey was commissioned by Trevor Bechtel on 13 March 2017.
- 1.1.2 It is understood that the proposals include the demolition of the existing cottage and associated sheds and the subsequent erection of two new properties.
- 1.1.3 The survey was completed on 21 March 2017 by a suitably trained and qualified ecologist (Gareth Parry ACIEEM: Scottish Natural Heritage [SNH] Bat Roost Licence ref. 76059).

### **1.2 Legislative Context**

- 1.2.1 All Scottish bat species (*Chiroptera*) are European Protected Species (EPS) protected under Annex II and IV of EC Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive). The Habitats Directive is transposed in Scottish law by the Conservation (Natural Habitats &c.) Regulations 1994, as amended by The Conservation (Natural Habitats &c.) Amendment (Scottish) Regulations 2007. Bats are listed on Schedule 2 of the Conservation Regulations 1994. The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2007 enhanced this protection. As EPS, it is an offence to deliberately or recklessly<sup>1</sup> kill, injure or take (capture) bats, deliberately or recklessly disturb or harass bats, and damage, destroy or obstruct access to a breeding site or resting place of any bat.
- 1.2.2 This legislation means that bats are fully protected in Scotland, and that any planned activity, which may affect them, requires prior consultation with the appropriate statutory nature conservation organisation (SNH). Licences may be granted for certain purposes that would otherwise be illegal; such licences for development work must be applied for from the SNH. Under Regulation 44 (2e) of the Conservation (Natural Habitats, &c.) Regulations 1994, licences may be granted for preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment. A licence will not be granted unless, under Regulation 44 (3), the appropriate licensing authority is satisfied there is no satisfactory alternative and that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

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<sup>1</sup> Reckless acts would include disregard of mitigation aimed at protecting bats, resulting in killing, injury, and/or disturbance of any bat or bat roost

## 2 SURVEY & ASSESSMENT METHODS

### 2.1 Study Area

- 2.1.1 The study area comprised the red line boundary shown on drawing number S/11 Rev A (supplied by client).

### 2.2 Fieldwork Methods

- 2.2.1 An assessment of bat roost potential within the study area was undertaken, according to current guidance as detailed in Collins 2016 (*Bat Surveys – Good Practice Guidelines 3rd Edition*, Bat Conservation Trust) and professional judgement.

#### External/Internal Survey

- 2.2.2 A daytime external and internal survey of the property, associated sheds and trees within the red line boundary was completed on 21 March 2017.
- 2.2.3 All features that provide suitability for bat roosts were inspected from ground level (where possible) for signs of bats, such as droppings, worn entrances and staining. Inspections were aided by the use of an articulated video endoscope.

#### Tree Inspection

- 2.2.4 Five semi-mature trees are identified within the study area as well as a mature ash *Fraxinus excelsior* overhanging the development boundary. These trees were subject to a ground inspection to identify any suitable bat roosting features.

## 3 RESULTS

### 3.1 Building Survey Inspection

#### Lower Gauls Cottage

- 3.1.1 The cottage is a harled stone built structure that was once a semi-detached property. The roof is a pitched slate roof with a zinc ridge. Extending from the western wall of the property is a small lean-to housing the kitchen (refer to Photograph 1 and 2 below).

**Photograph 1: South and east elevations of Lower Gauls Cottage**



**Photograph 2: Western elevation of Lower Gauls Cottage**



#### Associated Sheds/Stores

- 3.1.2 Three sheds/stores are present on site:



- Shed/Store 1: A prefabricated wooden pent shed in close proximity to the cottage with a corrugated asbestos roof (refer to Photograph 3). The ridge line of the shed has been repaired with sheets of felt. To the west is a small lean-to used for storing wood;
- Shed/Store 2: Wooden store with three walls and corrugated metal roof; open to the elements (refer to Photograph 4); and
- Shed/Store 3: A small wood store to the south of the site (refer to Photograph 5).

**Photograph 3: Shed/Store 1**



**Photograph 4: Shed/Store 2**



**Photograph 5: Shed/Store 3**



## **3.2 External Survey Results**

3.2.1 Results of the external survey are summarised in Table 1 below. Table 2 provides representative photographs of suitable bat roost / roost access locations identified within the study area.

**Table 1: External Inspection Details.**

<b>Building</b>	<b>Description</b>	<b>Evidence of bats</b>
<b>Lower Gauls Cottage (East Elevation)</b>	The wallhead on the east elevation of the cottage has a number of gaps that would allow bats to access the roof space or to roost on the wallhead area itself (refer to Photographs 6 and 7).	No evidence of bats was identified
<b>Lower Gauls Cottage (South Elevation)</b>	The gable end has some small cavities where mortar has fallen from between the gable wallhead and the slates. This provides suitable roosting features/roost access for bats (refer to Photograph 8).	No evidence of bats was identified
<b>Lower Gauls Cottage (North Elevation)</b>	The mortar between the gable end and the slates is in good order. A 2-3 cm gap is present between the zinc ridge end cap and gable wall apex providing a potential bat roost access (refer to Photograph 9).	No evidence of bats was identified
<b>Lower Gauls Cottage (West Elevation)</b>	Small gaps between the wallhead and slates (behind guttering) provide suitable roosting features/roost access for bats (refer to Photograph 10)	No evidence of bats was identified
<b>Lower Gauls Cottage (Roof)</b>	Raised/missing slates and lifted areas of zinc ridge provide suitable roosting features/roost access for bats (refer to Photographs 11 and 12).	No evidence of bats was identified
<b>Lower Gauls Cottage (Lean to)</b>	Gaps can be seen under the slates and lead flashing where the lean-to ties into the main roof of the house. This provides a suitable roosting feature/roost access for bats (refer to Photograph 13).	No evidence of bats was identified
<b>Shed 1</b>	Gaps between areas of felt and corrugated roof/joinery provide limited potential roosting features for bats	No evidence of bats was identified
<b>Shed 2</b>	Provides no suitable roosting features for bats	No evidence of bats was identified
<b>Shed 3</b>	Provides no suitable roosting features for bats	No evidence of bats was identified



**Table 2: Photographs of potential roost locations**

**Photograph 6: Gap over the wallhead on the east elevation**



**Photograph 7: Gap over the wallhead on the east elevation**



**Photograph 8: Gap in mortar on gable end on south elevation**



**Photograph 9: Gap behind zinc ridge end cap on north elevation**



**Photograph 10: Gap over wallhead on west elevation**



**Photograph 11: Raised and missing slates on the cottage roof.**



**Photograph 12: Gaps visible under zinc ridge.**



**Photograph 13: Gaps between the lead flashing and slates tying in the lean-to.**

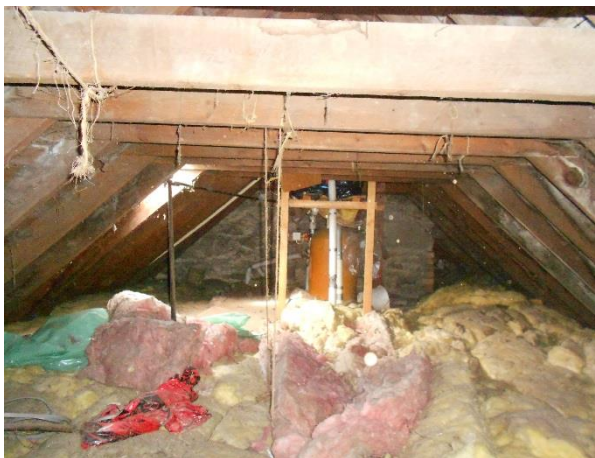


### **3.3 Internal Survey Results**

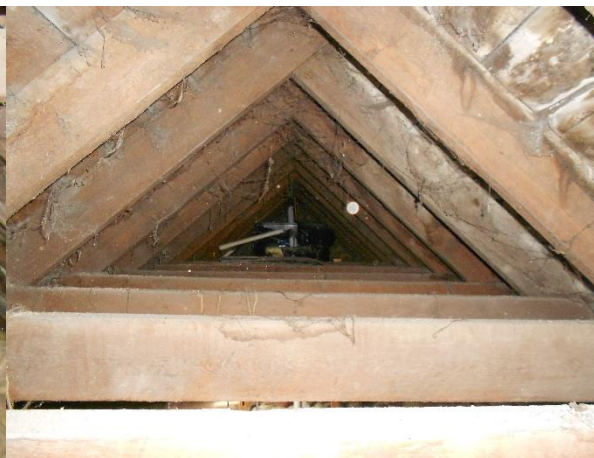
- 3.3.1 The roof space of Lower Gauls Cottage was fully inspected for evidence of roosting bats and the wallhead areas were inspected where possible. Obscured crawl boards and the inability to identify safe routes to the wallheads was a restriction during this phase of the survey (refer to Photograph 14). Access to the lean-to roof space was restricted due to the size of the access point and was not fully surveyed.
- 3.3.2 Three skylights are present within the roof space of Lower Gauls Cottage; it is likely that bats would roost within areas away from these as they show a preference for roosting within darker areas and generally seek out low light levels e.g. English Heritage *et al.* 2009. The ridge beam area was found to be very heavily cobwebbed (refer to Photograph 15). Such cobwebbing can be indicative of the absence of bat movement (*i.e.* within the air space of the loft itself).
- 3.3.3 No evidence of bats, i.e. droppings, staining or worn entrances was identified during the internal survey.



**Photograph 14: Deep insulation and skylight**



**Photograph 15: Cobwebs hanging from ridge area**



### 3.4 Trees

3.4.1 Five semi-mature conifers within the study area were assessed for potential bat roosting features: none of the trees were considered suitable.

3.4.2 An ash 17 m tall and approximately 0.6 m diameter at breast height [dbh]) overhangs the study area. Two knot holes 7 m above ground level (agl) facing north may provide suitability for roosting bats (refer Photograph 16).

3.4.3

**Photograph 16: Ash overhanging the site boundary providing potential bat roost features.**



### 3.5 Summary

3.5.1 Lower Gauls Cottage provides suitable features and access points for roosting bats, considered to be of high suitability (BCT 2016) given the features provided and the good quality of the surrounding foraging habitat (tree/hedge lines, watercourses and farmland).

3.5.2 No evidence of bats was identified during the survey although it is considered possible that bats could be using locations, *e.g.* beneath slates or within the zinc ridge where daytime survey cannot confirm presence/absence. Further night survey is therefore recommended (refer Section 4) to ascertain the presence/absence of bat roosts within the building in order to meet legal requirements (refer Section 1.2).

## **4 FURTHER SURVEY AND RECOMMENDATIONS**

### **4.1 Emergence/Return Surveys**

- 4.1.1 It is recommended that dusk emergence and dawn return surveys be completed according to BCT guidance (Collins 2016) to provide an appropriate level of survey to determine the presence/absence of roosting bats, and the species and status of any roosts identified.
- 4.1.2 Night-time emergence and dawn re-entry surveys should be completed on three occasions during spring/summer 2017 to determine the absence/presence and status of bat roosts. All potential roost features and entry/exit points should be watched for bats emerging from, and returning to, roost. The visits should be completed during spring/summer.
- 4.1.3 Emergence surveys should begin at least 15 minutes before sunset and continue for 90 minutes after sunset. Re-entry surveys should be completed from 90 minutes before to at least 15 minutes after sunrise. Experienced bat surveyors should complete the survey using heterodyne bat detectors and a recording system, *e.g.* Anabat recorders (for further species analysis using the *AnalookW* program).
- 4.1.4 In order to appropriately survey the buildings (physically watch all potential roost features), it is considered that 2 surveyors would be required for each visit (x3 survey visits).

## 5 REFERENCES

**Collins, J. (Ed.) 2016.** *Bat Surveys for Professional Ecologists: Good Practice Guidelines (3<sup>rd</sup> edn.)*. The Bat Conservation Trust, London.

**English Heritage, National Trust & Natural England 2009.** *Bats in Traditional Buildings*.



**TCP/11/16(477) – 17/00334/IPL – Residential development  
(in principle), site of former 1 Lower Gauls, Bankfoot**

## **REPRESENTATIONS**





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

<b>Planning Application ref.</b>	17/00334/IPL	<b>Comments provided by</b>	Nicola Orr
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	Nicola Orr [REDACTED]
<b>Description of Proposal</b>	Demolition of dwellinghouse and erection of 2no. dwellinghouses (in principle)		
<b>Address of site</b>	Site of Former 1 Lower Gauls, Bankfoot		
<b>Comments on the proposal</b>	<p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, 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 Auchtergaven Primary School.</p> <p><b>Transport Infrastructure</b></p> <p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p> <p>The application falls within the identified Transport Infrastructure Supplementary Guidance reduced contribution boundary and a condition to reflect this should be attached to any planning application granted.</p>		
<b>Recommended planning condition(s)</b>	<p><b>Primary Education</b></p> <p><b>CO01</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.</p> <p><b>RCO00</b> Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.</p>		

	<p><b>Transport Infrastructure</b></p> <p><b>CO00</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2014 with particular regard to transport infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.</p> <p><b>RCO00</b> Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.</p>
<b>Recommended informative(s) for applicant</b>	N/A
<b>Date comments returned</b>	10 March 2017

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

<b>Planning Application ref.</b>	17-00334-IPL	<b>Comments provided by</b>	Gavin Bissett
<b>Service/Section</b>	TES - Flooding	<b>Contact Details</b>	[REDACTED]
<b>Description of Proposal</b>	Demolition of dwellinghouse and erection of 2no. dwellinghouses (in principle)		
<b>Address of site</b>	1 Lower Gauls Cottage, Bankfoot		
<b>Comments on the proposal</b>	<p>I have reviewed the information submitted for this application. We would <b>object</b> to this application. I would refer the applicant back to previous comments made by the Flooding team on the previous application (16/01482/IPL) as these are still applicable and do not seem to have been addressed.</p> <p>Further to the previous comments, I have included a copy of the 1 in 200 year flood event output (see below) from the PKC/CH2M flood study for Bankfoot (<i>Bankfoot Flood Protection Scheme –Stage 2 Report. November 2015</i>). This shows that a significant portion of the site is shown to be flooded during such a flood event. The proposals contain significant land raising within the functional floodplain (1 in 200 year), with no mitigation proposed for the loss of floodplain storage. As such this is contrary to Scottish Planning Policy. The minimum threshold for any new development would also require to be set at the 1 in 200 year (plus climate change) flood level plus 600mm freeboard.</p> <p>It is also noted from the FRA provided with the application that there are groundwater and drainage issues associated with the site. The proposals are to drain both foul and surface water via soakaways on site. Infiltration testing would be required to demonstrate that this would be suitable for the site.</p>		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>	Developer's Guidance Flood Risk and Flood Risk Assessments – June 2014		
<b>Date comments returned</b>	17/03/17		



## Tracy McManamon

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**From:** Alan Squair [REDACTED]  
**Sent:** 24 March 2017 13:41  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Application 17/00334/IPL - 1 Lower Gauls Bankfoot

I am the owner of Marloch, the property immediately adjacent to the application site. I have no objections to the application and would in fact actively support it. I have read the Flood Risk Assessment prepared by Millard Consulting for the applicant and the internal consultation from your Flooding Section. I am also familiar with the studies carried out in the course of the planning application for this and the adjacent property (Glendale) which are referred to in the current Assessment.

I note that the Flooding Section object to the application on the basis of loss of floodplain storage. The Flooding consultation refers to comments on the previous application for the site which have not been addressed. I would however have thought that in commissioning the current Assessment it was the intention of the applicant to address these comments.

I have some knowledge of flooding issues in Bankfoot as a member of the Community Council but I am writing as a layman on the basis of my experience in living here for the last six and a half years. I recollect that the most serious flooding event in that time was in December 2010 when there were substantial flows of water through the fields to the West but my property was unaffected and I understand that the application site was protected by the bund on the field boundary. I am unaware of any other events in which the application site functioned as part of the floodplain and believe that even before construction of the bund the site was not prone to flooding from the West but rather from the road side.

I therefore have some difficulty in understanding how the site could make any practical contribution to the floodplain, particularly given its size in the context of the wider floodplain.

I would however see positive benefits in the site being developed as proposed. The present cottage on the site is now something of an anomaly in lying at a substantially lower level than other houses in the vicinity, it is not an attractive building and due to its low-lying location and condition does not provide a pleasant living environment. Its replacement by new houses constructed on land raised to be consistent with neighbouring building heights presents the opportunity to provide an attractive development at the entrance to the village from the South.

I trust that these comments will be taken into consideration and would urge that a recommendation for approval of this application be made.

Alan Squair



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

<b>Planning Application ref.</b>	17/00334/IPL	<b>Comments provided by</b>	David Williamson
<b>Service/Section</b>	Strategy and Policy	<b>Contact Details</b>	██████████ ████████████████████
<b>Description of Proposal</b>	Residential development (in principle)		
<b>Address of site</b>	Site Of Former 1 Lower Gauls, Bankfoot		
<b>Comments on the proposal</b>	<p><b>Part 214 of the Scottish Planning Policy states:</b></p> <p>The presence (or potential presence) of a legally protected species is an important consideration in decisions on planning applications. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish their presence. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts must be fully considered prior to the determination of the application. Certain activities – for example those involving European Protected Species as specified in the Conservation (Natural Habitats, &amp;c.) Regulations 1994 and wild birds, protected animals and plants under the Wildlife and Countryside Act 1981 – may only be undertaken under licence. Following the introduction of the Wildlife and Natural Environment (Scotland) Act 2011, Scottish Natural Heritage is now responsible for the majority of wildlife licensing in Scotland.</p> <p><b>The RTPI GOOD PRACTICE GUIDE - PLANNING FOR BIODIVERSITY provides the following guidance:</b></p> <p>The presence of a protected species is a material consideration in planning decisions. It is important to bear in mind that the granting of planning permission can provide a legal justification for Undertaking operations that would harm a protected species.</p> <p>In dealing with cases that may involve protected species it is important to ensure that an expert survey is undertaken and specialist advice is obtained, either from the applicant (through consultants) or from the statutory agencies or local nature conservation organisations, many of which have valuable local knowledge and experience of the species. In most cases harm could be overcome by modifications to the proposals or by the use of conditions or agreements related to any permission granted. However, it should be born in mind that mobile species frequently range beyond designated sites or sites where they are known to breed, roost, rest or hibernate. They may be equally dependent upon more extensive foraging, hunting or feeding areas (for example, barn owls and bats).</p>		



**The Association of Local Government Ecologists Guidance on Validation of Planning Applications provides the following guidance:**

The planning authority has a duty to consider the conservation of biodiversity when determining a planning application; this includes having regard to the safeguard of species protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994 or the Badgers Act 1992. Where a proposed development is likely to affect protected species, the applicant must submit a **Protected Species Survey and Assessment**.

If the application involves any of the development proposals shown in **Table 1** (Column 1), a protected species survey and assessment must be submitted with the application. Exceptions to when a survey and assessment may not be required are also explained in this table. The **Survey** should be undertaken and prepared by competent persons with suitable qualifications and experience and must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines/methods where available\*. The survey may be informed by the results of a search for ecological data from a local environmental records centre. The survey must be to an appropriate level of scope and detail and must:

- Record which species are present and identify their numbers (may be approximate);
- Map their distribution and use of the area, site, structure or feature (e.g. for feeding, shelter, breeding).

The **Assessment** must identify and describe potential development impacts likely to harm the protected species and/or their habitats identified by the survey (these should include both direct and indirect effects both during construction and afterwards). Where harm is likely, evidence must be submitted to show:

- How alternative designs or locations have been considered;
- How adverse effects will be avoided wherever possible;
- How unavoidable impacts will be mitigated or reduced;
- How impacts that cannot be avoided or mitigated will be compensated.

In addition, proposals are to be encouraged that will enhance, restore or add to features or habitats used by protected species. The Assessment should also give an indication of how species numbers are likely to change, if at all, after development e.g. whether there will be a net loss or gain.

The information provided in response to the above requirements are consistent with those required for an application to Scottish Natural Heritage for a European Protected Species Licence. A protected species survey and assessment may form part of a wider Ecological Assessment and/or part of an Environmental Impact Assessment.

**Biodiversity Officers Comments**

The proposals are to demolish the existing buildings, some of which may provide suitable roost sites for bats as indicated in the stage 1 bat survey. It is therefore a recommendation of the ecologists, and



	<p>supported by myself, that further bat activity surveys are essential and these should be prior to determination.</p> <p>The presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before planning permission can be granted.</p>
<b>Recommended planning condition(s)</b>	<p><b>My recommendation is that there insufficient information to fully assess the ecological impact of the proposals and I suggest the following course of action.</b></p> <p>If you are minded to approve the application then I recommend the following conditions be included in any approval:</p> <ul style="list-style-type: none"> <li>As part of further information required to be submitted in support of any future application a bat activity survey shall be submitted to the planning authority for approval.</li> </ul> <p><b>RNE01</b> Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).</p> <p><b>NE00</b> The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.</p> <p><b>RNE01</b> Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).</p> <p><b>NE01</b> Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.</p> <p><b>RNE02</b> Reason - In order to prevent animals from being trapped within any open excavations.</p>
<b>Recommended informative(s) for applicant</b>	<p>The presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before planning application is made.</p>
<b>Date comments returned</b>	<p>28 March 2017</p>



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

<b>Planning Application ref.</b>	17/00334/IPL	<b>Comments provided by</b>	Tony Maric Transport Planning Officer
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	██████████ ████████████████████
<b>Description of Proposal</b>	Residential development (in principle)		
<b>Address of site</b>	Site Of Former 1 Lower Gauls Bankfoot		
<b>Comments on the proposal</b>	<b>Insofar as the roads matters are concerned, I do not object to this proposal, provided the conditions below are attached in the interests of pedestrian and traffic safety.</b>		
<b>Recommended planning condition(s)</b>	<ul style="list-style-type: none"> <li>• <b>AR01</b> Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth &amp; Kinross Council's Road Development Guide <b>Type B, Figure 5.6</b> access detail.</li> <li>• <b>AR02</b> Prior to the development hereby approved being completed or brought into use, the gradient of the access shall not exceed 3% for the first <b>3 metres</b> measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public highway.</li> <li>• <b>AR04</b> Prior to the development hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained.</li> <li>• <b>AR05</b> Prior to the development hereby approved being completed or brought into use, the car parking facilities shown on the approved drawings shall be implemented and thereafter maintained.</li> </ul>		
<b>Recommended informative(s) for applicant</b>	The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.		
<b>Date comments returned</b>	12 April 2017		



**TCP/11/16(477) – 17/00334/IPL – Residential development  
(in principle), site of former 1 Lower Gauls, Bankfoot**

## **FURTHER INFORMATION**

- Written submission from Planning, dated 18 August 2017
- Written submission from Flooding, dated 25 August 2017
- Response to written submissions from Agent, dated 5 September 2017



## Audrey Brown - CHX

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**From:** Sean Panton  
**Sent:** 18 August 2017 15:38  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Cc:** Gavin Bissett; Heledd Rheinallt  
**Subject:** 17/00334/IPL Comments on LRB Submission

Good Afternoon,

I have been asked to comment on the further information submitted by the applicant in respect of the LRB appeal for application 17/00334/IPL. The application is for a residential development (in principle) at Lower Gauls, Bankfoot. I was the Case Officer for the application.

I have now had the opportunity to review the further information submitted. Firstly, I would like to confirm that this document was not submitted as part of the formal application and thus is new information. I note there is an email, which I received from Heledd Rheinallt, dated the 18<sup>th</sup> August 2017, where the applicant *'would like it noted by the Interim Development Quality Manager, who has been requested to comment on the overview of previous applications and works and the Millard letter of 2 June 2017 submitted with the applicants material, that all the information contained in this overview and letter was available to the Council's Flooding Team and to the Planner at the time of the decision being made.'* This is concerning as this information was not submitted. I do note however that the majority of the content was conveyed through other supporting documents and correspondence.

Regardless, the information submitted still does not address the concerns of the Planning Department. Our main concern is that the land raising required to accommodate this proposal would result in the loss of flood plain storage. The applicant has stated in their appeal that this site is not flood plain storage, however our internal experts and up-to-date computer modelling shows that the site is indeed at risk of flooding. **It is therefore not a matter of opinion, but a matter of fact that this site is at risk of flooding.** The applicants comments that the Council are using out-of-date material is not accepted.

As the site is at risk of flooding, our second concern is where the water that usually floods this site would go in a severe flooding event, should land raising occur. The applicant has still not effectively demonstrated this. We would need to be satisfied before we support any application, that by granting this proposal, this would not be detrimental to any neighbouring receptor in a flooding event.

The applicant has made a lot of reference to the existing bund in their appeal. As mentioned within the Report of Handling, this bund was **taken fully into account** when our Flooding Officers assessed the risk of the site. I have no further comment to make on this bund as it has been fully assessed.

Finally, Policy EP2 – New Development and Flooding, of the Perth & Kinross Local Development Plan 2014, is against land raising within functional flood plains. This proposal involves the raising of land within a functional flood plain and is therefore contrary to policy.

Overall, I am concerned that the submitted information by the applicant and their agents/consultants is not factual and 100% accurate. I have therefore passed this request for further comment to Gavin Bissett, of our Flooding Team, who will provide you with a formal response from our Flooding Team by the 28<sup>th</sup> August 2017, as requested.

Please note that I am out of the office from this evening until Thursday 14<sup>th</sup> September 2017. I will be able to respond to any queries upon my return.

I trust the above confirms the stance of the Planning Department and happy to assist you in the future if required.

Kind Regards,

**Sean Panton,**  
Development Management,  
Planning & Development,  
Perth & Kinross Council,  
Pullar House,  
35 Kinnoull Street,  
PERTH,  
PH1 5GD.

*Comhairle Pheairt is Cheann Rois*

  
e [www.pkc.gov.uk](http://www.pkc.gov.uk)





## CHX Planning Local Review Body - Generic Email Account

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**From:** Gavin Bissett  
**Sent:** 25 August 2017 11:05  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Cc:** Sean Panton; Craig McQueen  
**Subject:** 17/00334/IPL Comments on LRB Submission  
**Attachments:** 10yr\_b25%\_fmap.pdf; 25yr\_b25%\_fmap.pdf; 50yr\_b25%\_fmap.pdf; 100yr\_b25%\_fmap.pdf

FAO Gillian Taylor

Good afternoon,

We, PKC Flooding Team, have been asked to provide further comment on information submitted by the applicant in respect of the LRB appeal for application 17/00334/IPL. Our comments are below:

Following the initial comments provided on the application (dated 17/03/17), an e-mail was received from Millards Consulting to discuss various points of our objection. This was dated 22/03/17. A follow up telephone conversation occurred the following day to discuss the e-mail content. I would also clarify, Craig McQueen's comments were not a 'last minute intervention'. He had previous knowledge of the site in the dealing of the previously withdrawn application 16/01482/IPL, and of the Bankfoot area through the Bankfoot Flood Scheme appraisal work. As such his views were sought as part of the response of the current application.

The developer/applicant has the obligation to prove that their site is not at flood risk in order to satisfy planning – this is not a role for the Council – and this has not been achieved. The Council have provided the information they have available and have provided comment on a number of occasions. As the site lies within the study area utilised in the options appraisal for the Bankfoot Flood Protection Scheme the Council have access to detailed modelling information for this location. We have provided information from this modelling where we have it and utilised information we have available in our responses.

CH2M, who developed the model for the Bankfoot Flood Protection Scheme work, were consulted by the Council to discuss various points raised by the developer regarding the flood risk to the site and regarding the modelling results and asked for their input. However the Council did not agree to update the model on behalf of the applicant/agent or to commission extra runs for their private use. The commission the Council had with CH2M for maintaining the model has ceased and to re-run/re-open this analysis would have been at cost to the council and would not be considered an appropriate use of public funds.

As such flood levels for the 1 in 200 (without CC/blockage scenario) were not available to pass on. The 1 in 200 year (plus 50% blockage scenario) flood depth map was passed on as part of our initial response to the application. This showed the site to be at risk, and part of the floodplain. Flowpaths to the site were from the north, but also by overtopping a low point in the existing bund. Further to this I can confirm that our information shows the site is at risk from lower return period flooding events (including via the bund overtopping flowpath) – as shown in the maps previously provided to the applicant (re-attached). This, alongside the publicly available SEPA flood mapping, indicates that the site is part of the functional floodplain.

As was explained to the applicant/consultant, the model was created to assess the feasibility of a flood scheme for Bankfoot, and not as a site specific planning tool. However, it is still the best information we have available to assess flood risk at the site. It should also be noted that the hydraulic model used to develop the Bankfoot Flood Protection Scheme does account for the presence of the bund mentioned by the applicant. Even with this informal defence included the site is still shown to be at risk even at low return periods and part of the functional flood plain.

However, based on available guidance ('Development Management Guidance on Flood Risk' (SEPA)), an informal flood defence cannot actually be considered when looking at flood risk to a development site. This is due to the

presence of a significant failure and/or demolition risk to these structures due to potential issues with design, maintenance, construction, ownership etc. The Council/Planning Authority cannot therefore recommend building in behind informal defences. Based on latest guidance and Scottish Government Policy the Council can also not recommend the in-filling of functional floodplain to allow further development to progress on the floodplain.

Regarding previous applications the flooding team has been consistent in its objections for the development of this site and those adjacent. The Planning department were also made aware of the delay on our side in referring the application to consultants. The decision from planning came after our response (dated 19/04/17).

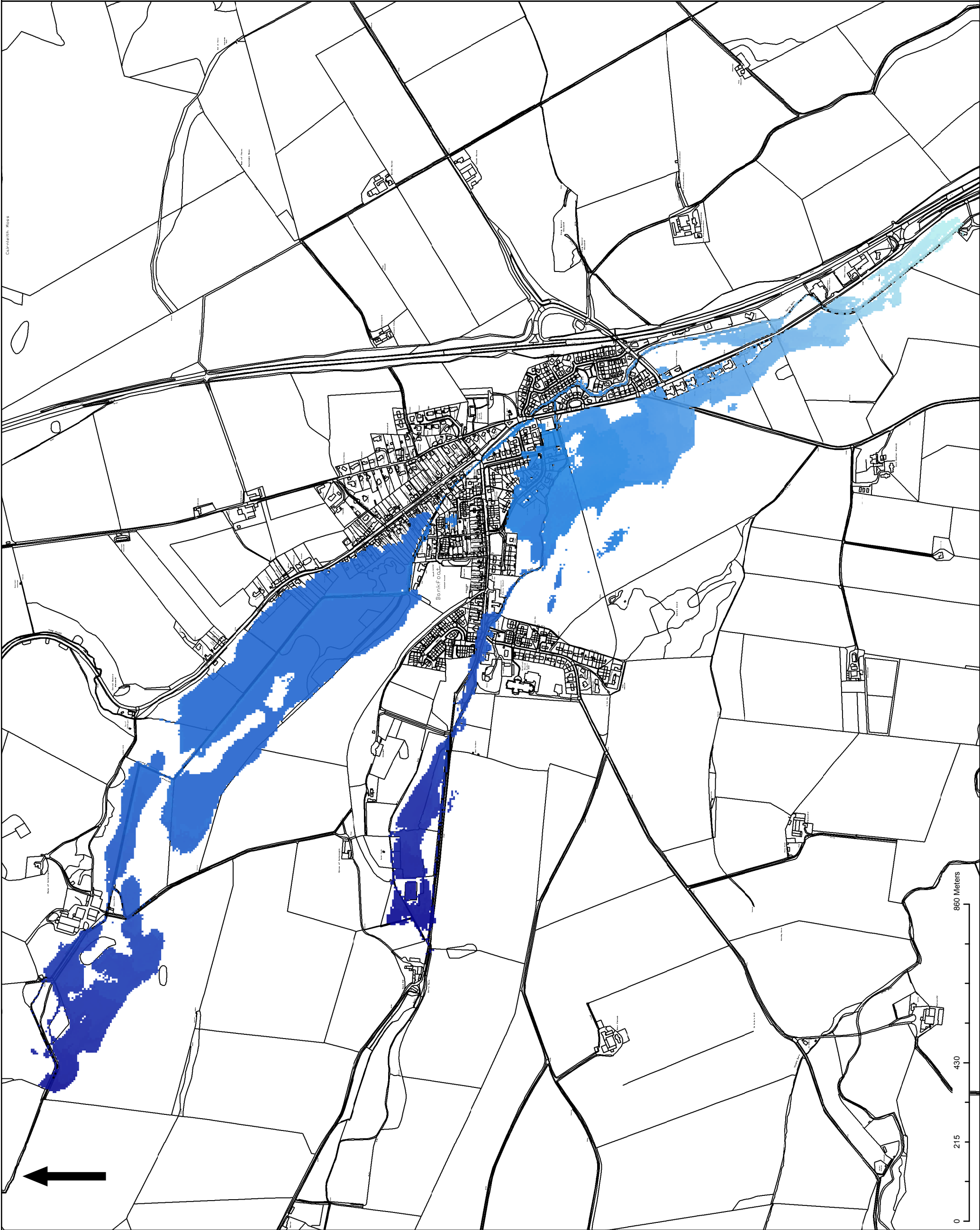
To conclude, we are of the opinion that the site is part of the functional floodplain and is not suitable for the development being proposed. The applicant has not provided sufficient evidence to demonstrate the site is suitable for landraising and additional development. I trust this confirms the PKC flooding team's position on this application.

Regards,

Gavin Bissett

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





**KEY**

**10 YEAR\_25% blockage**

**WL (mAOD)**

**High : 79.6862**

**Low : 53.9626**

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**Malcrow**

Project

**Bankfoot Flood Protection Scheme**

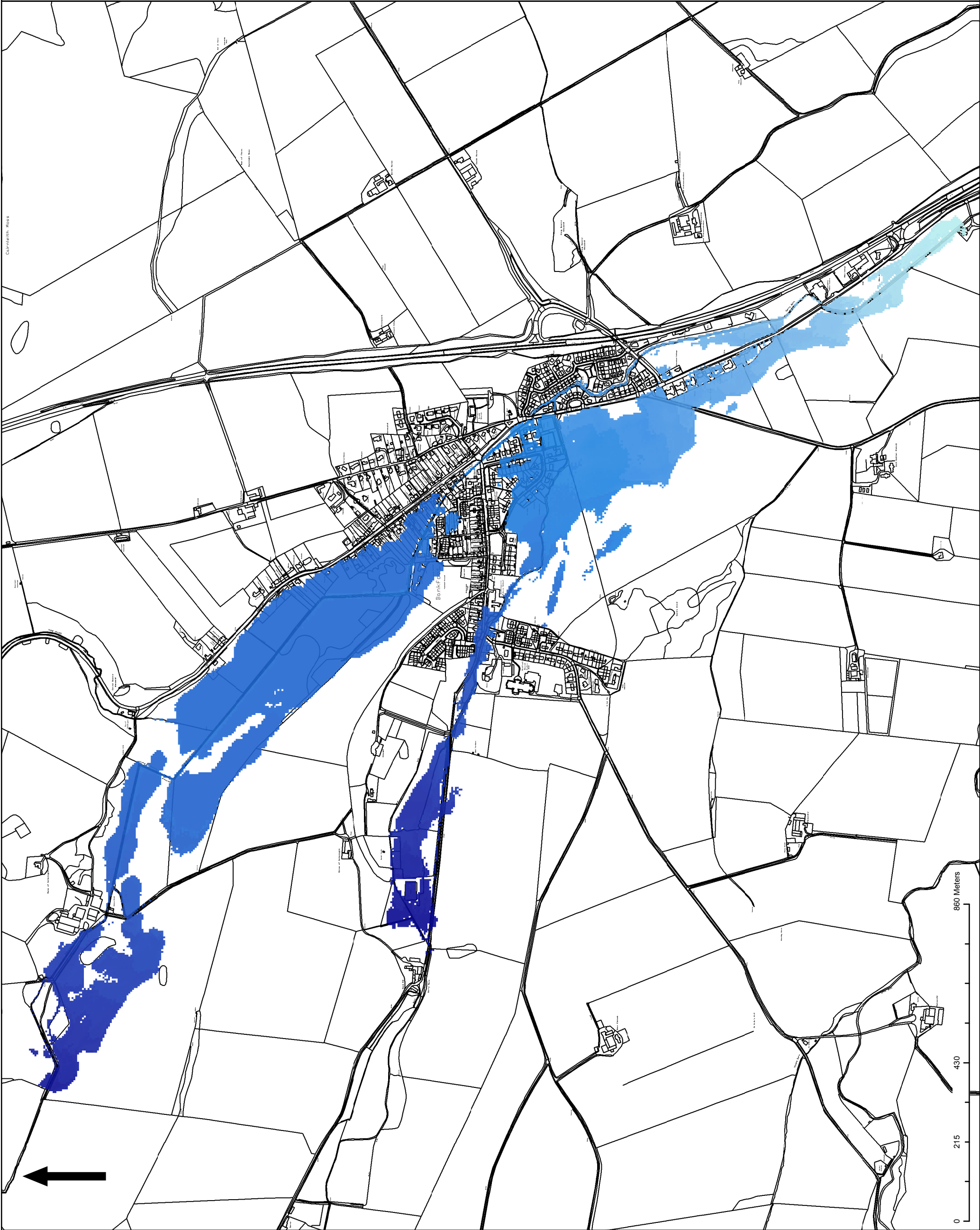
Drawing

**Flood Mapping - Existing case  
1 in 10 year event  
(25% Bridge Blockage)**

Drawn by:	EW	Date:	18.08.2016
Checked by:	AP	Date:	18.08.2016
Approved by:	AP	Date:	18.08.2016
Drawing no.	Revision		
	0		

Drawing scale: 1:9,724

Scale A0



**KEY**

**25 YEAR\_25% blockage**

**WL (mAOD)**

**High : 79.7789**

**Low : 54.002**



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**Malcrow**

Project

**Bankfoot Flood Protection Scheme**

Drawing

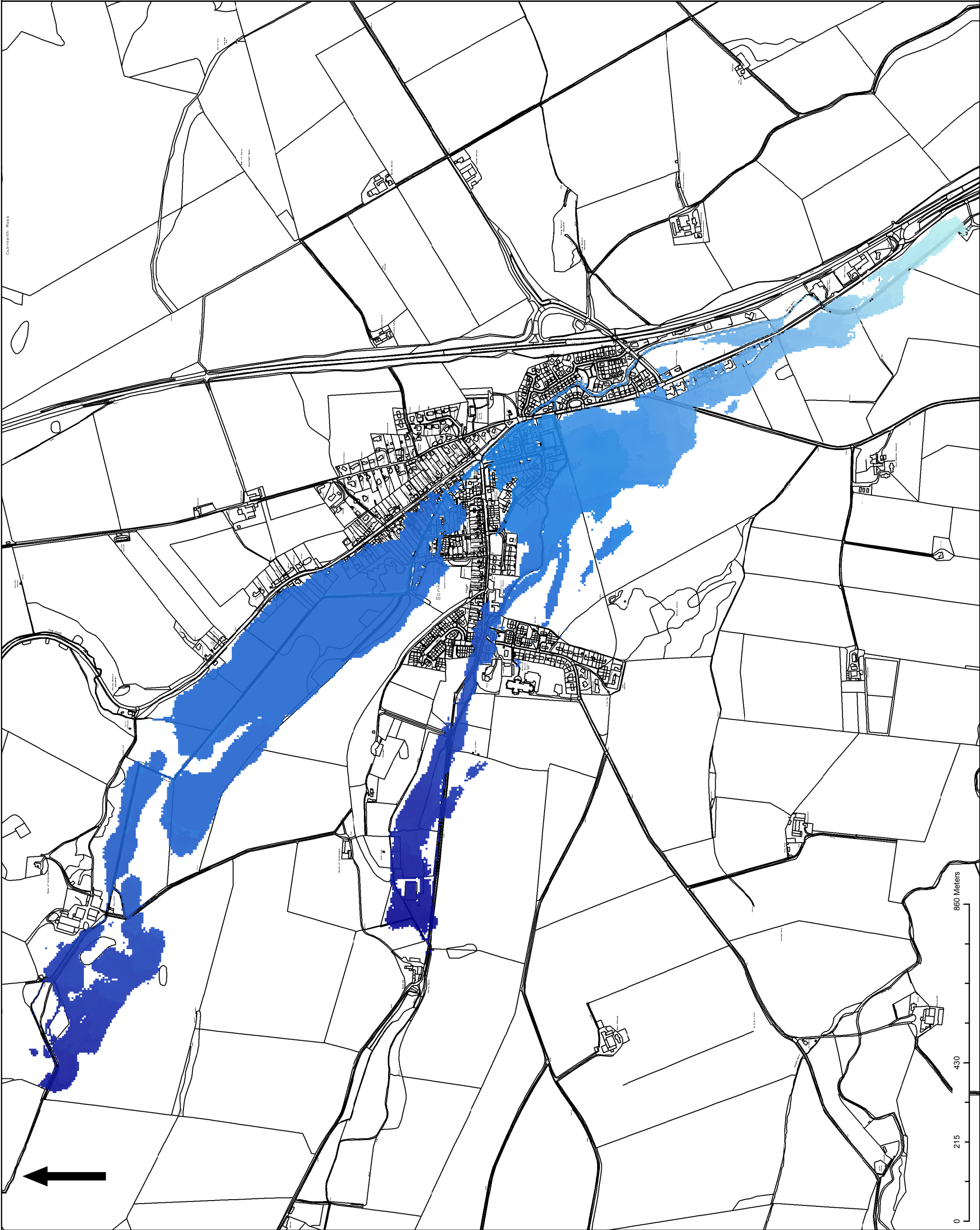
**Flood Mapping - Existing case  
1 in 25 year event  
(25% Bridge Blockage)**

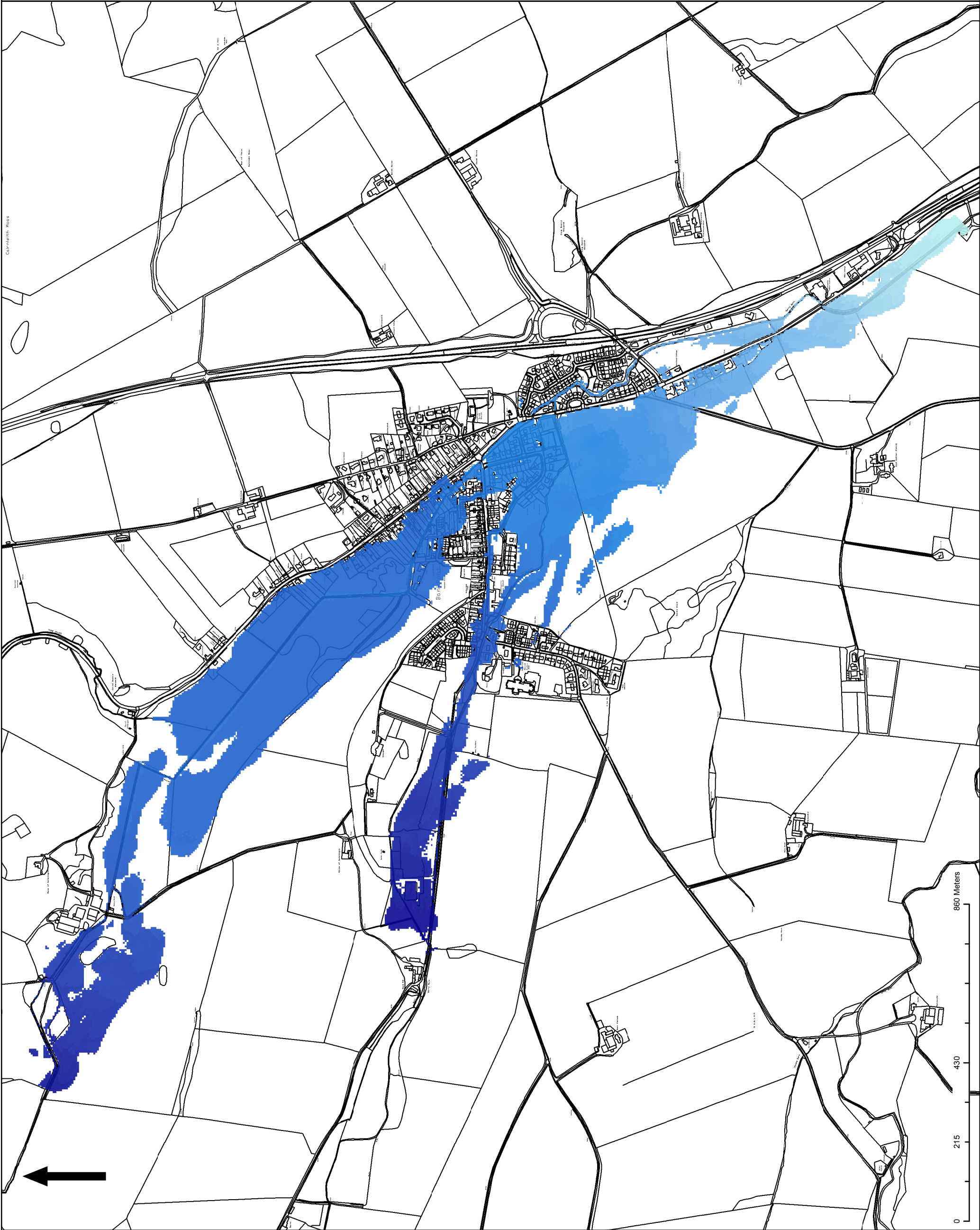
Drawn by:	EW	Date:	18.08.2016
Checked by:	AP	Date:	18.08.2016
Approved by:	AP	Date:	18.08.2016
Drawing no.	Revision		
	0		

Drawing scale: 1:9,724

Scale A0







**KEY**

comb\_100\_b25.asc  
Value  
High : 79.9568  
Low : 54.213

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www.malcrow.com

**Malcrow**

Project

Bankfoot Flood Protection Scheme

Drawing

Flood Mapping - Existing case  
1 in 100 year event  
(25% Bridge Blockage)

Drawn by:	EW	Date:	18.08.2016
Checked by:	AP	Date:	18.08.2016
Approved by:	AP	Date:	18.08.2016
Drawing no.	Revision		
	0		

Drawing scale: 1:9,724

Scale A0

1 Lower Gauls  
Bankfoot  
Perth  
PH1 4ED

Your Ref TCP/11/16 (477)

By E-mail.

5<sup>th</sup> September, 2017

**Town & Country Planning (Scotland) Act 1997**  
**The Town & Country Planning (Schemes of Delegation & Local Review**  
**Procedure) (Scotland) Regulations 2013**  
**Application Ref: 17/00334/IPL – Residential development (in principle), site of**  
**former 1 Lower Gauls, Bankfoot – Mr and Mrs Bechtel**

Dear Ms Taylor,

Many thanks for the correspondence sharing the submissions from Mr Panton & Mr. Bissett, however, we would like some clarification on the process being followed at this point.

As we understand it, all the appeal documentation submitted by the applicant was made available to all interested parties prior to its submission to the LRB. The interested parties had two weeks to comment on any and all of the materials included. They chose not to do so.

It was our understanding from both what was heard at the LRB meeting, and from the written correspondence sent, that the documentation would be shared with the Flood Team and the 'Interim Development Quality Manager', who was to be asked to comment on our submitted 'Overview of previous applications and works' and the Millard letter of 2 June 2017 submitted with the applicants' material.

No mention was made of the Planner being asked by the LRB for his opinion on the documents. To the applicants mind the planner has already had ample opportunity to make any relevant comments, and chose not to engage with the process within the time limit set by the LRB. It was our understanding that the 'Interim Development Quality Manager' would be looking at the material submitted by both parties, and offering an opinion on the processes followed by both parties, for the benefit of the LRB.

The applicant does not see how the Planner repeating the comments made in his original decision adds in any way to the LRB's understanding of the site or its technicalities, which the applicant understood to be the next stage of the Review process.

To date we have received no submission from the 'Interim Development Quality Manager'. Is this something that we should expect, and will we have an opportunity to comments on their submission?

However, taking the situation as it stands, the applicant has several comments to make, on both the LRB's own questions at the meeting at which the application for

review was discussed and on the new submissions from the Planning officer and Flooding team.

Firstly, to answer points raised by the LRB at their meeting of 25.07.17

The two documents noted by Mr Harris as not having been available to the planning officer: The overview of the flooding history of the site at Lower Gauls & the letter from Millards (02.06.17) present no new information, and as notes in the introduction to the document pack state, they are a compilation of the information and process included in the pack, compiled solely for the information of the LRB.

In regard to the former materials, no history was offered by the applicant as the planner was vociferous on both the phone and by e-mail that he was fully cognisant of the history of the site and the surrounding area:

**From:** Sean Panton

**To:** Trevor Bechtel

**Sent:** Friday, 21 April 2017, 12:50

**Subject:** RE: Reference 17/00334/IPL, Flooding

*"At this stage, I would also like to point out that a full assessment of the site history (and neighbouring plots) has been taken into consideration and this will be available to view in the provided 'Report of Handling' when you receive your decision."*

The second document questioned was the letter from Millards, and was requested by the applicant so that a full clear account of the exact interaction between the applicants appointed flood engineer and the PKC flood team would be available to the LRB. No new or additional material was included.

The next question raised by the LRB in the meeting was in regard to the composition of the Bund to the rear (west) of the site at Lower Gauls. The applicant cannot attest to its composition, although the Arup group report and letter as included in the submitted information (page 609) does outline specifications, the applicant cannot guarantee that these were adhered to, as at the time of its construction the bund was not on the applicants land. However, as clearly shown in the plans, the current bund would be superseded by a new bund and or infill or construction that will be at a greater height and density than the current bund, as the entire site will be filled to above the current bund height, as shown in the proposed plans (page:494) and will conform to current planning regulation.

For further technical information on this issue, please see the comments attached to the new submission from the flood team by our flood engineer, and also the notes regarding land raising for a replacement house on the site below.

Turning now to the comments submitted by the flood team to the LRB last week, the applicant has a few points they would like to reiterate, before directing the LRB to the responses made by their flooding engineer:

The maps referred to and indeed attached to Mr Bissetts response are not up to date.

Mr. Bissett's comment regarding new flood modelling being the responsibility of the applicant may be accurate, but the first the applicant knew about this was in Mr McQueens email of 19 May 2017, 4 weeks after his departments previous communication with our engineer, and less than 24 hours before Mr. Panton informed the applicant that he was "...now progressing to consider and determine the



application". Not enough time to consider the feasibility of this, and despite the applicant asking for time to consider this information we were refused an extension.

On the flood team's new submission, please see the comments on specific aspects from Mr Coglan of Millards Consulting below.

On Mr Panton's Submission, please see our itemised response below.

Lastly, the applicant will welcome a site visit by the LRB as we feel that this is the only way to fully appreciate the technicalities of the site, and allow the members to see for themselves the clear disparity between the maps and interpretation of them by the flood team, and the actual landscape and properties on this and the adjoining sites.

The applicant would further like the LRB members to note prior to their visit that both the flood team and the planner have intimated that an application for a single 'replacement' house on this site, but at a higher level than the existing cottage would be looked at favourably.

The consequence of building a single dwelling in this site, will be the whole land area is raised to the same height as that of the proposed two house application, which the applicant sees as making the issue of any potential loss of alleged 'floodplain' in this application moot.

In addition, should the single 'replacement' house option be followed through, the raised land adjacent to - and forming the very large garden of - the new 'replacement' house will be well above any risk of flooding, or of being regarded as part of a floodplain, as it will sit well above the height of **any** estimation of a 1/ 200 year event...(page644) at which point potentially a new application may be made for an additional house to be built, on the exact site that this application and review are proposing.

We appreciate the time and efforts made by the LRB to ensure that this application is looked at clearly and fairly, and that all the material submitted is fully taken into account.

Many thanks,

Jane & Trevor Bechtel

=====

Please find our responses to the following submissions in Blue, below each section on which we have comments.

From: Gavin Bissett  
Sent: 25 August 2017 11:05  
To: CHX Planning Local Review Body - Generic Email Account  
Cc: Sean Panton; Craig McQueen  
Subject: 17/00334/IPL Comments on LRB Submission

Following the initial comments provided on the application (dated 17/03/17), an e-mail was received from Millards Consulting to discuss various points of our objection. This was dated 22/03/17. A follow up telephone conversation occurred the following day to discuss the e-mail content.

I would also clarify, Craig McQueen's comments were not a 'last minute intervention'. He had previous knowledge of the site in the dealing of the previously withdrawn application 16/01482/IPL and of the Bankfoot area through the Bankfoot Flood Scheme appraisal work. As such his views were sought as part of the response of the current application.

The developer/applicant has the obligation to prove that their site is not at flood risk in order to satisfy planning – this is not a role for the Council – and this has not been achieved. The Council have provided the information they have available and have provided comment on a number of occasions. As the site lies within the study area utilised in the options appraisal for the Bankfoot Flood Protection Scheme the Council have access to detailed modelling information for this location. We have provided information from this modelling where we have it and utilised information we have available in our responses.

I am aware the council are not obliged to provide this information and that the onus is on the developer to prove the site is viable. However where detailed modelling has been paid for by the council, it makes sense to use this where possible and as a consultant we have been able to do so in other locations on other occasions. I do find it frustrating that despite the large amounts of money spent on modelling the watercourses in Bankfoot, at no time has the Council's consultant been asked to model the 200 year flood flow. This would not have added significant cost at the time the modelling was originally done

CH2M, who developed the model for the Bankfoot Flood Protection Scheme work, were consulted by the Council to discuss various points raised by the developer regarding the flood risk to the site and regarding the modelling results and asked for their input. However the Council did not agree to update the model on behalf of the applicant/agent or to commission extra runs for their private use.

I was told by Gavin Bissett that this was going to be looked at. I have a record of this in the form of a handwritten record of our telephone conversation on 24<sup>th</sup> March 2017 in my notebook, and a follow up email re the same which I sent to the applicant the same day. This is why, based on what I was told, I had said we need to ensure we had time to wait for the outcome of this enquiry by Gavin to CH2M Hill.

This is also why it was unreasonable to be told on 19<sup>th</sup> April with no warning that the application had been refused. If Gavin Bissett or Craig McQueen had indicated that there was no intention to contact CH2M Hill, we would have used the time available to look for other ways to prove what the Q200 flood level was. However this opportunity was denied us, and even after this was pointed out Sean Panton called in the application.

The commission the Council had with CH2M for maintaining the model has ceased and to re-run/re-open this analysis would have been at cost to the council and would not be considered an appropriate use of public funds.

This information was not shared with the applicant or their consultant.

As such flood levels for the 1 in 200 (without CC/blockage scenario) were not available to pass on. The 1 in 200 year (plus 50% blockage scenario) flood depth map was passed on as part of our initial response to the application. This showed the site to be at risk, and part of the floodplain. Flow paths to the site were from the north, but also by overtopping a low point in the existing bund. Further to this I can confirm that our information shows the site is at risk from lower return period flooding events (including via the bund overtopping flow path) – as shown in the maps previously provided to the applicant (re-attached). This, alongside the publicly available SEPA flood mapping, indicates that the site is part of the functional floodplain.

As previously discussed, using results from modelling this scenario does not tell us what the extents of the 1 in 200 year floodplain are. If we had been aware in the first place that this is all the council could give us, we would have looked to address the issue in some other way.

As was explained to the applicant/consultant, the model was created to assess the feasibility of a flood scheme for Bankfoot, and not as a site specific planning tool.

However, it is still the best information we have available to assess flood risk at the site.

An overestimate of flood levels given the scenario modelled, and therefore prejudicial to your planning application

It should also be noted that the hydraulic model used to develop the Bankfoot Flood Protection Scheme does account for the presence of the bund mentioned by the applicant. Even with this informal defence included the site is still shown to be at risk even at low return periods and part of the functional flood plain.

We have never tried to claim this bund is a formal flood defence, but if it is sitting between the site and the floodplain, then the site is not part of the floodplain. Also, this property is currently a home, hence you should have every right to defend your current property.

However, based on available guidance ('Development Management Guidance on Flood Risk' (SEPA), an informal flood defence cannot actually be considered when looking at flood risk to a development site. This is due to the presence of a significant failure and/or demolition risk to these structures due to potential issues with design, maintenance, construction, ownership etc. The Council/Planning Authority cannot therefore recommend building in behind informal defences.

As previously state we have never claimed the bund constitutes a formal flood defence but merely that it excludes the current site from the floodplain. The proposed redevelopment of this site would not be dependent on a raised bund but would simply have the whole site raised to above the flood level.

Based on latest guidance and Scottish Government Policy the Council can also not recommend the in-filling of functional floodplain to allow further development to progress on the floodplain.

As previously, this is not floodplain as such

Regarding previous applications the flooding team has been consistent in its objections for the development of this site and those adjacent.

**Then why were the adjacent sites allowed to be raised?**

The Planning department were also made aware of the delay on our side in referring the application to consultants. The decision from planning came after our response (dated 19/04/17).

**There was a delay of 4 weeks from 24<sup>th</sup> March to 19<sup>th</sup> of April while we waited for further response from Gavin Bissett, before the application was then called in with no warning**

To conclude, we are of the opinion that the site is part of the functional floodplain and is not suitable for the development being proposed. The applicant has not provided sufficient evidence to demonstrate the site is suitable for landraising and additional development. I trust this confirms the PKC flooding team's position on this application.

**An opportunity to look at all options for this site has been missed because of the abrupt manner in which the planning application was refused. There should be an opportunity in cases like this to have a proper dialogue, so that a solution is reached which allows a flood prone property to be replaced by something more suitable. There seems to be no interest from council officers to do so in this case.**

=====  
From: Sean Panton  
Sent: 18 August 2017 15:38  
To: CHX Planning Local Review Body - Generic Email Account  
Cc: Gavin Bissett; Heledd Rheinallt  
Subject: 17/00334/IPL Comments on LRB Submission

Good Afternoon,

I have been asked to comment on the further information submitted by the applicant in respect of the LRB appeal for application 17/00334/IPL. The application is for a residential development (in principle) at Lower Gauls, Bankfoot. I was the Case Officer for the application.

I have now had the opportunity to review the further information submitted.

**This is inaccurate. Mr Panton had the opportunity to review the applicants submitted material and make any comments that he felt should be addressed before it was presented to the LRB. He chose not to do so.**

Firstly, I would like to confirm that this document was not submitted as part of the formal application and thus is new information. I note there is an email, which I received from Heledd Rheinallt, dated the 18th August 2017, where the applicant *'would like it noted by the Interim Development Quality Manager, who has been requested to comment on the overview of previous applications and works and the Millard letter of 2 June 2017 submitted with the applicants material, that all the information contained in this overview and letter was available to the Council's Flooding Team and to the Planner at the time of the decision being made.'* This is

concerning as this information was not submitted. I do note however that the majority of the content was conveyed through other supporting documents and correspondence.

**As noted in our covering letter, we maintain that there is no new information contained in the applicants submissions to the LRB. Mr Panton has not quantified his comments with examples, and we feel that he is not as familiar with this site or its history as he has intimated himself to be.**

Regardless, the information submitted still does not address the concerns of the Planning Department. Our main concern is that the land raising required to accommodate this proposal would result in the loss of flood plain storage. The applicant has stated in their appeal that this site is not flood plain storage, however our internal experts and up-to-date computer modelling shows that the site is indeed at risk of flooding.

**It is therefore not a matter of opinion, but a matter of fact that this site is at risk of flooding.**

**Mr Panton states that this site is at risk from flooding.**

**The applicant has never claimed that this site is NOT at risk of flooding, and for Mr Panton to imply this through his use of bold lettering is disingenuous. The applicant, as clearly documented in their submissions, has had first hand experience of the local flood problems, though these were all prior to the Flood Mitigation Schemes, construction of properties and engineering works carried out with the approval of the planning department and SEPA as documented in our appeal material. Indeed the applicants plans & flood report clearly take this fact into account and thus the proposals to raise the base height of the buildings.**

The applicants comments that the Council are using out-of-date material is not accepted.

**We fail to see how the Planner can 'not accept' that the material is not out of date, as he has visited the site and has seen that that is the case. As previously stated, the site is not in a flood plain. The maps referred to and indeed attached to Mr Bissetts responses are not up to date. They clearly show the property prior to the demolition of the neighbouring cottage and the building and re-landscaping of Marloch and Glendale. These maps cannot be considered accurate or up to date. They do not reflect what is actually on the ground nor consequent changes to the potential flood water flow in the area as a whole.**

As the site is at risk of flooding, our second concern is where the water that usually floods this site would go in a severe flooding event, should land raising occur. The applicant has still not effectively demonstrated this. We would need to be satisfied before we support any application, that by granting this proposal, this would not be detrimental to any neighbouring receptor in a flooding event.

**We maintain that this site is not part of the flood plain. Please see Mr Coghlan's comments on the Flood teams Submission, as well as the applicant's comments of the replacement house option, as supported by the Flood Team and the Planner.**

The applicant has made a lot of reference to the existing bund in their appeal. As mentioned within the Report of Handling, this bund was **taken fully into account** when our Flooding Officers assessed the risk of the site. I have no further comment to make on this bund as it has been fully assessed.

**We agree that we have referenced the construction of the Bund on multiple occasions.**

**However, we have never claimed the bund constitutes a formal flood defence but merely that it excludes the current site from the floodplain. The proposed redevelopment of this site would not be dependent on a raised bund but would simply have the whole site raised to above the flood level.**

**Once again the applicant would like to point out that this bund was approved by both SEPA and the PKC Planning and the applicant's comments of the replacement house option, as supported by the Flood Team and the Planner.**

Finally, Policy EP2 – New Development and Flooding, of the Perth & Kinross Local Development Plan 2014, is against land raising within functional flood plains. This proposal involves the raising of land within a functional flood plain and is therefore contrary to policy.

**Please see our comments above and below regarding this position.**

Overall, I am concerned that the submitted information by the applicant and their agents/consultants is not factual and 100% accurate. I have therefore passed this request for further comment to Gavin Bissett, of our Flooding Team, who will provide you with a formal response from our Flooding Team by the 28th August 2017, as requested.

**The applicant has endeavoured to remain professional and dignified throughout the application and review process and feels that this is inappropriate and an unsubstantiated comment.**

**By calling into question the accuracy of the applicants' information Mr. Panton has highlighted what the applicant feels is the disingenuous and unprofessional manner with which this application has been dealt. If he felt that any information submitted was inaccurate or not factual then this should have been addressed at the point that he received it.**

**As it is, he provides no specifics or substance to his claim, and we seriously question his professionalism in thinking that this is an acceptable approach to take, and we question his motivation in making such serious allegations at this time.**

**Dr Coghlan of Millard consulting dismissed Mr. Panton's comments as wholly unfounded, and also spoke of many years of positive co-operative work with the team at PKC Planning, and expressed his disappointment at the allegations made, and the lack of professional conduct by Mr Panton in making them, and indeed throughout our dealings with him.**

**To restate, the applicant has full confidence in the consultants they have working on their behalf, and their consultants in turn are fully confident in the accuracy of all information submitted during the entire application and review process.**

Please note that I am out of the office from this evening until Thursday 14th September 2017. I will be able to respond to any queries upon my return.

I trust the above confirms the stance of the Planning Department and happy to assist you in the future if required.

**END**

