

TCP/11/16(572) – 18/01083/FLL - Erection of 4 dwellinghouses, 2 garages and associated works on land 45 metres south of Hillcrest, Maryburgh, Kelty

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TCP/11/16(572) – 18/01083/FLL - Erection of 4 dwellinghouses, 2 garages and associated works on land 45 metres south of Hillcrest, Maryburgh, Kelty

**PAPERS SUBMITTED
BY THE
APPLICANT**



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100143517-001

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation: Davidson Baxter partnership Limited

Ref. Number:

You must enter a Building Name or Number, or both: *

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1 (Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

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

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *		Building Number:	7
Last Name: *		Address 1 (Street): *	Halleys Court
Company/Organisation	KJJ properties Limited	Address 2:	
Telephone Number: *		Town/City: *	KIRKCALDY
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	KY1 1NZ
Fax Number:			
Email Address: *	info@kjjproperties.co.uk		

Site Address Details

Planning Authority:	Perth and Kinross Council
Full postal address of the site (including postcode where available):	
Address 1:	HILLCREST
Address 2:	MARYBURGH
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	KELTY
Post Code:	KY4 0JE

Please identify/describe the location of the site or sites

Northing	696052	Easting	313677
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Description of Proposal

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

The proposal relates to the Development of the site for 4 Detached residential properties with associated garaging

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

The decision to refuse consent for the proposed development reference - 18/01083/FLL followed extensive dialogue and discussions with the planning authority. A previous refusal relating to 17/02139/FLL a development of 5 Homes. A pre-application enquiry followed -18/00175/PREAPP with recommendations adopted. The application was processed for a refusal. We appeal this decision on our client's behalf.

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

☐ Yes ☒ No

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

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

The supporting documents include the following: - 1. The original Planning permission in principle approval for the site - 15/15/01181/IPL 2. Correspondence and exchange of data with planning in relation to the later Planning refusal document - 17/02139/FLL 3. The pre-application enquiry and supporting information - 18/00175/PREAPP 4. Planning documentation and data leading to the Planning decision 18/01083/FLL 5. LRB Review Body submission including the supporting statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

18/01083/FLL

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

19/06/2018

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

15/08/2018

Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr Stewart Davidson

Declaration Date: 14/11/2018

LOCAL REVIEW BODY SUPPORTING STATEMENT

APPEAL AGAINST REFUSAL 18/01083/FLL
A DEVELOPMENT OF 4 HOUSES
ON LAND 45m SOUTH OF HILLCREST,
MARYBURGH, KELTY, FIFE



CLIENTS

KJJ PROPERTIES LIMITED
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AGENTS

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1.0 INTRODUCTION

The appeal relates to the refusal to grant consent for a residential development of 4 Houses located in Maryburgh. The site lies within a settlement of houses and is presently a vacant site adjacent to a residential property known as Hillcrest.

DBP Architects Ltd act for the applicant – KJJ properties Limited.

This report provides the grounds of Appeal against the decision to refuse planning permission for the erection of 4 site specifically designed detached private houses.

The proposals have been the subject of extensive dialogue with the Planning Authority which followed on from the initial planning approval in 2012 Reference – **12/00817/IPL** which was subsequently renewed and approved in August 2015 for (**Residential Development in principle**).

A subsequent detailed planning application was submitted in 2017 for 5 Houses Reference – **17/02139/FLL** which was subsequently refused consent.

Thereafter amended and updated design information was prepared leading to the submission of a pre-application enquiry. This procedure followed discussions with the planning authority. The purpose of the pre-application enquiry was to agree the suitability / design of a reduced scheme design proposal in advance on making a further full planning application.

On the 16 March 2018 a response to the pre-application enquiry was received from the Local Authority planning office. The main points noted from this referral are noted below: -

- ❖ No adverse concerns were noted concerning the provision of 4 houses, subject to a reduction in scale of 2 of the proposed houses + the increase in amenity provision with increased parking capability.
- ❖ It was noted in the response the general layout was acceptable in principle
- ❖ A request was made for a Noise Impact Assessment at a detailed stage, plus the requirement for developer contributions paid under Policy PM:3 which were subsequently agreed and confirmed on the client's behalf

The layouts and design methodology were designed specifically to comply with Kinross Council's Local Dev Plan 2014 in mind, including Policies PM:1 Placemaking and RD:1 Residential Areas both used and referred to in the design process.

The guidance provided in the Scottish planning Policy guidance 2014 was also used in developing a revised design solution which would comply with planning policy guidance generally.

2.0 BACKGROUND UPDATE

The site has been the subject of a previous planning approval (Residential Development in Principle). The consent was then renewed and approved by the local authority. The relevant background to the application procedures is noted below for information.

The current and updated full planning application follows on from the original renewal of consent for the site reference **15/01181/IPL** dated the [31 August 2015](#). This was a precursor to an earlier full planning application reference – **17/02139/FLL** lodged in November 2017. The full application was subsequently determined and refused consent – the decision notice was dated the [05 February 2018](#).

The decision notice issued in February 2018 cited 6 reasons for refusal (2) of which relates to site drainage and coal mining risk.

These technical matters were dealt with via consultancy appointments and resolved.

The site is bounded by countryside to the west with the M90 lying some 120 metres to the west of the site.

To the north the adjacent residential property known as “Hillcrest” sits serviced off the existing access roadway which also serves this site to the East. To the south there is an open aspect with other residential properties lying to the south-east in a lineal pattern.



The site area identified on the location plan above formed the basis for the Planning permission in principle decision notification.

3.0 REASONS FOR REFUSAL

The application was refused planning permission despite the efforts made by the design team to deal with the design and technical considerations raised by the planning authority through the consultation process. Factors previously noted which required clarification related to a request for a supplementary report in relation to Noise and Drainage technical supporting data. Both matters were attended to by the consultants appointed by the applicant and duly submitted to show full compliance with the relevant guidance. No further information was required, and the matters were agreed with the statutory consultees.

The (2) reasons noted for refusal were: -

“The proposal is contrary to Policy PM:1 Placemaking, of Perth & Kinross Local Development Plan 2014, which requires that all development must contribute positively to the quality of the surrounding built and natural environment and that the design and siting of development should respect the character and amenity of the place. The proposed development by virtue of the layout not reflecting the prevailing character of development, would constitute the overdevelopment of the site. As such, the proposal would not contribute positively to the area and would not respect the character, density or amenity of Maryburgh.”

“The proposal is contrary to Policy RD:1 Residential Areas, of Perth and Kinross Local Development Plan 2014, which requires that all development must not have an adverse impact upon residential amenity. The proposed development does not have sufficient amenity space associated with Plots 3 and 4 for the scale of the proposed dwelling houses and is therefore contrary to the policy as future occupiers will not have suitable amenity space”

The reasons outlined in the refusal notification were only highlighted after a series of consultations wherein the revised design proposals were supported by the planning officer and no other statutory consultees had raised any objection to the design proposals. A significant amount of design development work, which included input from both Charlie Fleming Associates (Noise Report) and McGregor McMahon Associates (Drainage Design proposals) was undertaken and matters agreed. The email correspondence on the application prior to the decision being taken was all positive and the applicants were under the impression the application would be favorably received and an approval for the reduced scheme design would be forthcoming.

❖ **The grounds for appeal are therefore addressed covered in section 4.0 to follow.**

4.0 GROUNDS FOR APPEAL

The development plan in this instance consists of the Perth & Kinross Local Development Plan.

Policy PM:1 Placemaking states that the development has to contribute positively to the surrounding built environment. The design, density and citing require to respect the character of the amenity of the place.

Policy PM1: Placemaking
Policy PM1A Development must contribute positively, to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation. The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.
Policy PM1B All proposals should meet all the following placemaking criteria: (a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings. (b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area. (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours. (d) Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space. (e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport. (f) Buildings and spaces should be designed with future adaptability in mind wherever possible. (g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals. (h) Incorporate green infrastructure into new developments and make connections where possible to green networks.

The proposed scheme has several attributes which we would wish to highlight and reasons the development should be supported: -

- The design for each site is unique and provides a sense of identity to the development with massing heights and positioning thought out to create a small countryside setting. Place making is a comprehensive approach to the design + development of this an other sites, and it is that policy which the applicant is seeking to embrace and adopt.
- The site topography has been respected with the houses to the rear of the site designed as single storey bungalows given the gradient on the site and to ensure the roof lines are consistent within the development, and take due cognizance of the adjacent property
- Finishes and colours have been selected to complement the design aesthetic and create homes which are suited to the environment in the attractive countryside setting
- Green infrastructure is to be incorporated into the scheme with carbon footprint reductions being a component part of the proposed development

Policy RD1: Residential Areas
The Plan identifies areas of residential and compatible uses where existing 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 away from ancillary uses such as employment land, local shops and community facilities will be resisted unless there is demonstrable market evidence that the existing use is no longer viable. Generally encouragement will be given to proposals which fall into one or more of the following categories of development and which are compatible with the amenity and character of the area: (a) Infill residential development at a density which represents the most efficient use of the site while respecting its environs. (b) Improvements to shopping facilities where it can be shown that they would serve local needs of the area. (c) Proposals which will improve the character and environment of the area or village. (d) Business, home working, tourism or leisure activities. (e) Proposals for improvements to community and educational facilities.

Policy RD:1 Residential Areas

Policy RD:1 © applies in this instance and through the design process we would argue that the character of the environment and in this case the village of Maryburgh will be enhanced with the introduction of the proposed development of 4 be-spoke homes. The homes will add value to the area rather than be seen as in some way diminishing the character of the village. The principles of good design have been considered and taken into consideration in this instance. The relationship of the site to the adjacent property has been well thought through both in terms of layouts and topographic considerations evidenced by the supporting design information.

Quality in design

Developments of this type supported by an innovative client / applicant Throughout the design process no mention of policy has been made in the context of a likely refusal. Efforts have been made through the design process to improve the environment and create a small development which will add to the village community and setting.

5.0 DESIGN PROPOSALS AND ANALYSIS

To assist in the determination of the appeal to the Local Review Body.

We have on the applicant's behalf reviewed the process through the various planning referrals and looked at the design changes negotiated and agreed through to the decision stage in relation to 18/01083/FLL.

1. The layout was amended through the consultation process which followed the advice and guidance provided via the pre-application enquiry process which followed the previous refusal of planning permission for 17/02139/FLL.
2. The number of homes proposed onsite was reduced to (4 No) with additional design updates provided in relation to Plots 3 & 4 at the request of the planning office
3. The houses to the rear of the site were re-designed as single storey properties with floor levels to tie in with the existing ground levels and maintain the appropriate height considerations to suit the layout and the grouping.
4. A-Frame upstanding wall head traditionally designed homes are also used whilst incorporating a modern context. The new homes will be served by a site access from the existing access road to the east of the site. The road serves the grouping of homes within the Maryburgh settlement.
5. Amenity provision was increased as a result of the design changes and an acceptable layout was agreed and confirmed through this consultation process

Dealing with matters contained within an exchange of emails which followed the recent decision notice 17/02139/FLL the following confirmations apply.

1. Site Drainage considerations were dealt with by the consulting engineers MMA Dunfermline as part of the last application.
2. Education and affordable Housing referrals were previously dealt with by way of email confirmation by the applicants. Notification of any required contribution was received, and we anticipate that these matters will again be considered as part of the updated referral.

Reviewing the decision notice 17/02139/FLL and taking due consideration of the pre-application enquiry 18/00175/PREAPP we would submit the consultation process has resulted in an acceptable development proposal in compliance with the [Perth & Kinross Local Development Plan 2014](#)

- A. The density and scale of the development has been reduced in addition removing a section of land which fell out with the settlement boundary. The density of the scheme is reduced to 4 Homes. The Policy documents cited as reasons for refusal have been addressed with the current scheme now in accord with the planning in principle approval.
- B. Placemaking has been considered per Policy PM1B and the restriction to site density assists in addressing this point of context and ensuring the character of the site and area is not diluted.
- C. Policy ER6 has been reviewed and the site layout now seeks to retain the visual character of the area and retain the scenic qualities of the landscape which exists. The site development is now restricted to 4 Units and will enhance the local area have a positive impact on the visual amenity and offer residents the opportunity to enjoy the setting.
- D. Policy EP2 has been addressed as part of the consulting engineer's review of Flooding risk. The supporting information previously submitted for the 5 House scheme applies and has been edited to comply with the reduced and restricted 4 Homes design plan.
- E. **Road Traffic Report** – A report has been prepared by Charlie Fleming Associates which addresses the concern raised by the Officer at Perth & Kinross that the sound of road traffic from the M90 may disturb residents within the new development. The findings of the report form part of the updated submission.

Three of the homes will be serviced from the dedicated site entrance and exit, with one property having a direct access to the street. We submit the proposed scheme design will enhance the character of the local environment and enhance the character of the settlement within which the site lies.

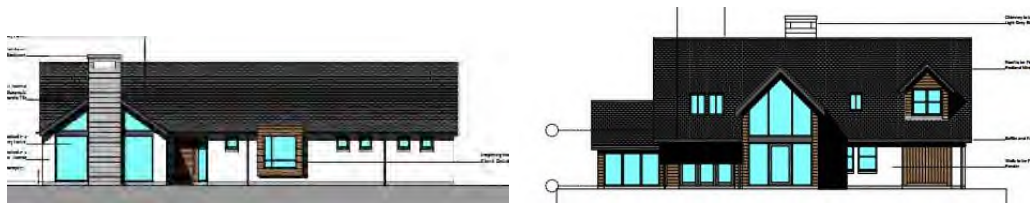
The private nature of the site will also be retained as part of the design solution with the open aspects to and from the site being maintained including the existing landscape, which will continue to be enjoyed by the site residents and make a valuable contribution to the locality.



- The roof lines and levels within the site have been fully considered. The site slopes to the west from the access road, and the properties proposed to the rear of the site are designed as single storey properties (2No).
- The properties designed as face towards the east and towards the access road which represent a cohesive grouping on the approved site
- The style and character of the homes are in keeping with the design brief agreed with our clients, and offer new owners the opportunity to reside in a contemporary energy efficient home constructed to the highest standards
- The revised design proposals relate to the setting providing our clients with a design solution which creates a design conscious solution for the site
- The access road will be a private road given the restricted number of homes being proposed
- The gentle slope to the west boundary (rear) has been considered particularly when setting the new build element. The site levels allow for dual aspect to the family living spaces with no overlooking to the adjoining property.

The house type images which follow this section of text provide an indication of the style and character of the houses which are proposed.

A mix of single storey and one and a half storey properties in a contemporary style whilst reflecting the character of the area with the designs well suited to the environment.



The report is to be read in association with the design drawings and the supporting information which has been uploaded to the e: planning portal as part of the appeal submission.

The data includes matters relating to Site drainage matters which have been fully reviewed by McGregor McMahon Associates.

The Road Traffic Report is also attached prepared by Charlie Fleming Associates – Noise Consultant.

6.0 CONCLUSION

- 6.1 It is clear from the information provided including the design information provided through consultation the decision to refuse the application is questionable. Until a final review was undertaken by the planning officer, there was an intimation provided that the submission would be approved subject to the conditions associated with Education / Affordable Housing Contributions and.
- 6.2 The proposal fully complies with the Perth & Kinross Local Development Plan and the relevant policies which have been cited as reasons for the refusal contained therein. The delegated decision to refuse the application was not made on an evidential basis. Indeed, had the planning officer's views been considered with the full knowledge of the consultation processes which had been gone through and the matter based on evidence, it is contended that the planning officers would have reached a different conclusion. No statutory objections apply to the delegated decision and we would submit the interests of the objector in this case do not out way the benefits which the small development would contribute to the community and the location.
- 6.3 The Planning officer was minded to- approve the planning application which is evidenced in our email correspondence. The imposition of the policy reasons for refusal were dealt with through the consultation process and resolved all the technical and design issues which were raised for reflection and full consideration. We submit the policies are not a reason for recommending refusing of the planning application.
- 6.4 The objections lodged and noted in detail which included non-compliance with the Local plan over-development and placemaking were reasons consistent within each of the objections. Having addressed these matters within the supporting statement we would submit that the proposal is compliant with Local Plan policies and given the extent of the consultation processes gone through and the design changes submitted we submit the application be approved.
- 6.5 It is considered that for the reasons detailed in this statement, we submit the delegated decision to the refuse the planning application had no basis for doing so given the extensive pre-consultation processes which were entered into in this case. It is respectfully requested that the appeal should be upheld.

APPENDICES

- Document 1** Decision Notice – 15/01181/IPL Approval of Planning permission in principle for the development site dated the 31 August 2015 and subsequently renewed
- Document 2** Decision Notice 17/02139/FLL Refusal of Planning Application for 5 Houses dated the 05 February 2018
- Document 3** Pre-Application Enquiry Document following the refusal notification – 18/00175/PREAPP
- Document 4** Response from Perth & Kinross Council to Pre-application submission – 16 March 2018
- Document 5** Planning Application submission 18/01083/FLL dated the 19 June 2018
- Document 6** Acknowledgement of Planning Application – Perth & Kinross Council dated the 26 June 2018
- Document 7** Email dated the 11 July 2018 to PKC concerning the Contribution Requirements and the Drainage Information status
- Document 8** Road Traffic Sound Report (Charlie Fleming Associates)
- Document 9** McGregor McMahon Associates – Drainage Technical submissions
- Document 10** Email dated the 09 August 2018 to PKC concerning the referral for approval which was subsequently amended to a refusal after internal consultation
- Document 11** Copy of the Decision Notice from PKC – 18/01083/FLL received on the 15 August 2018

NOTE: The supporting documents have been down loaded to the e: planning portal along with the design drawing information which formed the basis for the planning application.

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FIFE
KY1 2BD



PERTH AND KINROSS COUNCIL

FILE COPY

Mr Keith Brown
c/o Alan Baxter
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Pullar House
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PERTH
PH1 5GD

Date 31 August 2015

Town and Country Planning (Scotland) Acts.

Application Number **15/01181/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 10th July 2015 for planning permission for **Renewal of existing permission 12/00817/IPL (residential development in principle) at Land North Of Maryburgh Maryburgh** subject to the undernoted conditions.

Development Quality Manager

Conditions referred to above

- 1 The development shall not commence until the following matters have been approved by the Planning Authority:

The siting, design and external appearance of the development, the landscaping of the site, all means of enclosure, surface and foul water drainage, the car parking and means of access to the site.

Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

- 2 The proposal must comply fully with the requirements of the Council's approved Developer Contributions (2014) supplementary guidance in relation to Education, or any subsequent policy or guidance, which relates specifically with developer contributions for Education provision.

Reason - In the interests of reviewing educational capacity at an appropriate stage; and in full accordance with the Council adopted Developer Contributions Guidance.

- 3 The development shall be in accordance with the Council's Affordable Housing Supplementary Guidance August 2014 or any subsequent policy or guidance, which relates specifically with the provision of affordable housing.

Reason - To comply with the Council's approved policy on affordable housing.

- 4 Development shall not begin until a Noise Impact Assessment has been carried out by a suitably qualified consultant and submitted for the approval of the Planning Authority.

Reason - In order to identify any mitigation measures required to ensure a suitable level of residential amenity.

- 5 Prior to the commencement of the development appropriate intrusive site investigation works shall be undertaken by a suitably qualified consultant. In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings to ensure the safety and stability of the proposed development, these works must be undertaken prior to commencement of the development.

Reason - In order to ensure the safety and stability of the proposed development in an area known to be at risk to coal mining features and hazards

- 6 The indicative layout and proposed number of units is not approved by this consent.

Reason - This applicant is in principle and for the avoidance of doubt.

- 7 Prior to commencement of site works, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways / private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The approved protective or replacement measures shall be put in place before the site works commence and shall be so maintained throughout the period of construction.

Reason - To ensure the new development has an adequate and consistently wholesome supply of water and/ or to maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance.

- 8 Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;

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

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

Reason - In order to deal with any potential contamination of the site as a result of its former use.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

- 1 Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
- 2 The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development

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

Plan and Document Reference

12/00817/FLL/1

12/00817/FLL/2

FILE COPY

PERTH AND KINROSS COUNCIL

KJJ Properties Limited
c/o Davidson Baxter Partnership Ltd
Alan Baxter
108 St Clair Street
Kirkcaldy
KY1 2BD

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 5th February 2018

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/02139/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 20th December 2017 for permission for **Erection of 5no. dwellinghouses and associated works Land 45 Metres South Of Hillcrest Maryburgh Kelty** for the reasons undernoted.

Interim Development Quality Manager

Reasons for Refusal

1. The density and scale of the development is considered to be the overdevelopment of the site which will have a negative impact upon the character and setting of Maryburgh. As such, the proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014.
2. The proposal is contrary to Policy PM4 - Settlement Boundaries, of the Perth & Kinross Local Development Plan 2014, as the development extends beyond the boundaries of the Maryburgh settlement.
3. No information has been submitted in respect of Coal Mining and thus there is insufficient information to determine the potential risk of the site, particularly in relation to the extended area from the previous applications.
4. The proposal is contrary to Policy PM1B - Placemaking, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the density of the development would erode and dilute the areas landscape character.

5. The proposal is contrary to Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes, of the Perth and Kinross Local Development Plan 2014, as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience through the density and visual impact of the proposal.
6. The proposal is contrary to Policy EP2 - New Development and Flooding, of the Perth & Kinross Local Development Plan 2014, as insufficient information has been submitted in respect of the drainage of the site which may result in the flooding of the site or nearby area.

Justification

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

Notes

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

Plan Reference

17/02139/1

17/02139/2

17/02139/3

17/02139/4

17/02139/5

17/02139/6

17/02139/7

17/02139/8

17/02139/9

17/02139/10

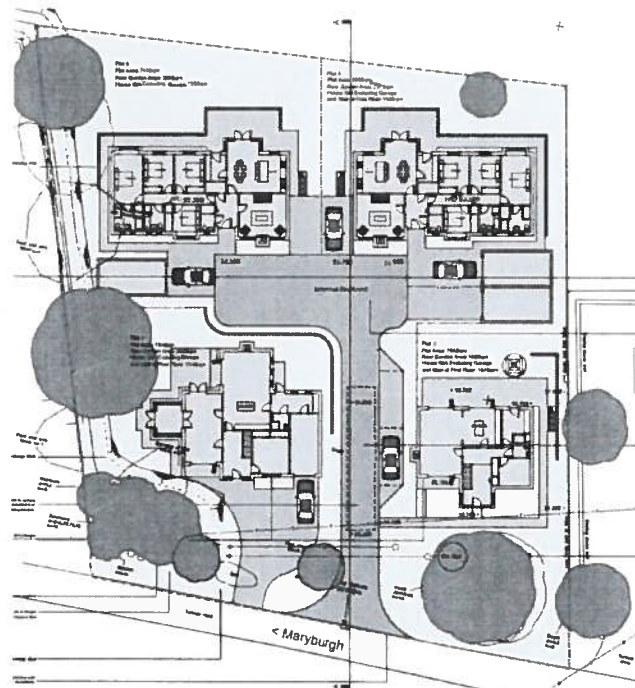
17/02139/11

17/02139/12

FILE COPY

**PRE-APPLICATION ENQUIRY
SUPPORTING STATEMENT**

PROPOSED DEVELOPMENT OF 4 HOUSES
ON LAND 45m SOUTH OF HILLCREST,
MARYBURGH, KELTY, FIFE



CLIENTS
KJ PROPERTIES LIMITED
7 HALLEYS COURT
KIRKCALDY KY1 1NZ

ARCHITECTS
DAVIDSON BAXTER PARTNERSHIP LTD
108 ST CLAIR STREET
KIRKCALDY
FIFE KY1 2BD



1.0 SITE ANALYSIS + HISTORICAL CONTEXT

The amended design submission and proposals follow on from the previous planning submission, and the earlier pre-application enquiry.

The site lies within a settlement of houses and is presently a vacant site which lies next to a residential property known as Hillcrest.

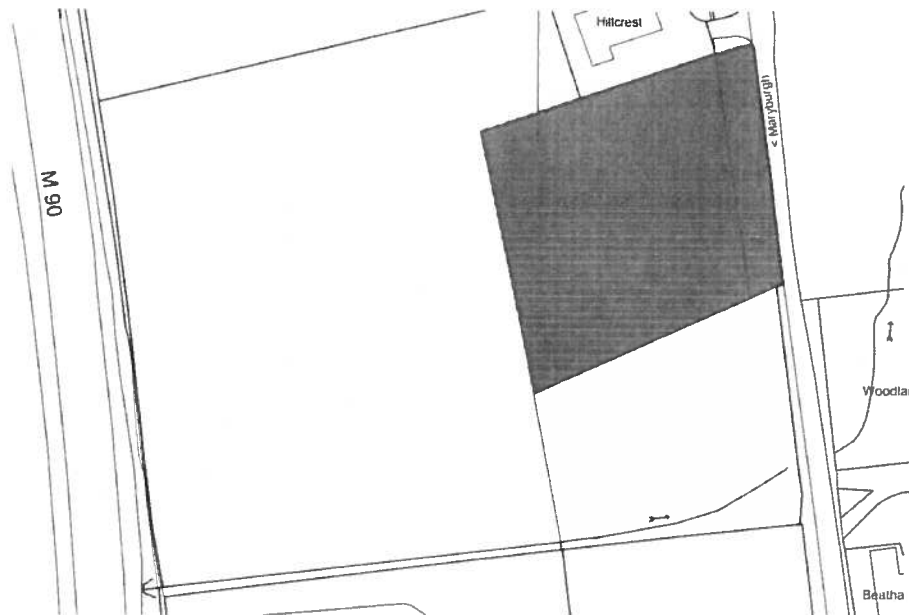
The site has been the subject of a previous planning approval (Residential Development in Principle). The consent was then renewed and approved. The relevant background to the application procedures is noted below for information.

The current and updated full planning application follows on from the original renewal of consent for the site reference **15/01181/IPL** dated the 31 August 2015. This was a precursor to an earlier full planning application reference – **17/02139/FLL** lodged in November 2017. The full application was subsequently determined and refused consent – the decision notice was dated the 05 February 2018.

The decision notice issued in February 2018 cited 6 reasons for refusal (2) of which relates to site drainage and coal mining risk.

These technical matters were in the process of being resolved and within this current submission the matters have been dealt with. The site is bounded by countryside to the west with the M90 lying some 120 metres to the west of the site.

To the north the adjacent residential property known as “Hillcrest” sits serviced off the existing access roadway which also serves this site to the East. To the south there is an open aspect with other residential properties lying to the south-east in a lineal pattern.



The site area identified on the location plan above formed the basis for the Planning permission in principle decision notification

The current application retains the site area as approved previously with design amendments having been made to the previous full planning application which received a refusal decision.

The variations from the previous submission are noted in the design section of the supporting statement.

2.0 SITE INFRASTRUCTURE APPRAISAL

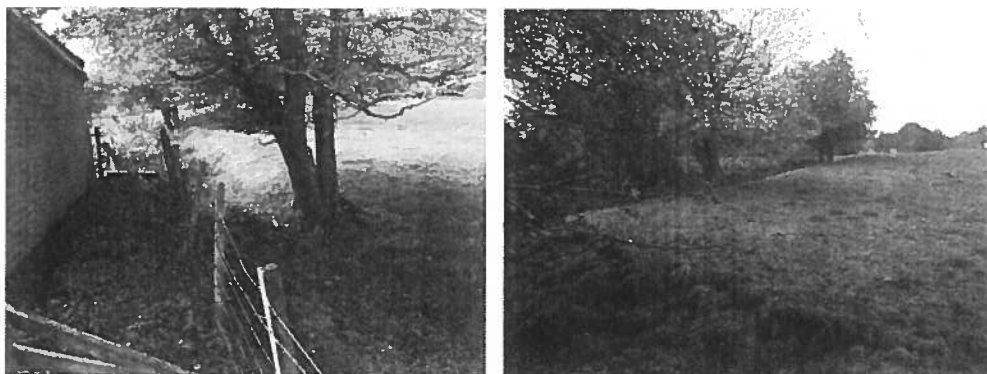
The applicants propose to construct 4 new build homes on the site all individually designed having considered the appropriate criteria for the site including taking due cognizance of the sun-path data and orientation of the site to minimize the impact on any adjoining properties.

The houses are designed as single storey with floor levels to tie in with the existing ground levels and maintain the appropriate height considerations to suit the layout and the grouping.

A-Frame upstanding wall head traditionally designed homes are also used whilst incorporating a modern context. The new homes will be served by a site access from the existing access road to the east of the site. The road serves the grouping of homes within the Maryburgh settlement.



Photograph illustrating the Access road looking South



Site Photographs – View along Southern Boundary and view looking South-West

Consideration of the previous advice provided has been helpful in preparing the revised submission. The project addresses various matters which were previously considered, and design amendments have been made to address any concerns.

Dealing with matters contained within an exchange of emails which followed the recent decision notice 17/02139/FLL the following confirmations apply.

1. Site Drainage considerations were dealt with by the consulting engineers MMA Dunfermline as part of the last application. However, noted that the data was not fully considered given the notification period had lapsed. The site is the subject of a full review and the reduction in site density to 4 Homes is reflected within the updated drainage analysis.
2. Education and affordable Housing referrals were previously dealt with by way of email confirmation by the applicants. Notification of any required contribution was received, and we anticipate that these matters will again be considered as part of the updated referral.

Reviewing the decision notice 17/02139/FLL and specifically the reasons for the refusal, the following statements apply to the current submission.

- A. The density and scale of the development has been reduced from the previous submission removing a section of land which fell out with the settlement boundary. The density is now restricted to 4 Homes rather than the previous scheme which consisted of 5 Houses. The Policy cited namely – PM1B has therefore been addressed with the current scheme now in accord with the planning in principle previously approved.
- B. Policy PM4 has been complied with given the site area is restricted to the previously approved in principle decision as stated in A above.
- C. **Coal Mining site data** – A **Hydracrat** report was submitted with a previous application with the “In principle” approved application **12/00817/IPL**. The Coal Authority concurred with the finding and conclusions of this report. MMA have reviewed the data and have accepted that subject to site investigation data foundations will be designed to ensure the safety and stability of the proposed development. The findings are again submitted as part of the full planning application.
- D. Placemaking has been considered per Policy PM1B and the restriction to site density assists in addressing this point of context and ensuring the character of the site and area is not diluted.
- E. Policy ER6 has been reviewed and the site layout now seeks to retain the visual character of the area and retain the scenic qualities of the landscape which exists. The site development is now restricted to 4 Units and will enhance the local area have a positive impact on the visual amenity and offer residents the opportunity to enjoy the setting.
- F. Policy EP2 has been addressed as part of the consulting engineer’s review of Flooding risk. The supporting information previously submitted for the 5 House scheme applies and has been edited to comply with the reduced and restricted 4 Homes design plan.
- G. **Road Traffic Report** – A report has been prepared by Charlie Fleming Associates which addresses the concern raised by the Officer at Perth & Kinross that the sound of road traffic from the M90 may disturb residents within the new development. The findings of the report form part of the updated submission.

Three of the homes will be serviced from the dedicated site entrance and exit, with one property having a direct access to the street.

As with our previous submissions it is intended that the proposed scheme design will enhance the character of the local environment and enhance the character of the settlement within which the site lies.

The private nature of the site will also be retained as part of the design solution.

The open aspects to and from the site are maintained including the existing landscape, which will continue to be enjoyed by the site residents and make a valuable contribution to the locality.

3.0 DESIGN + LAYOUT

The design proposals which are included within the revised submission have addressed we feel the matters which were considered to have a negative impact on the application.

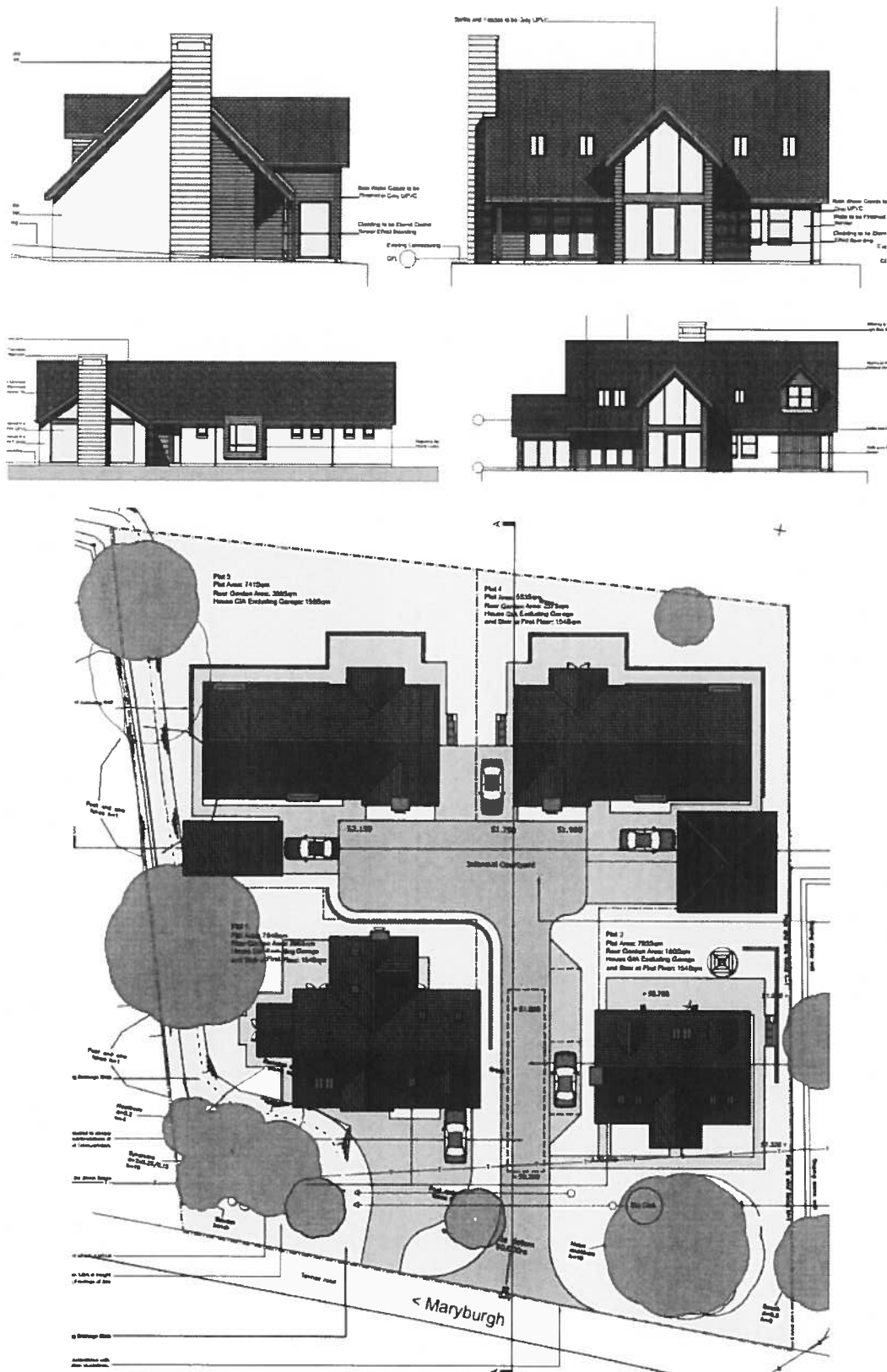
The design considerations have led to the preparation of this updated planning submission and the key design considerations from an Architectural perspective are noted;



- The roof lines and levels within the site have been fully considered. The site slopes to the west from the access road, and the properties proposed to the rear of the site are designed as single storey properties (2No).
- The properties designed as face towards the east and towards the access road which represent a cohesive grouping on the approved site
- The style and character of the homes are in keeping with the design brief agreed with our clients, and offer new owners the opportunity to reside in a contemporary energy efficient home constructed to the highest standards
- The revised design proposals relate to the setting providing our clients with a design solution which creates a design conscious solution for the site
- The access road will be a private road given the restricted number of homes being proposed
- The gentle slope to the west boundary (rear) has been considered particularly when setting the new build element. The site levels allow for dual aspect to the family living spaces with no over-looking to the adjoining property.

The house type images which follow this section of text provide an indication of the style and character of the houses which are proposed.

A mix of single storey and one and a half storey properties in a contemporary style with a modern edge, and an energy conscious technical basis.



The roof plan above assists in illustrating the scheme design proposals in context

4.0 REPORT SUMMARY

The report is to be read in association with the updated design and supporting information.

The data includes matters relating to Coal Mining and Site drainage matters which have been fully reviewed by McGregor McMahon Associates. The Road Traffic Report is also attached prepared by Charlie Fleming Associates – Noise Consultant.

The site is proposed for new build development as private homes for sale within the designated development zone previously approved in principle by Perth & Kinross Council. The density for the development has been reduced in-line with the guidance provided which follows on from the previous planning application which had 5 homes.

The supporting technical data relating to Noise, Land Stability + Site Drainage all support the proposals for the development of the site. The applicants have accepted that if Education and or Affordable Housing contributions are sought these will be reviewed at the appropriate stage of the referral.

A satisfactory and favorable recommendation / approval is therefore sought for the design proposals which form the basis for the revised and updated planning application.

Davidson Baxter Partnership Ltd
108 St. Clair Street
Kirkcaldy
FIFE
KY1 2BD



Stewart Davidson

From: Richard McWilliams <richard@dbparchitects.co.uk>
Sent: 16 March 2018 12:40
To: 'Stewart Davidson'
Subject: FW: 18/00175/PREAPP
Attachments: Maryburgh Decision.pdf

FILE COPY

Email from Sean Panton with attached Outline Planning Consent from 2015.

Regards,

Richard McWilliams.



Davidson Baxter Partnership Ltd

Davidson Baxter Partnership Ltd

T: 01592 205761

F: 01592 642211



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If you have received this communication in error please notify us immediately by e-mail or by telephone @ +44(0)1592 205761

From: Sean Panton [REDACTED]
Sent: 16 March 2018 11:27
To: 'Richard McWilliams'
Subject: 18/00175/PREAPP

Dear Mr McWilliams,

Pre-application enquiry: Erection of 4no. dwellinghouses on land 45metres South of Hillcrest, Maryburgh (18/00175/PREAPP).

I refer to your pre-application enquiry regarding the above proposal and write to you from the Planning Department of Perth & Kinross Council.

Any proposal such as this would be assessed against Council policies and Scottish Government legislation. Of particular relevance is TAYplan 2016 and Perth and Kinross Council's Local Development Plan 2014. The most relevant policies of this Local Development Plan are Policies PM1: Placemaking and RD1: Residential Areas.

The Development Plan can be viewed online:

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

Other policies or documents which will be applicable include:

- The Placemaking guide and Scottish Planning Policy 2014.

Comment on proposal

I note that you have reduced the scheme from 5 proposed dwellinghouses to 4 proposed dwellinghouses, whilst also altering the site boundaries to be consistent with the site boundaries as per the in principle consent (15/01181/IPL) which was granted. This is looked upon favourably from the Planning Authority. Please note that this in principle consent expires on the 31st August 2018. I would therefore suggest that you submit any application prior to this date as the in principle consent extends further than the settlement boundary. It is unlikely that this in principle consent would be supported should it seek to be renewed as it would be contrary to the adopted Local Development Plan and Proposed Local Development Plan.

As the new site boundaries proposed benefit from consent in principle, attention now turns towards the detailing of the application. Whilst I have no adverse concerns with the provision of 4 units on this site, I would suggest that the 2 dwellinghouses proposed furthest from the road are reduced in scale to provide more amenity space. I have also shown your indicative drawings to my colleagues in Transport Planning who would like to see more adequate parking and turning facilities for these said 2 plots with the provision of at least 1 visitor space within the development. Otherwise, the general arrangement is acceptable in principle.

I would also like to draw your attention to the decision notice for the in principle consent, which I have attached to this response for your reference. Condition 4 requires a Noise Impact Assessment to be submitted, this **must** be submitted **with** the application or we will not be in a position to recommend the application for approval.

The proposed development will also be liable for developer contributions to be paid under Policy PM3: Infrastructure Contributions. I would suggest that you inform your client of this in the **earliest instance** to ensure that they are in a financial position to support the development. A copy of the Developer Contributions Guidance can be obtained from the following link:

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

Limitations of This Advice

It is only by submitting a formal application that a measured and comprehensive response to a proposed development can be given as quickly as resources permit. A formal application involves considering a proposal in terms of the Development Plan and the Council's policies on the basis of detailed plans and any further information and justification which is considered necessary. Formal assessment will also involve visiting the site and the surrounding area; researching the planning history of the site and the surrounding area; carrying out any necessary consultations; and taking account of any comments received from notified neighbours and the wider public.

You should note that I have not necessarily identified all the policies or material considerations which might influence the determination of any planning application. The Council would not in any event be bound by such advice in the event that you submit a planning application.

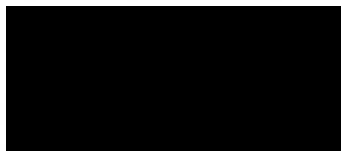
I trust that this response has been of some assistance to you.

Kind Regards,

Sean Panton,
Development Management,
Planning & Development,
Perth & Kinross Council,

Pullar House,
35 Kinnoull Street,
PERTH,
PH1 5GD.

Comhairle Pheairt is Cheann Rois



From: Richard McWilliams [<mailto:richard@dbparchitects.co.uk>]

Sent: 14 March 2018 13:17

To: Sean Panton

Subject: 17-02139-FLL Maryburgh

Dear Sean,

Follow the refusal of the above application our client wishes to re-apply with a 'free - go' . The revised application will have less units and will utilise only the area of ground that is included in the out-line planning approval for the site. I have indicated the proposed site boundary on the enclosed plan.

Would you be able to confirm if this site boundary is acceptable?

I have also shown an indicative layout for your initial comment

Could you provide us with some pre-application advice prior to us re-submitting a detailed planning application?

Should you have any queries please do not hesitate to call.

Regards,

Richard McWilliams.



chartered architects
and planning
interior designers

Davidson Baxter Partnership Ltd

T: 01592 205761

F: 01592 642211



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Requests to Perth & Kinross Council under the Freedom of Information (Scotland) Act should be directed to the Freedom of Information Team - email: foi@pkc.gov.uk

General enquiries to Perth & Kinross Council should be made to enquiries@pkc.gov.uk or 01738 475000.

General enquiries and requests under the Freedom of Information (Scotland) Act to Culture Perth and Kinross should be made to enquiries@culturepk.org.uk or 01738 444949

General enquiries to TACTRAN should be made to info@tactran.gov.uk or 01738 475775.

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15 AUG 2018

PERTH AND KINROSS COUNCIL

KJJ Properties Limited
c/o Davidson Baxter Partnership Limited
Stewart Davidson
108 St Clair Street
Kirkcaldy
KY1 2BD

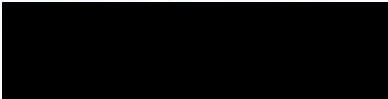
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 10th August 2018

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **18/01083/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 22nd June 2018 for permission for **Erection of 4no. dwellinghouses, 2no. garages and associated works Land 45 Metres South Of Hillcrest Maryburgh Kelty** for the reasons undernoted.


ff

Interim Development Quality Manager

Reasons for Refusal

- 1 The proposal is contrary to Policy PM1: Placemaking, of the Perth and Kinross Local Development Plan 2014, which requires that all development must contribute positively to the quality of the surrounding built and natural environment and that the design and siting of development should respect the character and amenity of the place. The proposed development, by virtue of the layout not reflecting the prevailing character of development, would constitute the overdevelopment of the site. As such, the proposal would not contribute positively to the area and would not respect the character, density or amenity of Maryburgh.

2. The proposal is contrary to Policy RD1: Residential Areas, of the Perth and Kinross Local Development Plan 2014, which requires that all development must not have an adverse impact upon residential amenity. The proposed development does not have sufficient amenity space associated with plots 3 and 4 for the scale of the proposed dwellinghouses and is therefore contrary to the policy as future occupiers will not have suitable amenity space.

Justification

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

Notes

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

Plan Reference

18/01083/1	18/01083/13
18/01083/2	18/01083/14
18/01083/3	18/01083/15
18/01083/4	18/01083/16
18/01083/5	18/01083/17
18/01083/6	18/01083/18
18/01083/7	18/01083/19
18/01083/8	18/01083/20
18/01083/9	18/01083/21
18/01083/10	18/01083/22
18/01083/11	18/01083/23
18/01083/12	



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100125365-001

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)

The proposal relates to the development of a site zoned for housing. Proposed construction of 4 No Private residences with associated works including garaging and parking facilities

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:	Davidson Baxter partnership Limited		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Stewart	Building Name:	
Last Name: *	Davidson	Building Number:	108
Telephone Number: *	01592205761	Address 1 (Street): *	St Clair Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Kirkcaldy
Fax Number:		Country: *	UK
		Postcode: *	KY1 2BD
Email Address: *	stewart@dbparchitects.co.uk		

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

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *		Building Number:	7
Last Name: *		Address 1 (Street): *	Halleys Court
Company/Organisation	KJJ Properties Limited	Address 2:	
Telephone Number: *		Town/City: *	Kirkcaldy
Extension Number:		Country: *	UK
Mobile Number:	07787434347	Postcode: *	KY1 1NZ
Fax Number:			
Email Address: *	info@kjjproperties.co.uk		

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

Northing

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)

The Planning application previously lodged was determined for refusal. Subsequent discussions identified the matters which required to be resolved with a view to submitting a revised planning application. This application has been updated in accordance with the advice received.

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:

3142.00

Please state the measurement type used:

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

Existing Use

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

The site is used as a grazing pasture at present whilst the site is zoned for residential development

Access and Parking

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

13

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

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

☒ Yes ☐ No

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

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

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

- ☒ New/Altered septic tank.
☐ Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
☐ Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? *

- ☐ Discharge to land via soakaway.
☒ Discharge to watercourse(s) (including partial soakaway)

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

The site drainage assessment has been the subject of a detailed study and design submission prepared by the consulting engineers. McGregor McMahon Associates, Dunfermline.

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

☒ Yes ☐ No

Note:-

Please include details of SUDS arrangements on your plans

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

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

☒ Yes

☐ No, using a private water supply

☐ No connection required

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

Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

Trees

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

☐ Yes ☒ No

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

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

☒ Yes ☐ No

If Yes or No, please provide further details: * (Max 500 characters)

Domestic Re-cycling Bins to be utilised to all sites with Council collections

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☒ Yes ☐ No

How many units do you propose in total? *	4
Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.	
All Types of Non Housing Development – Proposed New Floorspace	
Does your proposal alter or create non-residential floorspace? * ☐ Yes ☒ No 	
Schedule 3 Development	
Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * ☐ Yes ☒ No ☐ Don't Know 	
If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.	
If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.	
Planning Service Employee/Elected Member Interest	
Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * ☐ Yes ☒ No 	
Certificates and Notices	
CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013	
One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.	
Are you/the applicant the sole owner of ALL the land? * ☒ Yes ☐ No 	
Is any of the land part of an agricultural holding? * ☐ Yes ☒ No 	
Certificate Required	
The following Land Ownership Certificate is required to complete this section of the proposal:	
Certificate A	

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Stewart Davidson

On behalf of: KJJ Properties Limited

Date: 18/06/2018

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

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

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Stewart Davidson

Declaration Date: 19/06/2018

FULL PLANNING APPLICATION SUPPORTING STATEMENT

PROPOSED DEVELOPMENT OF 4 HOUSES
ON LAND 45m SOUTH OF HILLCREST,
MARYBURGH, KELTY, FIFE



CLIENTS

KJJ PROPERTIES LIMITED
7 HALLEYS COURT
KIRKCALDY KY1 1NZ

ARCHITECTS

DAVIDSON BAXTER PARTNERSHIP LTD
108 ST CLAIR STREET
KIRKCALDY
FIFE KY1 2BD



1.0 SITE ANALYSIS + HISTORICAL CONTEXT

The amended design submission and proposals follow on from the previous planning submission, and the earlier pre-application enquiry.

The site lies within a settlement of houses and is presently a vacant site which lies next to a residential property known as Hillcrest.

The site has been the subject of a previous planning approval (Residential Development in Principle). The consent was then renewed and approved. The relevant background to the application procedures is noted below for information.

The current and updated full planning application follows on from the original renewal of consent for the site reference **15/01181/IPL** dated the [31 August 2015](#). This was a precursor to an earlier full planning application reference – **17/02139/FLL** lodged in November 2017. The full application was subsequently determined and refused consent – the decision notice was dated the [05 February 2018](#).

The decision notice issued in February 2018 cited 6 reasons for refusal (2) of which relates to site drainage and coal mining risk.

These technical matters were in the process of being resolved and within this current submission the matters have been dealt with. The site is bounded by countryside to the west with the M90 lying some 120 metres to the west of the site.

To the north the adjacent residential property known as “Hillcrest” sits serviced off the existing access roadway which also serves this site to the East. To the south there is an open aspect with other residential properties lying to the south-east in a lineal pattern.



The site area identified on the location plan above formed the basis for the Planning permission in principle decision notification

The current application retains the site area as approved previously with design amendments having been made to the previous full planning application which received a refusal decision.

The variations from the previous submission are noted in the design section of the supporting statement.

2.0 SITE INFRASTRUCTURE APPRAISAL

The applicants propose to construct 4 new build homes on the site all individually designed having considered the appropriate criteria for the site including taking due cognizance of the sun-path data and orientation of the site to minimize the impact on any adjoining properties.

The houses are designed as single storey with floor levels to tie in with the existing ground levels and maintain the appropriate height considerations to suit the layout and the grouping.
A-Frame upstanding wall head traditionally designed homes are also used whilst incorporating a modern context. The new homes will be served by a site access from the existing access road to the east of the site. The road serves the grouping of homes within the Maryburgh settlement.



Photograph illustrating the Access road looking South



Site Photographs – View along Southern Boundary and view looking South-West

Consideration of the previous advice provided has been helpful in preparing the revised submission. The project addresses various matters which were previously considered, and design amendments have been made to address any concerns.

Dealing with matters contained within an exchange of emails which followed the recent decision notice 17/02139/FLL the following confirmations apply.

1. Site Drainage considerations were dealt with by the consulting engineers MMA Dunfermline as part of the last application. However, noted that the data was not fully considered given the notification period had lapsed. The site is the subject of a full review and the reduction in site density to 4 Homes is reflected within the updated drainage analysis.
2. Education and affordable Housing referrals were previously dealt with by way of email confirmation by the applicants. Notification of any required contribution was received, and we anticipate that these matters will again be considered as part of the updated referral.

Reviewing the decision notice 17/02139/FLL and specifically the reasons for the refusal, the following statements apply to the current submission.

- A. The density and scale of the development has been reduced from the previous submission removing a section of land which fell out with the settlement boundary. The density is now restricted to 4 Homes rather than the previous scheme which consisted of 5 Houses. The Policy cited namely – PM1B has therefore been addressed with the current scheme now in accord with the planning in principle previously approved.
- B. Policy PM4 has been complied with given the site area is restricted to the previously approved in principle decision as stated in A above.
- C. **Coal Mining site data – A Hydracrat** report was submitted with a previous application with the “In principle” approved application **12/00817/IPL**. The Coal Authority concurred with the finding and conclusions of this report. MMA have reviewed the data and have accepted that subject to site investigation data foundations will be designed to ensure the safety and stability of the proposed development. The findings are again submitted as part of the full planning application.
- D. Placemaking has been considered per Policy PM1B and the restriction to site density assists in addressing this point of context and ensuring the character of the site and area is not diluted.
- E. Policy ER6 has been reviewed and the site layout now seeks to retain the visual character of the area and retain the scenic qualities of the landscape which exists. The site development is now restricted to 4 Units and will enhance the local area have a positive impact on the visual amenity and offer residents the opportunity to enjoy the setting.
- F. Policy EP2 has been addressed as part of the consulting engineer’s review of Flooding risk. The supporting information previously submitted for the 5 House scheme applies and has been edited to comply with the reduced and restricted 4 Homes design plan.
- G. **Road Traffic Report** – A report has been prepared by Charlie Fleming Associates which addresses the concern raised by the Officer at Perth & Kinross that the sound of road traffic from the M90 may disturb residents within the new development. The findings of the report form part of the updated submission.

Three of the homes will be serviced from the dedicated site entrance and exit, with one property having a direct access to the street.

As with our previous submissions it is intended that the proposed scheme design will enhance the character of the local environment and enhance the character of the settlement within which the site lies.

The private nature of the site will also be retained as part of the design solution.

The open aspects to and from the site are maintained including the existing landscape, which will continue to be enjoyed by the site residents and make a valuable contribution to the locality.

3.0 DESIGN + LAYOUT

The design proposals which are included within the revised submission have addressed we feel the matters which were considered to have a negative impact on the application.

The design considerations have led to the preparation of this updated planning submission and the key design considerations from an Architectural perspective are noted;



- The roof lines and levels within the site have been fully considered. The site slopes to the west from the access road, and the properties proposed to the rear of the site are designed as single storey properties (2No).
- The properties designed as face towards the east and towards the access road which represent a cohesive grouping on the approved site
- The style and character of the homes are in keeping with the design brief agreed with our clients, and offer new owners the opportunity to reside in a contemporary energy efficient home constructed to the highest standards
- The revised design proposals relate to the setting providing our clients with a design solution which creates a design conscious solution for the site
- The access road will be a private road given the restricted number of homes being proposed
- The gentle slope to the west boundary (rear) has been considered particularly when setting the new build element. The site levels allow for dual aspect to the family living spaces with no over-looking to the adjoining property.

The house type images which follow this section of text provide an indication of the style and character of the houses which are proposed.

A mix of single storey and one and a half storey properties in a contemporary style with a modern edge, and an energy conscious technical basis.



The roof plan above assists in illustrating the scheme design proposals in context

4.0 REPORT SUMMARY

The report is to be read in association with the updated design and supporting information.

The data includes matters relating to Coal Mining and Site drainage matters which have been fully reviewed by McGregor McMahon Associates. The Road Traffic Report is also attached prepared by Charlie Fleming Associates – Noise Consultant.

The site is proposed for new build development as private homes for sale within the designated development zone previously approved in principle by Perth & Kinross Council. The density for the development has been reduced in-line with the guidance provided which follows on from the previous planning application which had 5 homes.

The supporting technical data relating to Noise, Land Stability + Site Drainage all support the proposals for the development of the site. The applicants have accepted that if Education and or Affordable Housing contributions are sought these will be reviewed at the appropriate stage of the referral.

A satisfactory and favorable recommendation / approval is therefore sought for the design proposals which form the basis for the revised and updated planning application.

Davidson Baxter Partnership Ltd

108 St. Clair Street

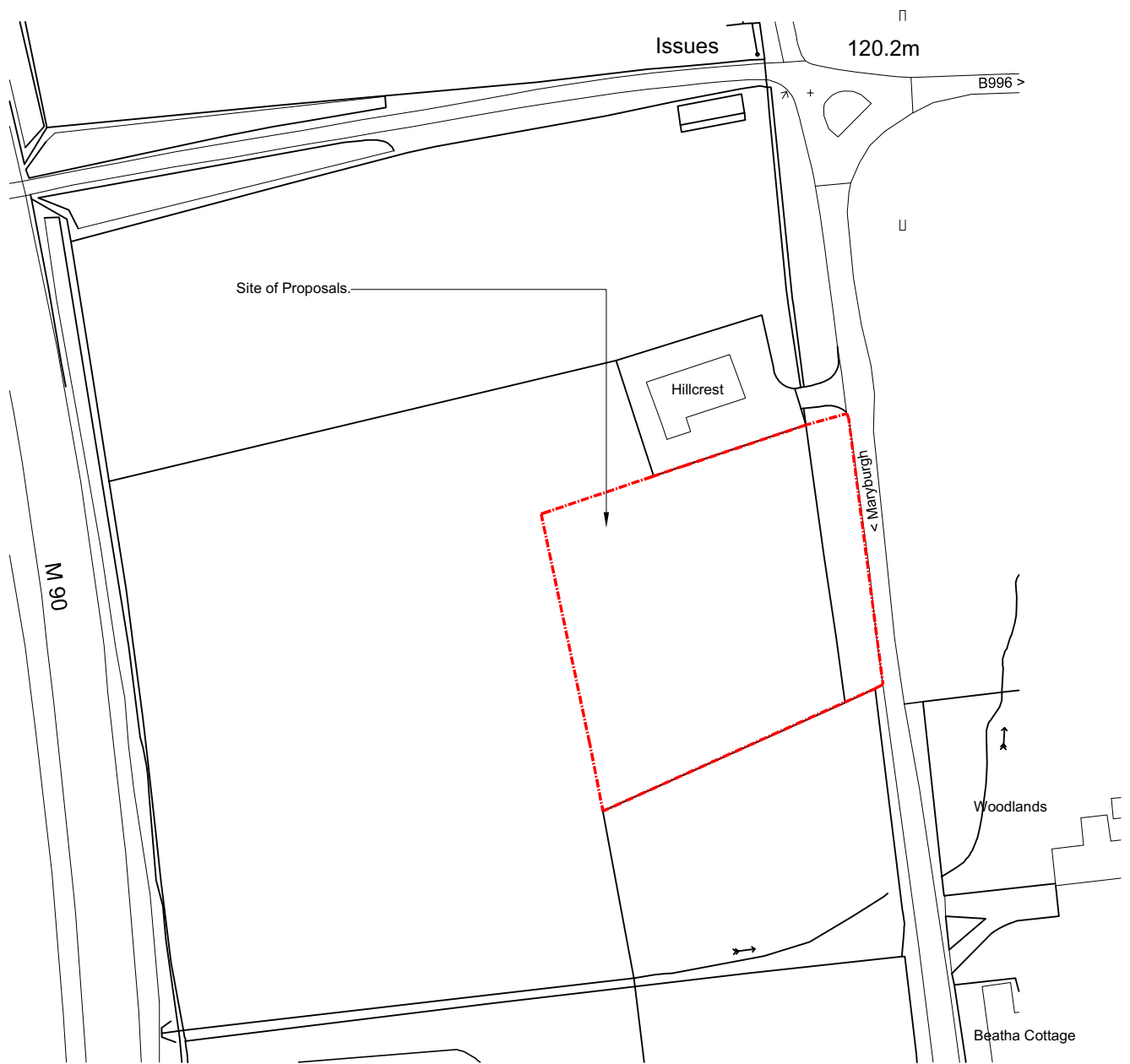
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FIFE

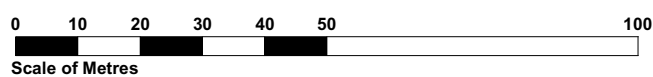
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LOCATION PLAN - SCALE 1:1250



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Rev B: Boundary Updated. (May 2018).
Rev A: Directional Arrows Added. (Dec 2017).



Project	PROPOSED HOUSING DEVELOPMENT @ MARYBURGH		
Client	KJJ PROPERTIES LTD	Scale	1:1250 @ A4
Title	LOCATION PLAN	Drawn By	RMCW
Project No.	H 972	Drg No.	PL 001 - B
Davidson Baxter Partnership. 108 St Clair Street, Kirkcaldy, Fife. KY1 2BD. t: (01592) 205761.		Date	JUNE 2017

A diagram of a circular wire loop with a compass needle. The needle is labeled 'N' at its tip and 'S' at its base. The needle is positioned vertically, pointing towards the top of the loop. The loop has four points labeled 'W', 'E', 'S', and 'N' around its circumference. The 'N' label is at the top, 'S' at the bottom, 'W' on the left, and 'E' on the right. The needle is positioned such that its 'N' tip is near the 'N' label on the loop.



Rev B: Boundary Updated. (May 2018).
Rev A: Existing Drainage Ditch Highlighted. (Dec 2017).

Project	PROPOSED HOUSING DEVELOPMENT @ MARYBURGH	
Client	KJJ PROPERTIES LTD	Scale
Project No.	EXISTING SITE PLAN	Drawn By
H 9722	H 9722	Drawn No.
		Date
		AUGUST 2017





Project	PROPOSED HOUSING DEVELOPMENT @ MARYBURGH		
Client	KJ3 PROPERTIES LTD	Scale	1:200 @ A2
Title	PROPOSED SITE PLAN	Drawn By	RMCW
Project No.	H 972	Dwg No.	PL 003 - G
Dedication Bank Partnership, 108 S. Cal. Street, Oakley, Wv. KY 26041, (01862)205791		Date	AUGUST 2017

Rev G: Number of Units reduced to 4. (May 2018).
 Rev H: Number of Units reduced to 4. (May 2018).
 Rev E: Route of Drainage Confirmed within site. (December 2017).
 Rev F: Views of Drainage Confirmed within site. (December 2017).
 Rev D: Location of Bio-disk Indicated. (November 2017).
 Rev C: Plot 1 Updated. (November 2017).
 Rev B: Updated Generally. (November 2017).
 Rev A: Plot Numbers and Areas Added. (August 2017).

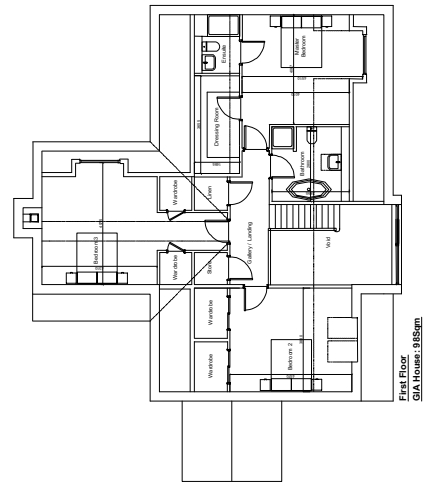
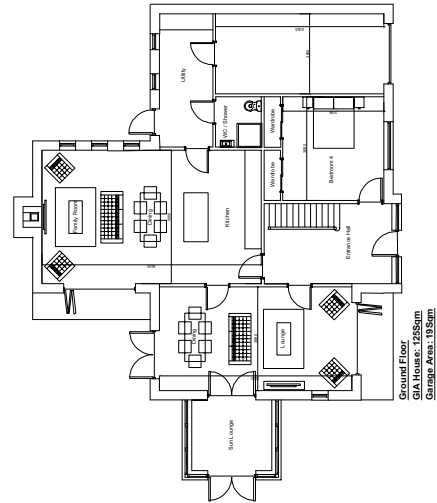
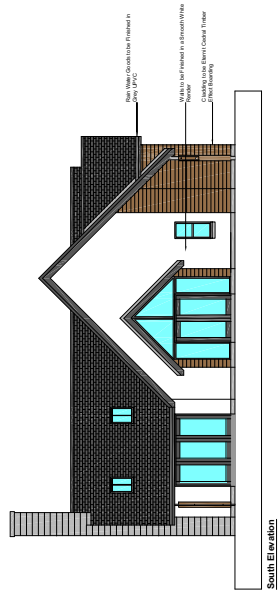
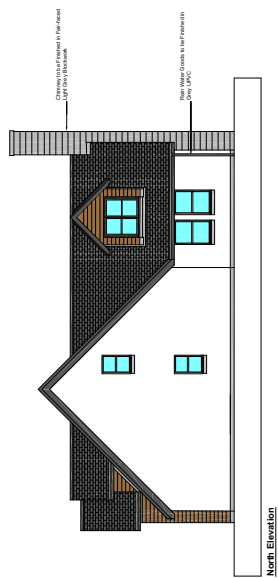
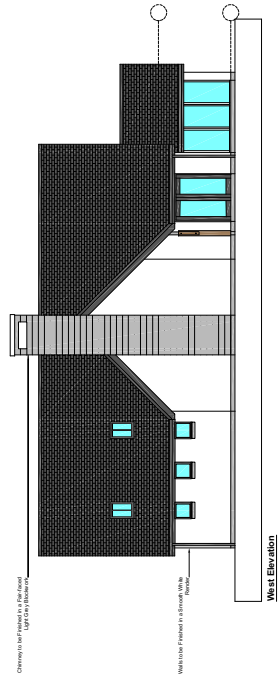


Rev A: Number of Units reduced to 4. (May 2018).

PROPOSED HOUSING DEVELOPMENT @ MARYBURGH				
Project	K/J PROPERTIES LTD	Scale	L200 @ A2	
Client		Drawn By	RMCV	
Title	PROPOSED SITE / ROOF PLAN	Drawn No.	PL 010 - A	
Project No.	H 972	Date		DECEMBER 2017

Drawn: Naveen Patel/Proj 10/03/18. Cdr: Sheel Kulkarni/Proj 4/11/2018. (01982)05516

function to provide a Visibility Study in accordance with Perth and Kinross Council Transportation Guidelines.

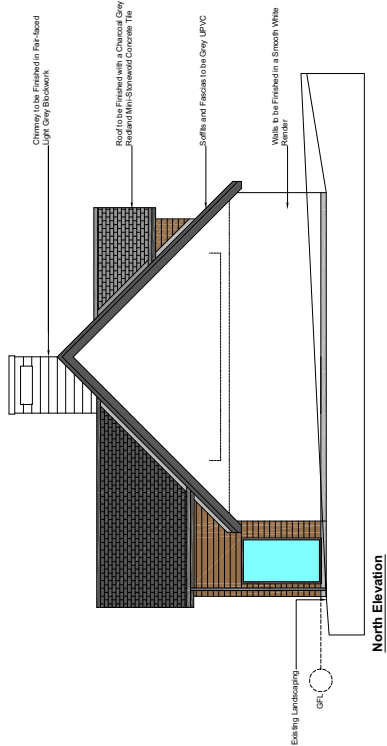
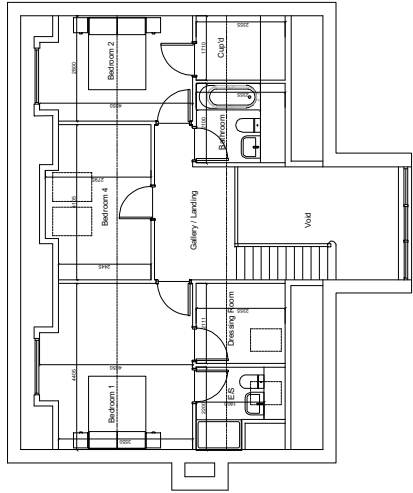
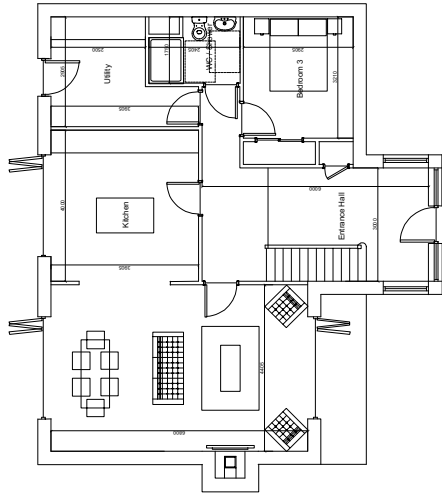


Rev A: Housetype Updated. (November 2017).

Project	KJ PROPERTIES LTD	Scale	1:100 @ A1
Client	HOUTTYPE 1 (PLOT 1) PLANS & ELEVATIONS	Drawn By	RWV
Title	H 972	Dwg No.	PL 004 - A
Project No.	H 972	Date	AUGUST 2017



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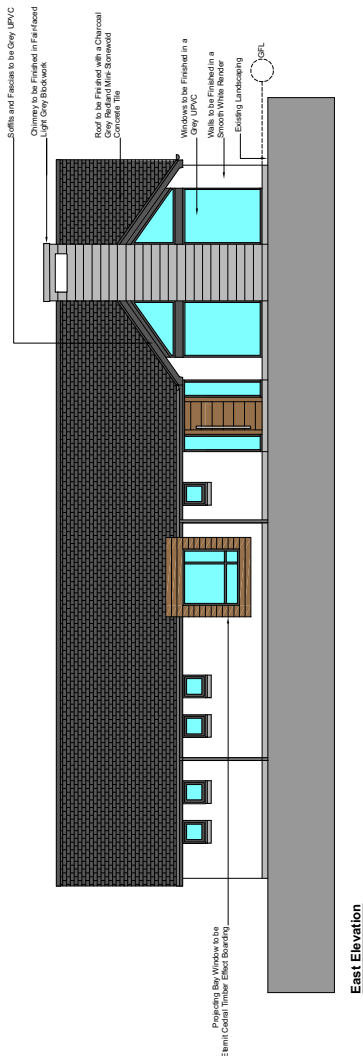


Rev A: Housetype Updated, (November 2017).

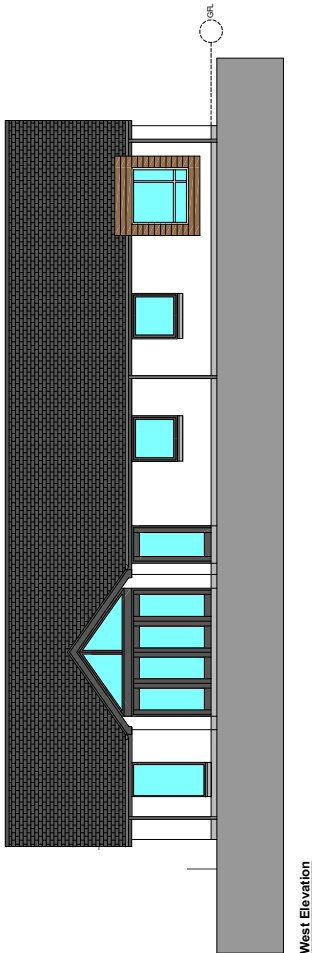
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Client	KJ PROPERTIES LTD	Drawn By	RMCW
Title	HOUSETYPE 2 (PLOT 2) PLANS & ELEVS	Dr'n No.	PL 005 - A
Project No.	H 972	Date	AUGUST 2017



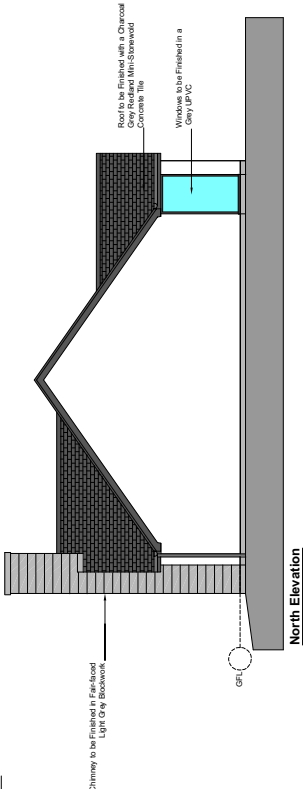
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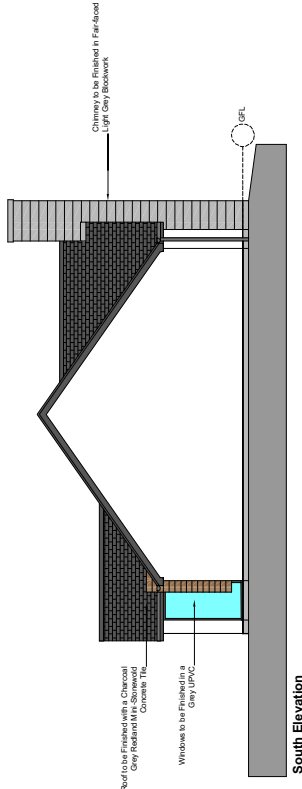
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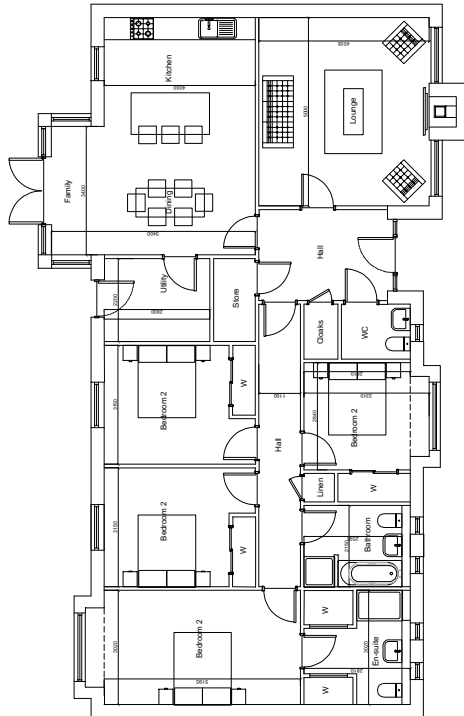
West Elevation



North Elevation



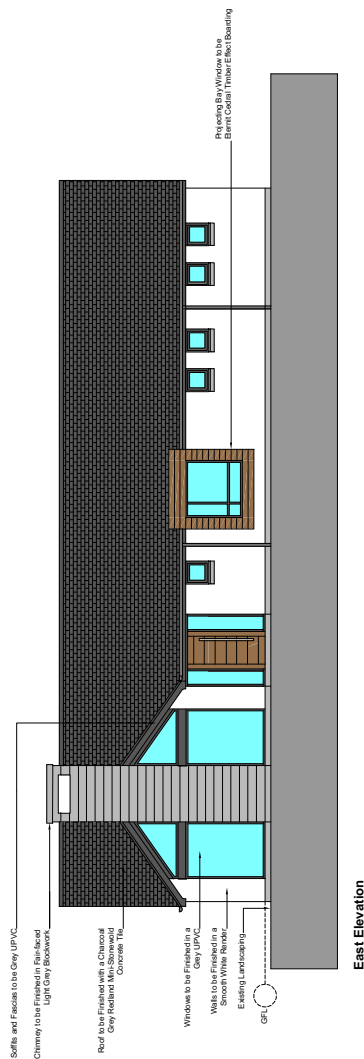
South Elevation



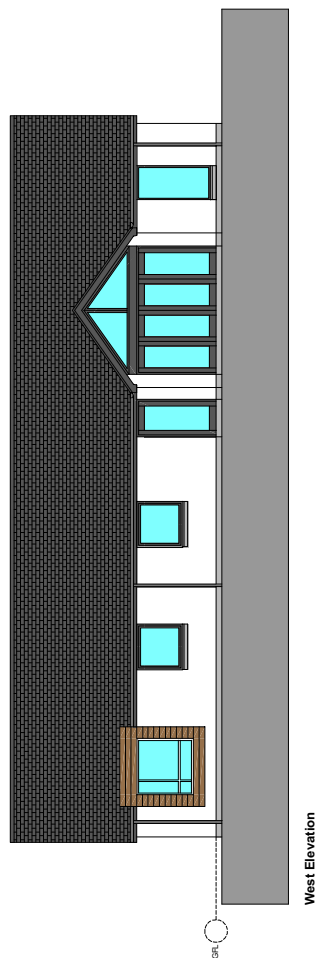
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Client	KJJ PROPERTIES LTD	Drawn By	RMCW
Title	HOUSETYPE 3 (PLOT 3) PLANS & ELEVATIONS	Dwg No.	PL 006
Project No.	H 972	Date	MAY 2017
Davidson Baxter Architects, 108 S Cliff Street, Kilmarnock, KY11 3BS, T: 01893 229761			

Chief Architect
Architect
Interior Designer

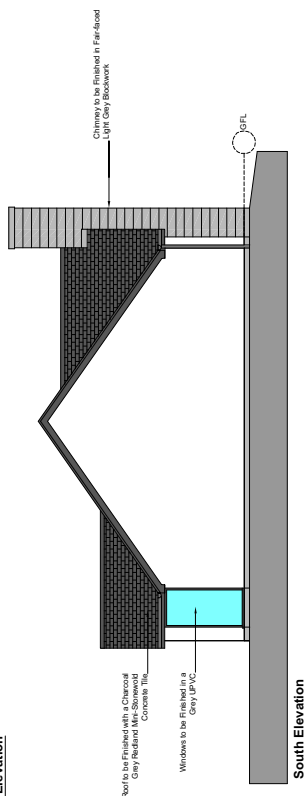
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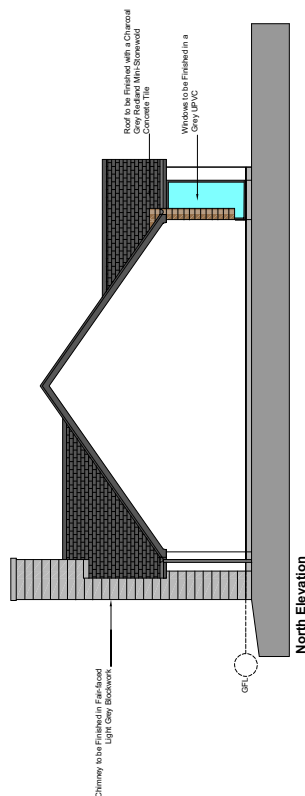
East Elevation



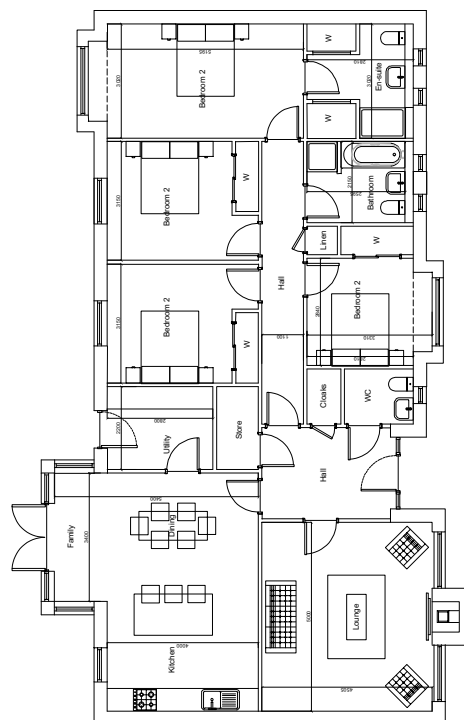
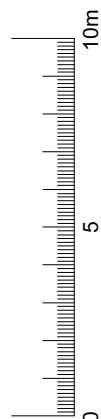
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South Elevation

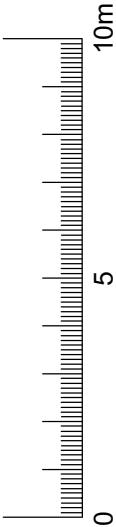
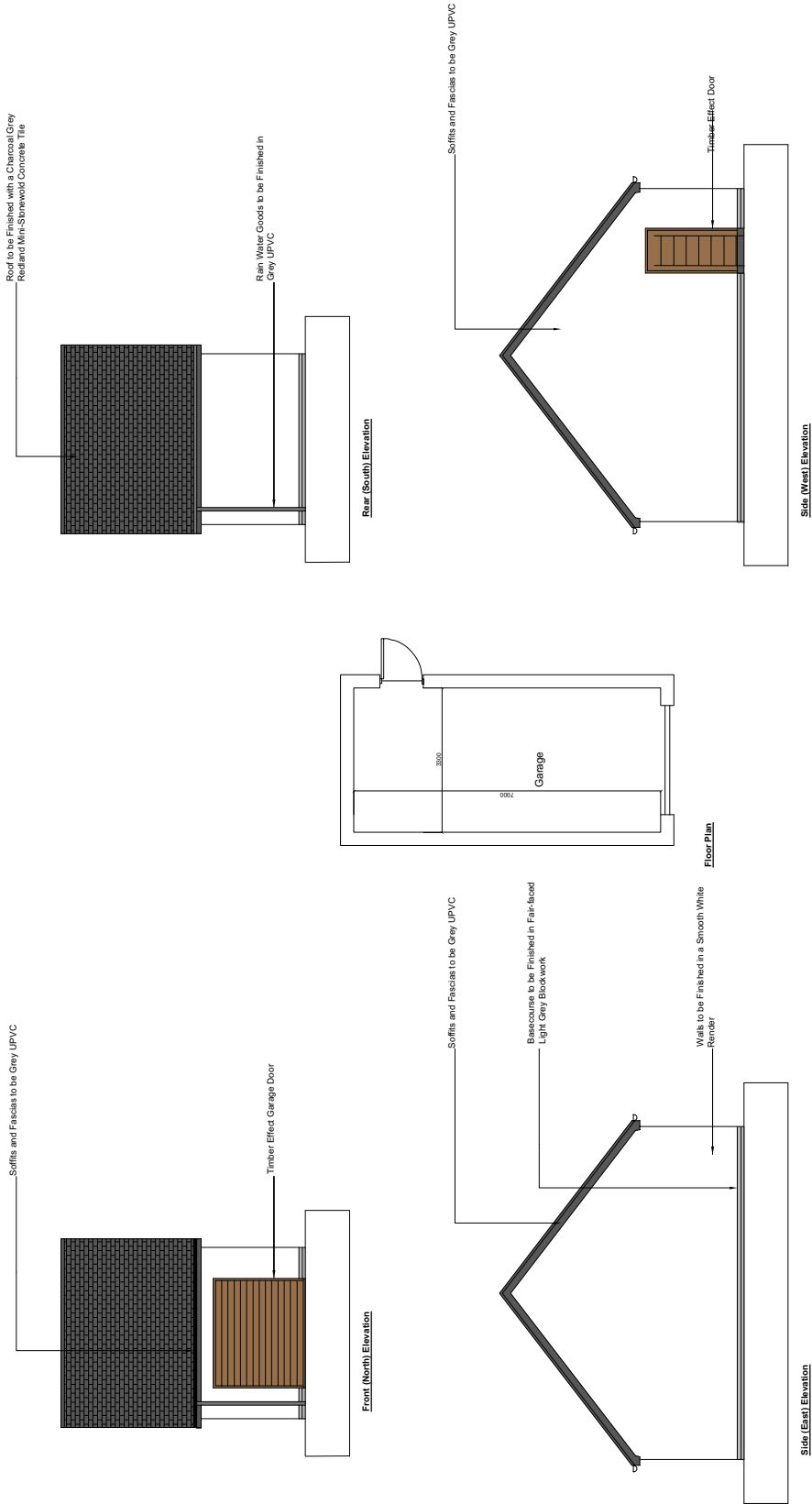


North Elevation



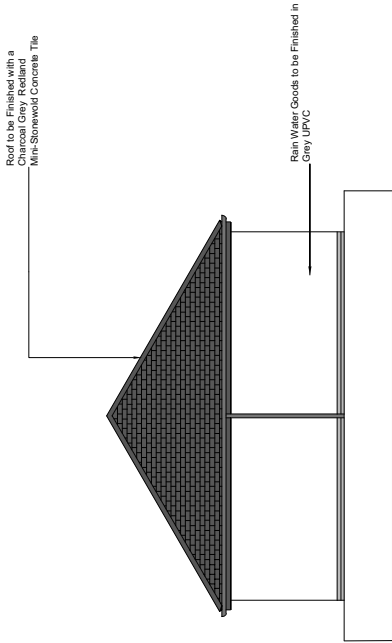
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Client	KJ PROPERTIES LTD	Scale	1:100 @ A2
Title	HOUSETYPE 4 (PLOT 4) PLANS & ELEVATIONS	Drawn By	RMCW
Project No.	H 9722	Draw No.	PL 007
Duration: Master Partnership 108 & Ciral Street, Macclesfield, Cheshire, Cheshire, Cheshire		Date	MAY 2018

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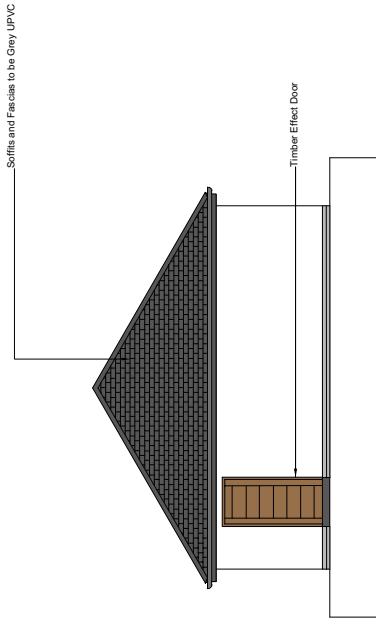


Project	PROPOSED HOUSING DEVELOPMENT @ MARYBURGH			
Client	KJJ PROPERTIES LTD	Scale	1:100 @ A3	
Title	PILOT 3 GARAGE PLANS & ELEVS	Drawn By	RMCW	
Project No.	H 972	Dwg No.	PL 011	
Davidson Baxter Partnership, 108 St Clair Street, Kirkcaldy, Fife KY1 3BD, t: (01592) 285781		Date	DECEMBER 2017	

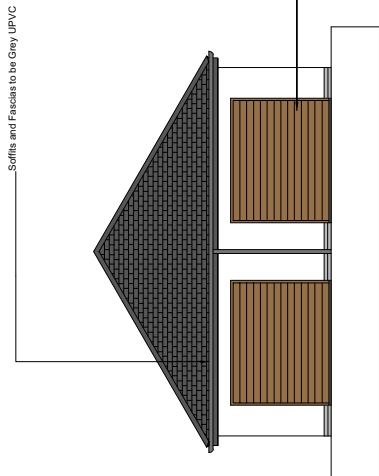
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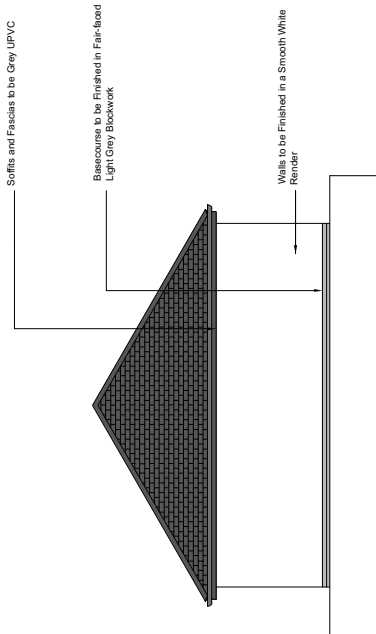
Rear (North) Elevation



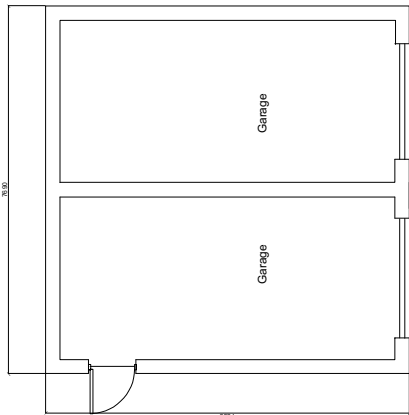
Side (West) Elevation



Front (South) Elevation



Side (East) Elevation



Floor Plan



Project	PROPOSED HOUSING DEVELOPMENT @ MARYBURGH		
Client	KJJ PROPERTIES LTD	Scale	1:100 @ A3
Title	PILOT 2 + 4 GARAGE PLANS & ELEVS	Drawn By	RMGW
Project No.	H 972	Dwg No.	PL 012
Davidson Baxter Partnership, 108 St Clair Street, Kirkcaldy, Fife KY1 3BD, t: (01562) 285781		Date	MAY 2018

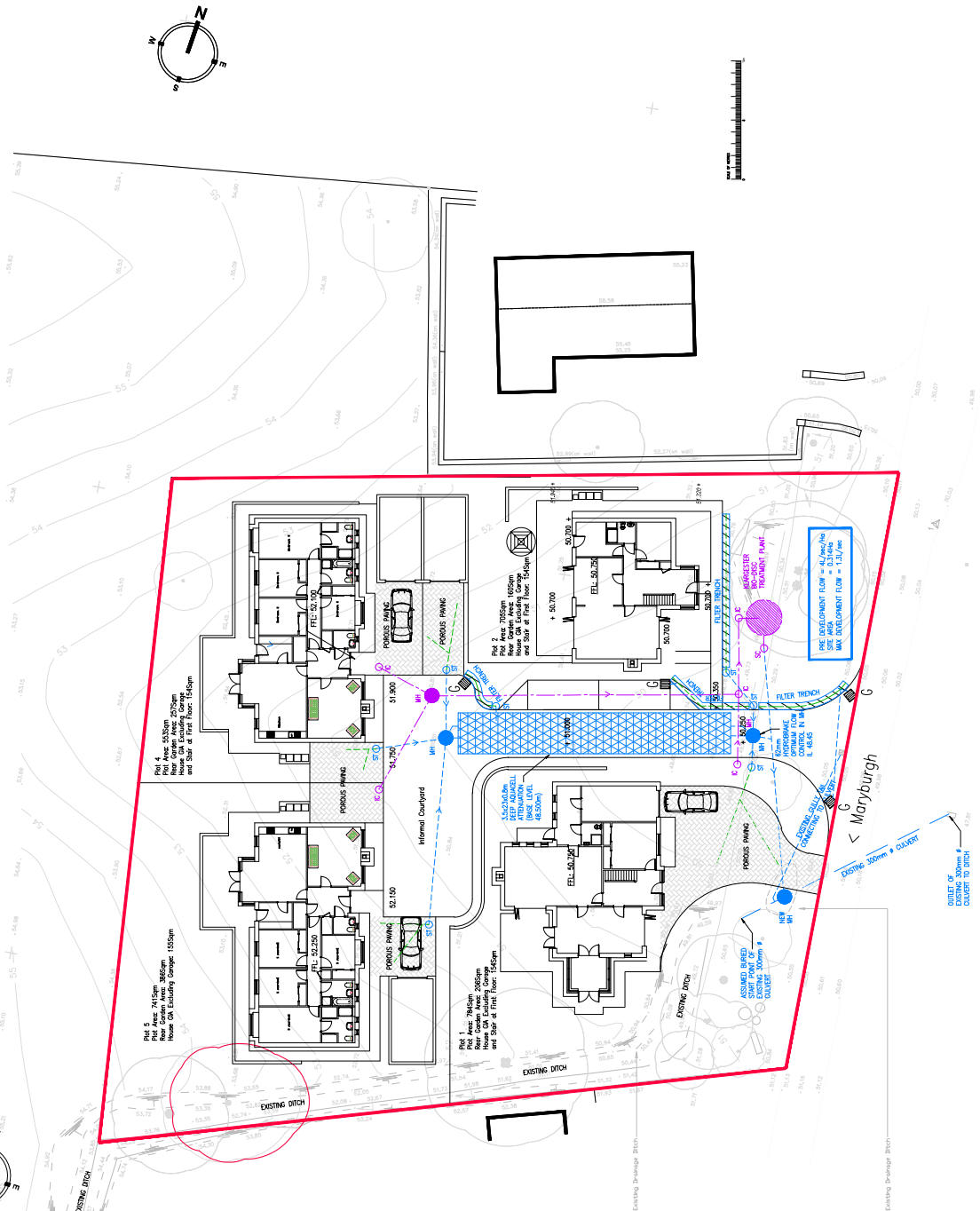
REV.	DATE	BY	DESCRIPTION	APD.



MCGREGOR **MCMAHON**
CONSULTING ENGINEERS
 2 Castle Court • Carnegie Campus • Dunfermline • Fife • KY11 8PB
 01383 734905 • mcgregor-mcmahon.com • admin@mmaeng.com

PROJECT				
PROPOSED HOUSING DEVELOPMENT MARYBURGH				
TITLE				
PLAN SHOWING ROAD GULLY				
DATE	DRAWN	APPROVED	SCALE	DRAWING No.
17.07.18	EDS	KDS	1:100	A3
				REV
				21699-100

REV.	DATE	BY	DESCRIPTION	APL
A	06/02/18	SAC	HYDROGRAPH SIZE ADDED. AMUSELL ATTENUATION REDUCED AND IMPROVING ASPECT ACCORDINGLY. NOTES ADDED REGARDING EXISTING CLUTTER.	KDS
B	17/06/18	SAC	EXISTING DRAINAGE NOTES TO NEW DRAINAGE. AMUSELL ATTENUATION REDUCED ACCORDINGLY. GULLIES AND FILTER TRENCHES MARKED IN DRAINAGE LINES ADDED.	KDS



HEALTH AND SAFETY

THE DESIGN HAS IDENTIFIED ONLY COMMON HAZARDS, WHICH HAZARDS ARE CONSIDERED TO BE OF A LOW RISK. THE DESIGNER HAS NO EXPERIENCE OF A COMPETENT CONTRACTOR.

DRAWING STATUS		—	
MCGREGOR MCMAHON CONSULTING ENGINEERS 2 Castle Court - Carrigrohane - Dublin 18 - D18 K11 B9 01883 794605 • mcgregor-mcmahon.com • admin@mmg.com			
PROJECT: PROPOSED HOUSING DEVELOPMENT MARTBURGH			
TITLE: DRAINAGE LAYOUT			
SCALE	DATE	DRAWN	APPROVED
1:200	26.01.18	EDS	A1
DRAWING NO. 21699-200			REV. B



FILE COPY

Planning and Development
Interim Head of Service Nick Brian

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD
Tel 01738 475300 Fax 01738 475310

KJJ Properties Limited
c/o Davidson Baxter Partnership Limited
Stewart Davidson
108 St Clair Street
Kirkcaldy
KY1 2BD

Telephone 01738 475300

Ref No 18/01083/FLL

Date 26th June 2018

Dear Sir / Madam,

Town and Country Planning (Scotland) Act, 1997 as amended by Planning etc (Scotland) Act 2006

RE: Erection of 4no. dwellinghouses, 2no. garages and associated works at Land 45 Metres South Of Hillcrest Maryburgh Kelty

Thank you for your recent application for the above proposal. I write to confirm that your application has been registered. This letter is accompanied by a guidance note on "What Happens to my Planning Application?". This explains the process of assessing and deciding your application. Your application is for a 'Local Development' as defined in the Town and Country Planning (Hierarchy of Development)(Scotland) Regulations 2009.

Registration Details

Application reference number - 18/01083/FLL
Date of registration - 22nd June 2018

Description of proposed development

The description of the proposed development and/or the site address may have been changed from the planning application form in order to make the description more explicit and legally correct. This revised description will appear on the decision notice. It will be assumed that the amended description is acceptable to you unless you indicate otherwise.

Statutory Advertisement

If this application requires to be advertised under the Town and Country Planning (Development management Procedure)(Scotland) Regulations 2008, and payment has not yet been made, then I will re-contact you concerning payment for the cost of the advert.

Timescale for a decision

In most cases with a Local Development, if you do not receive a decision from the Council within two months of the date of registration you may request a review by the Council's Local Review Body, or in a few cases, you may appeal to Scottish Ministers. In the case of applications with an EIA this timescale is four months. The form to request a review may be obtained from The Secretary, Local Review Body, Perth and Kinross Council, Committee Services, Council Building, 2 High Street, Perth PH1 5PH or email to planninglrbb@pkc.gov.uk. The form to request appeal may be obtained from the Scottish Government Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk FK1 1XR Tel no. 01324 696 400.

Many applications take longer than two months to resolve and in these cases we will write to you to explain the reason and if appropriate ask for an extension to the two-month time period. If you have not heard from us after two months you should contact the case officer.

Please note that **work must not start** until you have received planning permission from the Council.

Yours faithfully

Anne Condliffe

Interim Development Quality Manager

Receipt of Application Fee Payment

Payment Type	same application for same proposal
Receipt Number	
Amount Received	£0.00
Payment Date	
Total Received	£0.00

Stewart Davidson

From: Stewart Davidson <stewart@dbparchitects.co.uk>
Sent: 11 July 2018 12:34
To: 'Sean Panton'
Cc: 'Debbie Muir'; 'Richard McWilliams'
Subject: RE: 18/01083/FLL - Informing of Contributions and Flood Risk

FILE COPY

Sean,

PLANNING APPLICATION - 18/01083/FLL

With reference to your email dated the 5th July 2018 which was passed to our clients, and the consulting engineers.

The client has been made aware of the required contributions.

We have now had confirmation from the clients that the contribution level is acceptable on the basis a structured payment plan is agreed which will be linked to the practical completion of each of the homes.

If you can advise if an agreement of this nature is acceptable, we will advise our clients accordingly.

In relation to the referral from the Flood Team.

The referral was passed on the 05/07/18 to McGregor McMahon Associates who are the consulting engineer's dealing with the matter.

We have today again stressed that the 14-day deadline set be met and have requested confirmation on that point this morning once again.

We shall confirm the position in relation to the Flood Team referral on receipt of the MMA response under separate cover.

Kind Regards,

Stewart
stewart@dbparchitects.co.uk

Stewart Davidson RIBA ARIAS
Director



chartered architects
interior designers

Davidson Baxter Partnership Ltd

T: 01592 205761

M: 07971 612056



www.alanus.com



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If you have received this communication in error please notify us immediately by e-mail or by telephone @ +44(0)1592 205761

From: Sean Panton [REDACTED]
Sent: 05 July 2018 14:16
To: 'Stewart Davidson' <stewart@dbparchitects.co.uk>
Cc: Euan McLaughlin [REDACTED]; Leigh Martin <[REDACTED]>
Subject: 18/01083/FLL - Informing of Contributions and Flood Risk
Importance: High

Dear Mr Stewart Davidson (on behalf of KJJ Properties Limited),

Erection of 4no. dwellinghouses, 2no. garages and associated works on land 45metres South of Hillcrest, Maryburgh, Kelty (18/01083/FLL).

I refer to the above planning application submitted to Perth & Kinross Council for which I am Case Officer.

Developer Contributions

I have received the attached consultation response from the Council's Developer Negotiations Officer regarding the requirement for a contribution of £25,840.00 towards education infrastructure. This is as per the requirements of Policy PM3 of the Perth & Kinross Local Development Plan 2014 and the associated Supplementary Planning Guidance. The breakdown of this is contained within the attached response. A copy of the Supplementary Guidance is available at:

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

I would appreciate if you could make your client aware of the above requirement in the earliest instance and let me know how the contribution would be paid *should* planning permission be granted. The methods available for payment are outlined in the attachment. Please note that payment should not be made at this stage. I will write to you again in the event the Council is minded to approve the application, requesting payment at that time.

I must emphasise that the planning application is still under consideration and no recommendation has been made at this stage regarding the proposal, nevertheless I would appreciate your response to the above **within the next 7 days**.

The preferred option would be for the contributions to be paid up front. Should your client wish for a Section 75 to be prepared however, they will also be required to pay the Council's legal fees and there will be a significant delay in the determination of the application.

Please be aware this email has no bearing on the outcome of this application.

Flooding

I have also received a consultation response from our internal flooding team. Our flooding team are unfortunately objecting to the proposed development on grounds of a lack of information. The attached document from our flooding team states the information that is required.

I will therefore require you to contact Leigh Martin (who is CC'd into this email) to address these points. Please CC me in to all correspondence. I will require this to be addressed within 2 weeks of today. For the avoidance of doubt, this should be addressed by **Thursday 19th July 2018**.

Summary

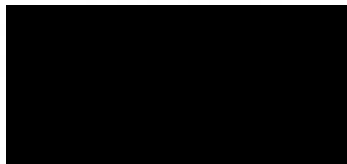
In summary, I will therefore require notification within 7 days of how the contributions should be paid. I will also require the flooding concerns to be addressed within 14 days.

I look forward to hearing from you regarding how you wish to pursue this matter. Please note that I will be 'Stopping the Clock' on this application until the flooding information is received and is satisfactory.

Kind Regards,

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

Comhairle Pheairt is Cheann Rois



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General enquiries to Perth & Kinross Council should be made to enquiries@pkc.gov.uk or 01738 475000.

General enquiries and requests under the Freedom of Information (Scotland) Act

Stewart Davidson

From: Stewart Davidson <stewart@dbparchitects.co.uk>
Sent: 09 August 2018 14:31
To: 'Sean Panton'
Cc: 'Richard McWilliams'; 'Debbie Muir'
Subject: Maryburgh - Planning Application Ref: 18/01083/FLL
Attachments: LDP - Policy Extract.pdf

FILE COPY

Sean,

PLANNING APPLICATION REF: 18/01083/FLL

Good to speak with you this morning despite the fact the discussions centred around a proposed refusal for the planning submission.

I noted that you were proposing to recommend approval subject to conditions.

However, after referral to your 3 Managers could not reach a consensus on the application which is now as you advised to be recommended for refusal.

Clearly that is not what was expected, and our clients are somewhat disappointed with that outcome to say the least.

Following or detailed discussions on how best to respond with a view to progressing matters.

We can confirm our client has reluctantly accepted the application will be recommended for refusal for the reason cited.

The application can therefore progress rather than be withdrawn to ensure the "In principle approval for the site" is maintained.

We would have wished to amend the submission as discussed with changes to the house types on Plots 3 & 4 to make sure the "Built area to plot ratio" does not exceed 25% per guidance.

The Policy guidance - Placemaking is something we may / will have to address subject to the outcome of an appeal following a refusal notification.

Therefore, on the basis the application is refused, or client has confirmed they will appeal the decision to the LRB.

That procedure will be carried out quickly to ensure the issues are addressed and the appeal can be heard within as short a timescale as is practicable.

Should our clients be unsuccessful at appeal we will proceed with a revised planning application as discussed today.

The policy matters associated with Placemaking and plot ratios to Plots 3 & 4 can then be addressed with a fresh planning application to follow that review.

I trust the notes are an accurate reflection of our discussions and again your frankness and advice was appreciated.

Kind Regards,

Stewart
stewart@dbparchitects.co.uk

Stewart Davidson RIBA ARIAS
Director



Davidson Baxter Partnership Ltd

T: 01592 205761
M: 07971 612056

Stewart Davidson

From: Stewart Davidson <stewart@dbparchitects.co.uk>
Sent: 15 August 2018 13:34
To: 'Debbie Muir'
Subject: FW: Maryburgh - Planning Application Ref: 18/01083/FLL
Attachments: Maryburgh Decision Notice 18.01083.FLL.pdf

FILE COPY

Debbie,

MARYBURGH - 18/01083/FLL

The decision notice was received this morning, and a copy of the decision is attached.

As discussed, the next step is to appeal to the local review body.

I presume you would want us to submit this for you.

In terms of planning policy, we would need to review the reasons for refusal in detail and respond to these both in Architectural terms and in relation to planning policy.

The alternative is to appoint a planning consultant - let me know what you think?

Kind Regards,

Stewart

stewart@dbparchitects.co.uk

Stewart Davidson RIBA ARIAS
Director

Stewart Davidson RIBA ARIAS
Director



Davidson Baxter Partnership Ltd

01592 205761
M: 07971 612056



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From: Stewart Davidson <stewart@dbparchitects.co.uk>
Sent: 09 August 2018 16:28
To: 'Debbie Muir' <Info@kjjproperties.co.uk>

TCP/11/16(572) – 18/01083/FLL - Erection of 4 dwellinghouses, 2 garages and associated works on land 45 metres south of Hillcrest, Maryburgh, Kelty

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(part included in applicant's submission, see pages 239-258)*

PERTH AND KINROSS COUNCIL

KJJ Properties Limited
c/o Davidson Baxter Partnership Limited
Stewart Davidson
108 St Clair Street
Kirkcaldy
KY1 2BD

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 10th August 2018

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **18/01083/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 22nd June 2018 for permission for **Erection of 4no. dwellinghouses, 2no. garages and associated works Land 45 Metres South Of Hillcrest Maryburgh Kelty** for the reasons undernoted.

Interim Development Quality Manager

Reasons for Refusal

- 1 The proposal is contrary to Policy PM1: Placemaking, of the Perth and Kinross Local Development Plan 2014, which requires that all development must contribute positively to the quality of the surrounding built and natural environment and that the design and siting of development should respect the character and amenity of the place. The proposed development, by virtue of the layout not reflecting the prevailing character of development, would constitute the overdevelopment of the site. As such, the proposal would not contribute positively to the area and would not respect the character, density or amenity of Maryburgh.

2. The proposal is contrary to Policy RD1: Residential Areas, of the Perth and Kinross Local Development Plan 2014, which requires that all development must not have an adverse impact upon residential amenity. The proposed development does not have sufficient amenity space associated with plots 3 and 4 for the scale of the proposed dwellinghouses and is therefore contrary to the policy as future occupiers will not have suitable amenity space.

Justification

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

Notes

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

Plan Reference

18/01083/1	18/01083/13
18/01083/2	18/01083/14
18/01083/3	18/01083/15
18/01083/4	18/01083/16
18/01083/5	18/01083/17
18/01083/6	18/01083/18
18/01083/7	18/01083/19
18/01083/8	18/01083/20
18/01083/9	18/01083/21
18/01083/10	18/01083/22
18/01083/11	18/01083/23
18/01083/12	

REPORT OF HANDLING

DELEGATED REPORT

Ref No	18/01083/FLL	
Ward No	P8- Kinross-shire	
Due Determination Date	21.08.2018	
Case Officer	Sean Panton	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of 4no. dwellinghouses, 2no. garages and associated works.

LOCATION: Land 45 Metres South of Hillcrest, Maryburgh, Kelty.

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: 2nd July 2018

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is on land 45metres south of Hillcrest, Maryburgh, Kelty. The application seeks detailed planning permission for the erection of 4 detached dwellinghouses and associated works. The site benefits from an in principle consent (15/01181/IPL) which was granted on the 31st August 2015. This consent was the renewal of an extant consent (12/00817/IPL) which was

granted on the 16th July 2012. This current application extends beyond the settlement boundary of Maryburgh however is entirely within the area which benefits from the current in principle consent.

Earlier this year, application 17/02139/FLL was submitted for the erection of 5 dwellinghouses on the same site however the application site was slightly larger than this application and extended beyond that of the in principle consent which was granted. The said application was consequently refused as it was contrary to the adopted Local Development Plan. This current application is therefore a reduced scheme to attempt to address the concerns of the earlier refused application.

Plot 1

Plot 1 is proposed to be a 4 bedroomed 1 ½ storey detached dwellinghouse with an integrated single garage. The plot area is approximately 784m² with a rear garden area of approximately 206m². The floor area of the house, excluding the garage, is approximately 223m². The east elevation will have a large area of glazing and the walls will be clad in a combination of Cedral timber effect boarding and smooth white render. The roof will be tiled in charcoal grey concrete tiles. The access from the site will be taken from the existing road to Maryburgh.

Plot 2

Plot 2 is proposed to be a 4 bedroomed 1 ½ storey detached dwellinghouse with a detached single garage. The plot area is approximately 621m² and the rear garden area is 160m². The floor area of the house is approximately 158m². The materials of the dwellinghouse will be consistent to that of the rest of the development and the access will be obtained from the access road which will be created through the development.

Plot 3

Plot 3 is proposed to be a 4 bedroomed detached bungalow with a detached single garage. The plot area is approximately 738m² and the rear garden area is 375m². The floor area of the house, excluding the garage, is approximately 155m². The materials of the dwellinghouse will be consistent to that of the rest of the development and the access will be obtained from the new access road to be created through the development. Only part of Plot 3 falls within the settlement boundary of Maryburgh however as previously mentioned, still remains within the remits of the in principle consent granted.

Plot 4

Plot 4 is proposed to be a 4 bedroomed detached bungalow with a detached single garage. The plot area is approximately 548m² and the rear garden area is 253m². The floor area of the house, excluding the garage, is approximately 155m². The materials of the dwellinghouse will be consistent to that of the rest of the development and the access will be obtained from the new access road

to be created through the development. Like Plot 3, only part of Plot 4 falls within the settlement boundary of Maryburgh however as previously mentioned, still remains within the remits of the in principle consent granted.

SITE HISTORY

03/00329/OUT - Renewal of planning consent to erect 2 houses (in outline) on 24 March 2005: Application Permitted

99/01733/OUT - Erection of 2 houses (in outline) on 2 March 2000: Application Permitted

08/00019/OUT - Erection of 4 dwellinghouses (in outline) 8 August 2008: Application Permitted

12/00817/IPL - Residential development (in principle) 16 July 2012: Application Permitted

12/01668/AML - Erection of 3 dwellinghouses (approval of matters specified in conditions) 28 January 2015: Application Withdrawn

15/01181/IPL - Renewal of existing permission 12/00817/IPL (residential development in principle) 31 August 2015: Application Permitted

17/02043/FLL - Erection of 5no. dwellinghouses: 24 November 2017

17/02139/FLL - Erection of 5no. dwellinghouses and associated works 5 February 2018: Application Refused

PRE-APPLICATION CONSULTATION

Pre-application Reference: 18/00175/PREAPP

A pre-application consultation was undertaken following the refusal of the previous application (17/02139/FLL). This pre-application reduced the number of proposed dwellinghouses from 5 to 4 and the site boundaries were amended to be consistent to the in principle consent granted (15/01181/IPL). It was highlighted that a reduced scheme from 5 dwellinghouses was the preferred option.

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

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

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

The 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 PM2 - Design Statements

Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

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 PM4 - Settlement Boundaries

For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

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 RD3 - Housing in the Countryside

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

Policy 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 EP2 - New Development and Flooding

There is 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. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

Policy EP12 - Contaminated Land

The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

Policy ER6 - Managing Future Landscape - Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes

Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

OTHER POLICIES

Development Contributions and Affordable Housing Guide 2016

This document 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.

Housing in the Countryside Guide

A revised Housing in the Countryside Guide was adopted by the Council in October 2014. The guide applies over the whole local authority area of Perth and Kinross except where a more relaxed policy applies at present. In practice this means that the revised guide applies to areas with other Local Plan policies and it should be borne in mind that the specific policies relating to these designations will also require to be complied with. The guide aims to:

- Safeguard the character of the countryside;
- Support the viability of communities;
- Meet development needs in appropriate locations;
- Ensure that high standards of siting and design are achieved.

The Council's "Guidance on the Siting and Design of Houses in Rural Areas" contains advice on the siting and design of new housing in rural areas.

CONSULTATION RESPONSES

External

Cleish & Blairadam Community Council:

Cleish & Blairadam Community Council object to the proposed development as they consider the proposals to be contrary to the adopted Local Development Plan.

Scottish Water:

There is currently sufficient capacity in the Glendevon Water Treatment Works to service the development.

The Coal Authority:

No objection to the proposed development, subject to conditional control regarding ground investigations.

Internal

Development Negotiations Officer:

An education contribution of £25,840.00 is required (4 x £6,460.00).

Transport Planning:

No objections to the proposed development, subject to conditional control regarding vehicular access and an informative in relation to obtaining a Section 56.

Environmental Health:

No objection to the proposed development subject to conditional control regarding contaminated land and private water supply.

Structures & Flooding:

The Structures & Flooding Team initially requested further information in relation to drainage layout. This was consequently received and the team now have no objection to the proposed development, subject to an informative being added to the consent in relation to development within a flood risk area.

REPRESENTATIONS

10 letters of representation, including a letter from the Cleish and Blairadam Community Council, were received regarding the proposal. In summary, the letters highlighted the following concerns:

- Increase in traffic (reference to noise) and road safety concerns
- Not compliant with adopted or proposed Local Development Plan
- Out of character with the area
- Inappropriate density, scale and land use
- Adverse impact upon visual amenity and setting of Maryburgh
- Flood risk and drainage (reference to septic tanks and soakaways)
- Septic tank of Hillcrest is unaccounted for
- Concerns with title deeds/ land ownership
- Height of proposed dwellinghouses
- Impacts upon cyclists and pedestrians
- Impact upon Cleish Primary School
- Pollution to neighbouring burn
- Loss of sunlight and daylight
- Light and noise pollution
- Overdevelopment

These issues are addressed in the Appraisal section of the appraisal.

ADDITIONAL INFORMATION RECEIVED:

Environmental Impact Assessment (EIA)	Not Required
Screening Opinion	Not Required
EIA Report	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Submitted (Noise Impact Assessment, Road Traffic Report, Coal Mining Report, Drainage Report).

APPRAISAL

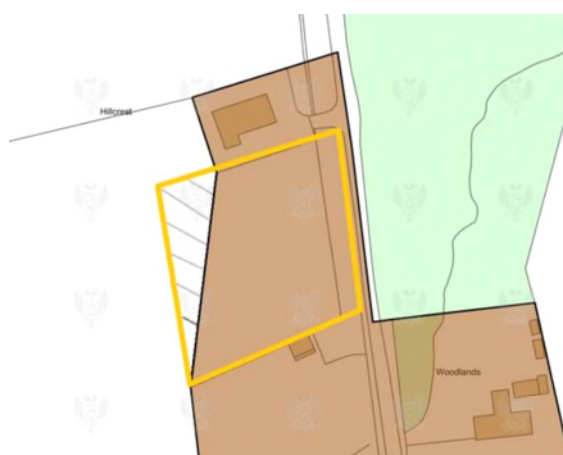
Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2014.

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

As previously mentioned, the entirety of the site has an in principle consent granted for residential units (15/01181/IPL). This in principle consent extends beyond the settlement boundaries of Maryburgh with approximately 25% of the application site being out-with the settlement boundary. This was a cause for concern within the majority of letters of representation received.

The below map extract shows the approximate location of the application site and the Maryburgh settlement boundary. The hatched area is the area of the development site that is out-with the settlement which is shown as shaded:



Areas of land out with defined settlements are generally considered to fall with the landward area within the adopted Local Development Plan 2014 where all proposals for new housing are normally considered against Policy RD3: Housing in the Countryside. However, as outlined above, due to the site already benefitting from an in principle application, the principle of the development is therefore considered to be acceptable. Attention now turns towards the detailing of the application and whether it would have an adverse impact upon the amenity of the area. For reasons mentioned within this report, the proposal is considered to be contrary to the relevant provisions of the aforementioned Local Development Plan.

Design and Layout

Each of the units is considered to be of a relatively high quality design with an appropriate material palette which is suitable for the site. The units incorporate

large glazing features, a combination of materials and extruding chimney features which make them have a high degree of character which is appropriate for this prominent site at the northern entrance to Maryburgh.

With regards to layout, the layout (in particular plots 3 and 4) is considered to be overdevelopment with insufficient amenity space for each of the proposed properties. This will therefore be a reason for refusal on this report. Furthermore, it was highlighted during the in principle consent that a cul-de-sac development of 4 dwellinghouses would unlikely be supported as it does not respect the prevailing character of development in Maryburgh. With regards to each particular plot, this will be discussed in more detail below:

Plot 1

Plot size: 784m²

Footprint of dwellinghouse (including integrated garage): 166m²

Percentage of plot occupied by dwellinghouse (including integrated garage): 21%

The dwellinghouse on Plot 1 is sited approximately 15metres back from the existing road edge. This is considered to be appropriate as it will appear set back and respects the building line created by the existing dwellinghouse Hillcrest to the north. With regards to the layout of the plot itself, the dwellinghouse is sited to allow for a suitably sized useable garden area to the south and east whilst allowing for a large driveway area.

Plot 2

Plot size: 621m²

Footprint of dwellinghouse: 105m²

Percentage of plot occupied by dwellinghouse: 16%

Footprint of detached single garage: 25m²

Percentage of plot occupied by dwellinghouse and garage: 21%

Similarly to Plot 1, the dwellinghouse will be set back from the road verge to be in line with the existing building line created by Hillcrest to the north. The existing trees to the eastern boundary of the site are to be retained which will help to screen the house from the road edge.

Plot 3

Plot size: 738m²

Footprint of dwellinghouse: 170m²

Percentage of plot occupied by dwellinghouse: 23%

Footprint of detached single garage: 23m²

Percentage of plot occupied by dwellinghouse and garage: 26%

The Council's Placemaking Guide highlights that any proposed dwellinghouse should not exceed 25% of the overall plot size. In this instance, the proposed dwellinghouse covers 26% of the plot. Whilst this is only marginally larger

percentage wise, the way in which the plot is designed raises further concerns. All of the useable amenity space is to the rear of the dwellinghouse with virtually no amenity space to the front. A dwellinghouse of this scale would be expected to provide amenity space to the front in addition to the rear.

Plot 4

Plot size: 548m²

Footprint of dwellinghouse: 170m²

Percentage of plot occupied by dwellinghouse: 31%

Footprint of detached single garage: 25m²

Percentage of plot occupied by dwellinghouse and garage: 35%

The Council's Placemaking Guide highlights that any proposed dwellinghouse should not exceed 25% of the overall plot size. In this instance, the proposed dwellinghouse covers 31% of the plot. This is considered to be unacceptable as there is insufficient amenity space for a dwellinghouse of this size. Similarly to Plot 3, there is also little amenity space to the front of the proposed dwellinghouse.

Landscape

The site slopes downwards from west to east over the course of approximately 3.5metres. It is proposed to build up this land through cut and fill to allow for the plots to be flatter in gradient allowing for more useable amenity space. Plots 1 and 2 to the front of the site will sit slightly lower than that of plots 3 and 4 to the rear of the site. It is considered appropriate that the developer has chosen to make plots 3 and 4 bungalows. This will make the overall maximum roof height of the bungalows similar to the dwellinghouses on plots 1 and 2. From a landscape perspective, this will help to reduce the impact of the development upon the landscape framework of the area. The impact upon the landscape will be largely similar of that already created by Hillcrest to the north.

Trees

There are a number of trees located along the southern and eastern boundaries of the site. These trees are not to be felled as part of this proposal and will help to provide an element of screening for the development and will contribute to the visual amenity of the proposed site.

Residential Amenity and impact upon Hillcrest

As mentioned within the Design and Layout section of this report, it is considered that the proposal constitutes overdevelopment and as such not all of the plots have sufficient amenity space. This will therefore be a reason for refusal on this report.

With regards to the units themselves, the orientation of windows on each of the proposed units is considered to be appropriate as there are no properties directly looking into each other. The most recent application for the site for 5 dwellinghouses which was refused had a number of properties where overlooking was a cause for concern. This has been addressed through this proposal. The siting of the units also does not create any issues in relation to overshadowing.

With regards to Hillcrest to the north of the site, it is noted that the principal elevation of this property directly faces the development site. The nearest unit to this plot will be Plot 2, which is sited approximately 13.5metres from the principal elevation of Hillcrest and 3.6metres from the site boundary. The elevation of Plot 2 which faces Hillcrest is the gable end and there are no windows proposed on this gable. There will therefore be minimal overlooking created from this plot. Due to the height of the proposed buildings and the gradient of the land, it is also considered that there will be no adverse overlooking created to Hillcrest itself.

Within the letters of representation received, it came to light that the development site currently accommodates a septic tank for Hillcrest, which has not been adequately indicated on the plans. This could have been controlled via a condition on the planning consent should it have been granted.

Roads and Access

Each plot has private parking facilities in addition to a single garage. Plot 1 will be accessed from the existing road whilst Plots 2-3 will be accessed from a new road to be created through the development which leads to an informal courtyard. The parking and turning facilities are considered to be adequate for the level of traffic likely to be generated by the proposed development. Through the letters of representation received, the majority highlighted road safety and traffic generation as a cause for concern. The Council's Transport Planning Team was consulted as part of this application and has no objection to the proposed development, subject to conditional control regarding vehicular access and an informative in relation to obtaining a Section 56.

Noise from M90 Motorway

The site boundary is approximately 90metres from the M90 motorway with an agricultural field separating the two. A report on Road Traffic Sound was therefore prepared by noise control engineers and submitted as part of this application, as required by a condition on the in principle consent granted. The report concludes that during evening hours there will be no adverse impacts upon the residents of the houses whilst during the day there will be a 'neutral' effect. The Technical Advice Note 2011: Assessment of Noise (TAN 2011) defines neutral as not being significant and as such noise should not be considered as a determining factor within the decision process and no measures are required to be introduced to the development to limit sound. It is therefore considered that the impact of noise from the M90 motorway is not an

adverse cause for concern. The Council's Environmental Health team were consulted as part of this application who reviewed the submitted noise report and raised no adverse concerns.

Drainage and Flooding

A drainage plan has been submitted which shows that the development will be connected to the existing drainage culvert in place which runs underneath the road to the east. Whilst the letters of representation are noted which raises the drainage of the site as a cause for concern, this is considered to be appropriate for the scale of the development. A report was submitted with the application to demonstrate the effect of the development during a 1 in 200year flood simulation. This report concludes that there will be no adverse impact from the development compared to the existing situation.

The Structures and Flooding Team originally objected to the proposed development due to a lack of information regarding the drainage of the site. This information was subsequently submitted and the Structures and Flooding Team have now removed their objection, subject to an informative being added to the consent in relation to development within a flood risk area.

Waste Collection

The submitted site plan shows appropriate waste bin storage on plots 2- 4. Whilst there is no bin area shown for Plot 1, this is not an adverse cause for concern as there is ample space to accommodate waste bins without compromising useable amenity space.

Conservation Considerations

The site is not within or in close proximity to any designated conservation area, ancient scheduled monument or listed building. It is therefore considered that there will be minimal impact upon the historic environment.

Coal Mining

The site lies within an area where coal mining has once been in existence. This creates the potential for ground instability through unused and unmapped mines. Through the previous applications for the site, the Coal Authority has objected to the proposals however this was addressed through the submission of additional information and conditional control. The Coal Authority has responded to this consultation and again has no objection to the proposed development subject to conditional control.

Contaminated Land

From the response submitted by the Coal Authority regarding this planning application the Environmental Health Team has been made aware of the potential risk from the previous coal mining activity in the area. Given this history there is a potential ground gas issue at the proposed development site

which should be considered in order to determine the suitability of the site for the proposed use. A condition has therefore been recommended to be added to the consent, consistent to the in principle consent granted, requiring a Desk 1 study to be undertaken prior to the commencement of works.

Natural Heritage and Biodiversity

There are no records of protected species on the development site and the current state of the site as an agricultural field does not provide a high quantity of habitat opportunities for protected species. It is therefore considered unlikely that there are protected species present on the site. No biodiversity surveys were therefore requested.

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 Cleish Primary School.

A contribution of £25,840.00 would therefore be required (4 x £6,460.00).

Economic Impact

The development of this site will 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 and 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

Reasons for Recommendation

- 1 The proposal is contrary to Policy PM1: Placemaking, of the Perth and Kinross Local Development Plan 2014, which requires that all development must contribute positively to the quality of the surrounding built and natural environment and that the design and siting of development should respect the character and amenity of the place. The proposed development, by virtue of the layout not reflecting the prevailing character of development, would constitute the overdevelopment of the site. As such, the proposal would not contribute positively to the area and would not respect the character, density or amenity of Maryburgh.
- 2 The proposal is contrary to Policy RD1: Residential Areas, of the Perth and Kinross Local Development Plan 2014, which requires that all development must not have an adverse impact upon residential amenity. The proposed development does not have sufficient amenity space associated with plots 3 and 4 for the scale of the proposed dwellinghouses and is therefore contrary to the policy as future occupiers will not have suitable amenity space.

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

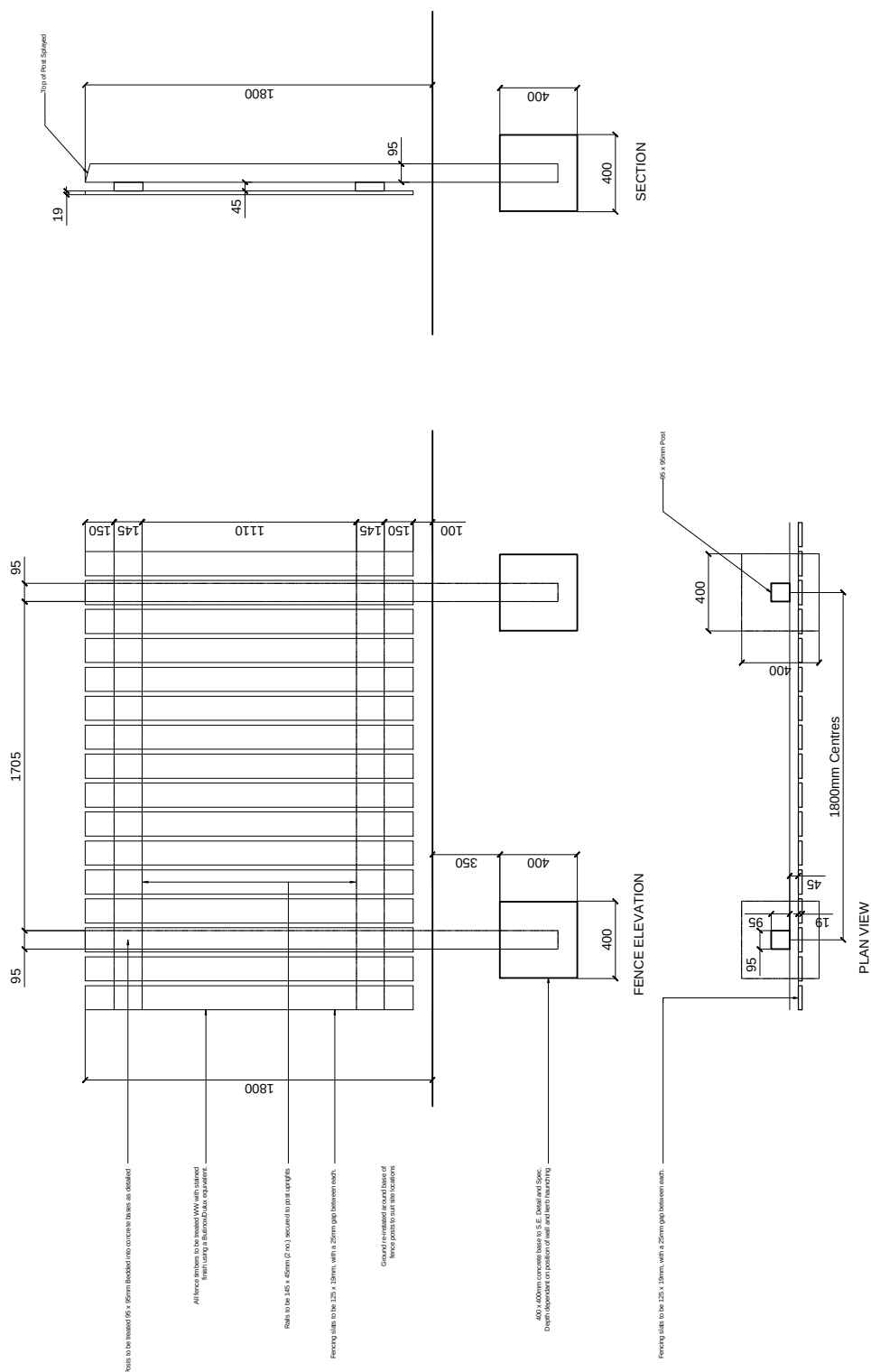
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Date of Report 10th August 2018

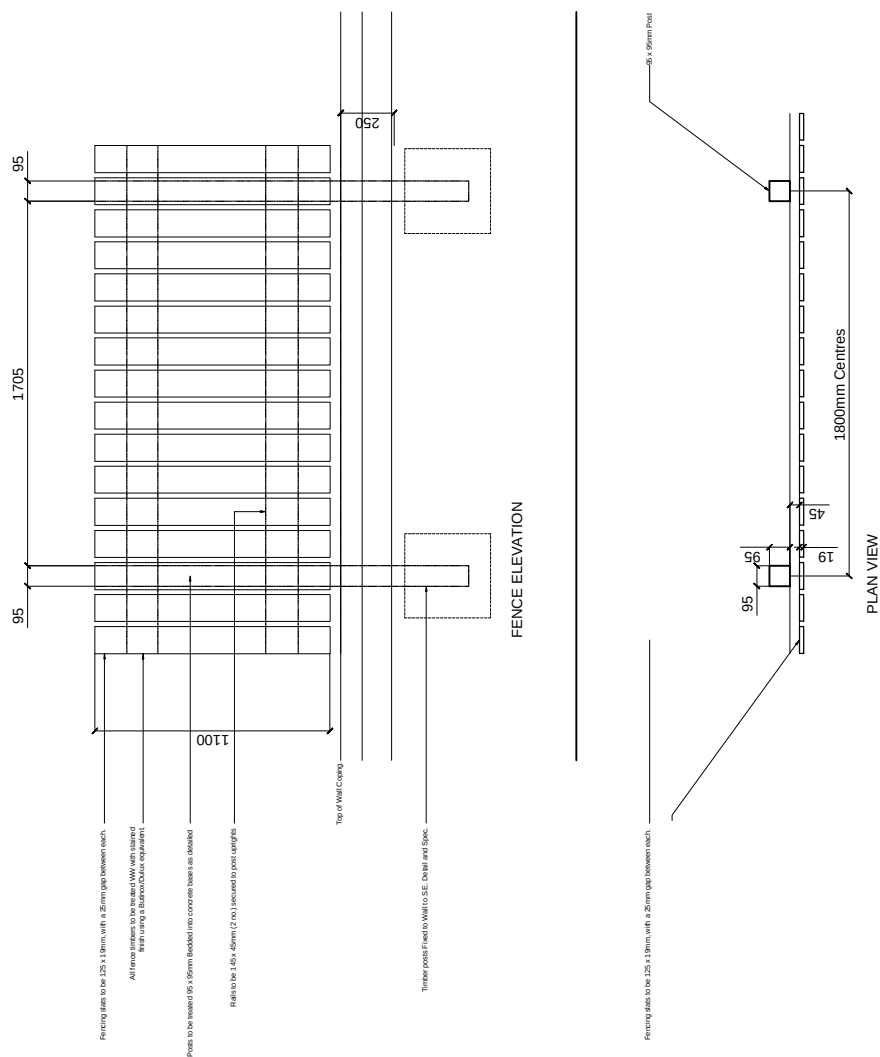
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Project	PROPOSED HOUSING DEVELOPMENT @ MARYBURGH		
Client	KJJ PROPERTIES LTD	Scale	1:25 @ A3
Title	BOUNDARY FENCE DETAIL		
Project No.	H 972	Drawn By	RMCW
Davidson Baxter Partnership, 108 St Clair Street, Kilmacally, Fife, KY11 2BD. T: (01592) 206761		Draw No.	PL 013
		Date	JUNE 2018



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SECTION

Project	PROPOSED HOUSING DEVELOPMENT @ MARYBURGH		
Client	KJJ PROPERTIES LTD	Scale	1:25 @ A3
Title	BOUNDARY FENCE / WALL DETAIL	Drawn By	RMCW
Project No.	H 972	Draw No.	PL 014
Davidson Baxter Partnership, 108 St Clair Street, Killybegs, Fife, KY11 2BD. T: (01592) 206761			





1447

HYDRACRAT
GROUND INVESTIGATION CONTRACTORS
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8th September 2003

Ian D Wyllie Esq
Chartered Architect
Craiglawhill
Rumbling Bridge
Kinross
KY13 0QQ

Dear Mr Wyllie,

Proposed Development Site, Kelty

Further to your recent telephone conversation with Mr Agnew, we confirm that we have examined the available published geological records for the site area and set out below details of the prevailing geology and together with our recommendations for investigating the mineral stability of the site.

Geology

The published geological records indicate that the site is underlain by superficial soils comprising Glacial Till in the form of boulder clay. The thickness of the superficial deposits is recorded to be of the order of 5m.

The underlying bedrock strata are of sedimentary origin and are of the Limestone Coal Group of Carboniferous age. The strata in the immediate vicinity of the site dip to the east but are disrupted by a geological fault located close to the northern boundary and have also been folded. The strata comprise interbedded sandstones, siltstones, mudstones and coal seams, the general sequence of the coal seams is as follows;

Seam	Thickness	Depth
Lochgelly Splint Coal	0.25m to 1.17m	0m
Lochgelly Parrot Coal	0.2m to 1.1m	8m
Thin (unnamed) coal	--	21m
Pilkin Coal	0.0m to 0.4m	36m
Glassee Coal	0.3m to 1.2m	46m

The records indicate that the Lochgelly Parrot Coal outcrops at rockhead immediately to the west of the site and is likely to lie at shallow depth beneath the area. This is confirmed by the record of a borehole sunk to the south of the site where the Lochgelly Parrot Coal was encountered at a depth of 14.5m, although the overlying Lochgelly Splint seam was not apparently recorded in that borehole.

Past Mining

It is known that many coal seams have been extensively worked in the past and in the area but there are generally no records of the past workings.

Although there are no available records of past workings extending beneath the site at shallow depth in the immediate vicinity of the site, the presence of abandoned workings cannot be discounted and it is considered that the stability of the site cannot be confirmed unless proved by investigation.

Proposed Investigation

We recommend that the investigation should comprise the sinking of three boreholes by rotary open hole drilling techniques to depths of up to 20m below rockhead, i.e. up to 30m below the existing ground surface to locate the horizons of the various coal seams at shallow depth beneath the site and to confirm the sequence of the strata.

The cost of the investigation is estimated to be £2350.00 inclusive of preparation of our report on the results of the investigation, but exclusive of VAT.

We trust that the foregoing will provide you with adequate information at this time and look forward to receiving your instructions to proceed with the investigation in due course.

Yours faithfully,



HYDRACRAT LIMITED





CHARLIE FLEMING ASSOCIATES

ACOUSTICAL CONSULTANTS
NOISE CONTROL ENGINEERS

Report on Road Traffic Sound

For

KJJ Properties

At

Maryburgh, Keltybridge, Perth & Kinross

CHARLIE FLEMING ASSOCIATES LIMITED

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3.0 Road Traffic Sound Level Measurement Results	7
4.0 Determination of <i>Level of Significance</i> of Road Traffic Sound	10
5.0 Conclusions	12
6.0 References	13
A1.0 Appendix: Basic Principles of Acoustics	14

1.0 Introduction

- 1.1 KJJ Properties has applied for planning permission to construct four houses on land to the south of Hillcrest, in Maryburgh, by Keltybridge, in Perth & Kinross. The proposed development site is shown outlined in red below on Figure 1(a), and overleaf on Figure 1(b), both of which are reproduced with the permission of Ordnance Survey. The M90 motorway (M90) is some 120m to the west of the proposed development.

Figure 1(a)

Proposed Development Site
(Courtesy of Ordnance Survey)



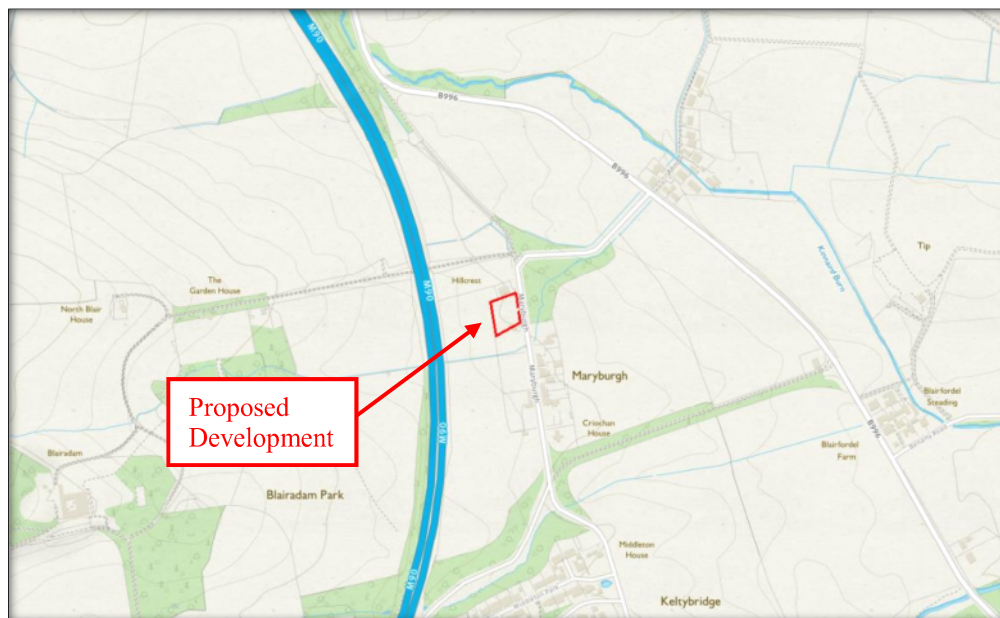
- 1.2 The concern was raised, by officers of Perth & Kinross Council, that the sound of the road traffic on the M90 might disturb the residents of the houses. Accordingly, the following condition was attached to the planning permission.

4. Development shall not begin until a Noise Impact Assessment has been carried out by a suitably qualified consultant and submitted for the approval of the Planning Authority. Reason - In order to identify any mitigation measures required to ensure a suitable level of residential amenity.

Charlie Fleming Associates was asked by Mr Richard McWilliams of Davidson Baxter Partnership, the firm of architects designing the development, acting as an agent on behalf of KJJ Properties, to carry out the assessment.

Figure 1(b)

**Proposed Development Site
(Courtesy of Ordnance Survey)**



- 1.3 Road traffic sound affecting the site of proposed residential development is usually assessed in accordance with The Scottish Government's publication titled *Planning Advice Note PAN 1/2011 Planning and Noise*¹, (PAN 1/2011). In turn, PAN 1/2011 refers to *Technical Advice Note Assessment of Noise*² (TAN 2011), also by The Government. This suggests that daytime is from 07.00hrs to 23.00hrs, and that night-time is from 23.00hrs to 07.00hrs. The sound levels over these periods are then used to determine the *Magnitude of Impact* that the sound of the traffic will have on the residents of the proposed development. In turn, this determines the *Level of Significance*, according to which it may, or may not, be necessary to reduce the sound.
- 1.4 It is extremely rare for a full 24-hour sound survey to be carried out. The daytime levels can be calculated very accurately based on measurements of the sound made over 3 consecutive one-hour periods. Details of this measurement technique are specified in the Department of Transport document titled *Calculation of Road Traffic Noise*³. This technique has been used many times before in Perth & Kinross, the results accepted by its Council's officers, and so it has been used in this case.
- 1.5 Section 2.0 of this report describes how the road traffic sound levels were measured and the results of the measurements are presented in Section 3.0. The *Magnitude of Impact* and *Level of Significance* of the traffic sound are determined, as required by TAN 2011, in Section 4.0. Section 5.0 concludes the main text of the report and the various documents referred to herein are referenced in Section 6.0. The Appendix describes basic principles of acoustics, the measurement of sound and explains the technical terms used in the report.

2.0 Road Traffic Sound Level Measurement Procedures

2.1 Mr Alexander Lamb, of Charlie Fleming Associates, visited the site of the proposed development on Friday 18th May 2018 to measure the sound levels of the traffic.

2.2 The following instrumentation was used to conduct the measurements.

Brüel & Kjær Modular Precision Sound Analyzer Type 2250
Serial No. 3008181

Brüel & Kjær Prepolarised Condenser Microphone Cartridge Type 4189
Serial No. 2983295

Brüel & Kjær Sound Level Calibrator Type 4231
Serial No. 2656302

Brüel & Kjær Windscreen Type UA0237
Serial No. Not applicable

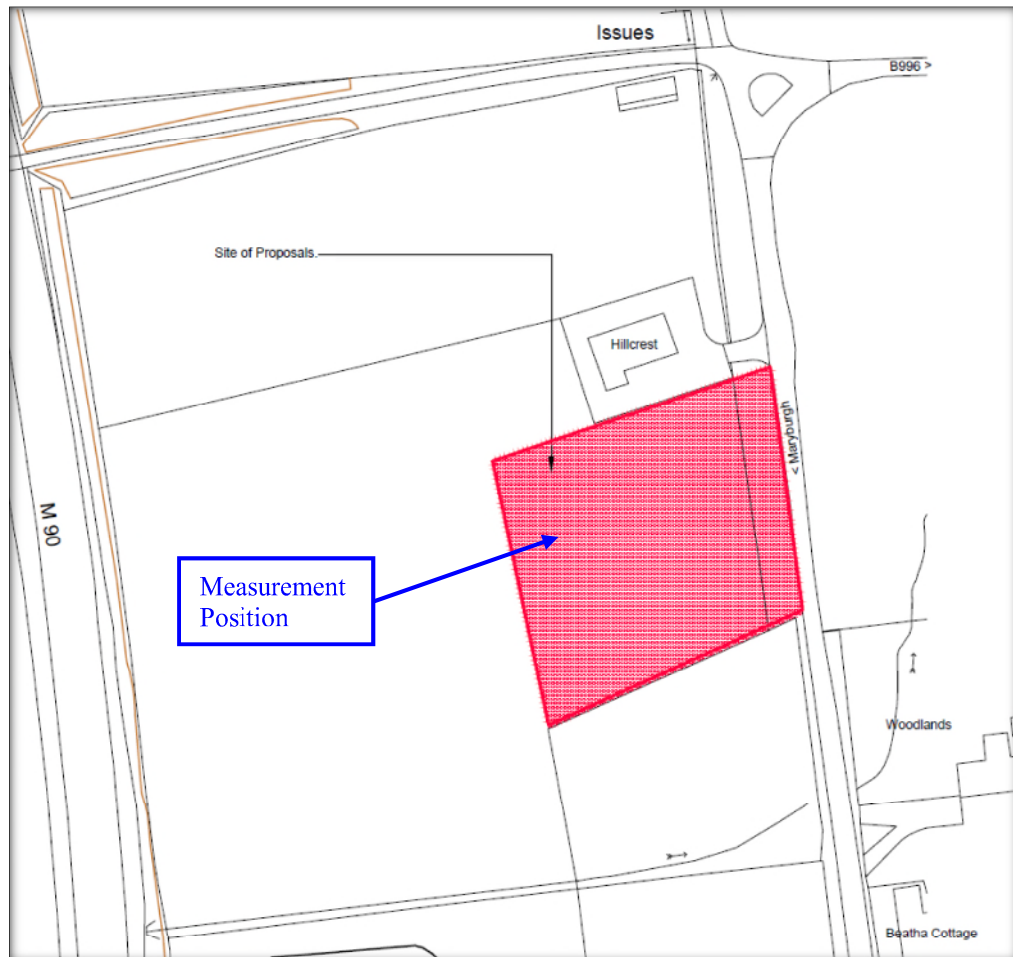
2.3 It is usual in an assessment such as this to measure the sound where the house which will be most exposed to it, in this case Plot 3, will be built. The principle in this is that, if the sound at the most exposed house is acceptable, it follows that it will also be acceptable at the other, less exposed, ones. The measurement position was as shown by the blue arrow overleaf on Figure 2, which is reproduced from drawing number H972 PL 001 - B, titled LOCATION PLAN, by Davidson Baxter Partnership, the firm of architects designing the development.

In detail, the measurement position was 52.2m in a westerly direction from eastern boundary of the proposed development site. It was also 17.4m in a southerly direction from the northern boundary of the proposed development site. The microphone of the sound level analyzer was horizontal, at a height of 1.30m above the ground.

2.4 The sound was measured over 3 consecutive hourly periods, the shortened procedure suggested in paragraphs 43 and 44 of *Calculation of Road Traffic Noise*³. Measurement procedures were otherwise as specified in Section III of that document.

2.5 The L_{AF10} (1-hour) sound levels were measured. The analyzer also measured the equivalent continuous sound levels both in octave bands and with A-weighting applied. All sound levels were measured in decibels referenced to 2×10^{-5} Pa.

2.6 The sound level analyzer was calibrated before and after conducting the measurements. On completion of the measurements the calibration level was found not to have changed.

Figure 2**Location of Road Traffic Sound Measurement Position
(Courtesy of Davidson Baxter Partnership)**

3.0 Road Traffic Sound Level Measurement Results

- 3.1 The results of the L_{Aeq} (1-hour) and L_{AF10} (1-hour) sound level measurements are shown below in Table 1.

Table 1

**Measured Sound Levels, L_{Aeq} and L_{AF10}
(dB re 2×10^{-5} Pa)**

Start of Measurement (hrs:mins:secs)	End of Measurement (hrs:mins:secs)	Duration of Measurement (hrs:mins:secs)	L_{Aeq} dB(A)	L_{AF10} dB(A)
10:18:07	11:17:50	00:59:43	53.3	55.8
11:59:27	12:59:27	01:00:00	55.2	57.7
12:59:27	13:59:27	01:00:00	55.3	57.9
Averages			54.6	57.1

- 3.2 The octave band sound levels measured are shown below in Table 2 and overleaf in Figure 3. The corresponding A-weighted levels are shown again in Table 2.

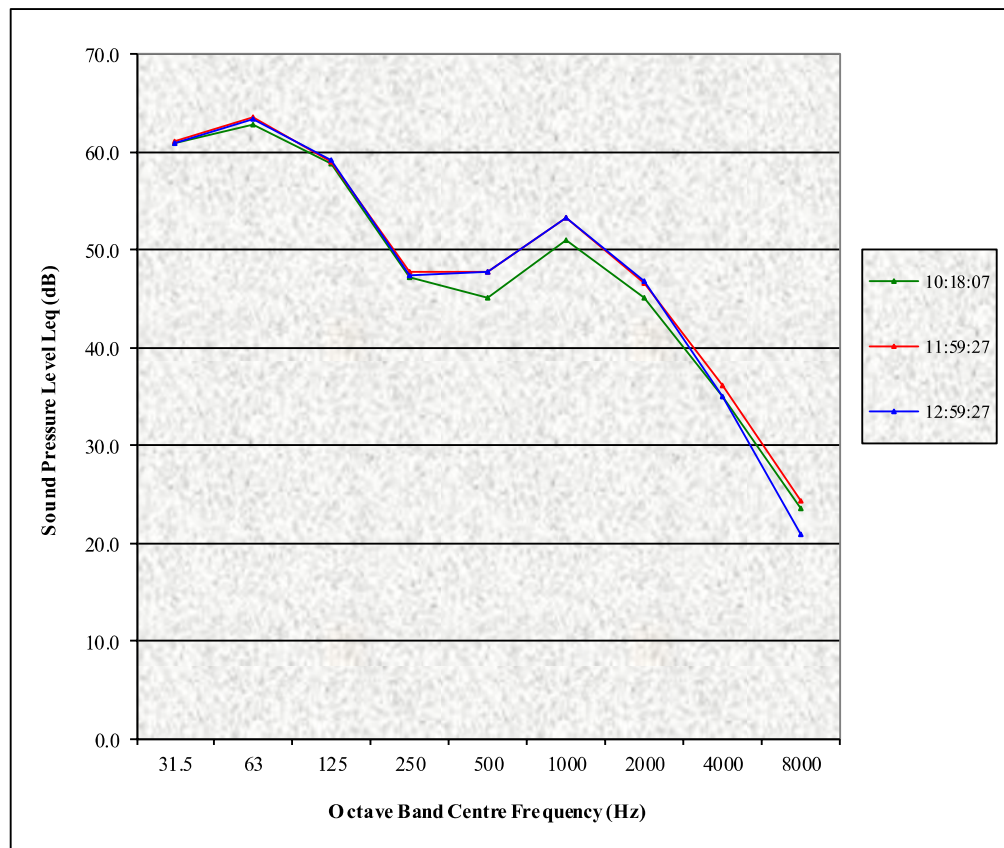
Table 2

**Measured Octave Band Sound Levels, L_{eq}
(dB re 2×10^{-5} Pa)**

Start of Measurement (hrs:mins:secs)	Octave Band Centre Frequency (Hz)									A
	31.5	63	125	250	500	1000	2000	4000	8000	
10:18:07	61.0	62.9	58.8	47.2	45.0	51.1	45.0	35.0	23.5	53.3
11:59:27	61.2	63.6	59.0	47.7	47.9	53.2	46.7	36.1	24.3	55.2
12:59:27	61.0	63.5	59.3	47.3	47.7	53.4	46.8	35.0	20.9	55.3
Averages	61.1	63.3	59.0	47.4	46.9	52.6	46.1	35.4	22.9	54.6

Figure 3

Measured Octave Band Road Traffic Sound Levels, L_{eq}
(dB re 2×10^{-5} Pa)



3.3 The sound measured was predominantly that of traffic on the M90. That the sound of traffic was measured is apparent on Figure 3 in that the spectra shown are characteristic thereof.

3.4 The meteorological conditions prevailing whilst the sound levels were measured were as shown in Table 3 below.

Table 3

Meteorological Conditions Prevailing During Measurements
(Courtesy of Weather Underground)

Time (hrs:mins)	Direction of Wind	Wind Speed (ms ⁻¹)	Temperature (° Celsius)	Relative Humidity (%)	Atmospheric Pressure (hPa)
10:20	West	1	15	55	1025
11:20	West-south-west	2	16	42	1024
12:20	Southwest	2	16	39	1024

During the measurements, the sky was partly cloudy and there was no precipitation. The sound level measurements were, therefore, generally carried out within the meteorological condition "window" given in *Calculation of Road Traffic Noise*³.

4.0 Determination of Level of Significance of Road Traffic Sound

- 4.1 The first stage in the process for assessing the sound levels, as prescribed in TAN 2011², is to conduct the *Quantitative Assessment*, which involves calculating the *Magnitude of Impact* the traffic sound will have on the residents of the proposed development.
- 4.2 To determine the *Magnitude of Impact* of the road traffic sound on the site, it is firstly necessary to calculate the arithmetic average of the three L_{A10} (1-hour) sound pressure levels, this has been done and found to be 57.1dB(A). Using the procedure given in paragraph 43 of *Calculation of Road Traffic Noise*³, 1dB(A) is subtracted from the average of the three L_{A10} (1-hour) levels to give the L_{A10} (18-hour). To relate the L_{A10} (18-hour) value to the L_{Aeq} (07.00hrs to 23.00hrs) used in TAN 2011, a further 2dB(A) must be subtracted, giving a total reduction of 3dB(A). This gives a daytime level, L_{Aeq} (07.00hrs to 23.00hrs), of 54.1dB(A).
- 4.3 At night, the external sound level, L_{Aeq} (23.00hrs to 07.00hrs), will be around 44.0dB(A)⁴.
- 4.4 The *Magnitude of Impact* is determined by the amount by which the L_{Aeq} exceeds 45dB(A) at night, and 55dB(A) during the day, as shown below in Table 4.

Table 4

Magnitude of Impacts Associated with Night and Day Exceedance Levels²

Night Noise Level ¹ , $x = (\text{Existing} - 45) L_{Aeq,8h}$	Day Noise Level ¹ , $x = (\text{Existing} - 55) L_{Aeq,16h}$	Magnitude of Impact
> 15	> 10	Major adverse
$10 \leq x \leq 15$	$5 \leq x \leq 10$	Moderate adverse
$5 \leq x < 10$	$3 \leq x < 5$	Minor adverse
$0 \leq x < 5$	$0 \leq x < 3$	Negligible adverse
$x < 0$	$x < 0$	No adverse impact

- 4.5 During the night, the sound of the road traffic is likely to be 1dB(A) less than 45dB(A) and will, therefore, have *No adverse impact* on the residents of the development. During the day, the sound of the road traffic is likely to be 1dB(A) less than 55dB(A), and will, therefore, have *No adverse impact* on the residents of the development.
- 4.6 The second stage in the process is to conduct the *Qualitative Assessment*. In this case, however, it is considered that the *Quantitative Assessment* adequately addresses the impact of the road traffic sound on the houses. The final stage is to determine the *Level of Significance* of the traffic sound. This is determined using Table 5, which is shown overleaf. The *Sensitivity of Receptor* will be high as it is houses which are to be constructed.

Table 5
Significance of Effects²

Magnitude of Impact	Sensitivity of Receptor		
	Low	Medium	High
Major	Slight/Moderate	Moderate/Large	Large/Very Large
Moderate	Slight	Moderate	Moderate/Large
Minor	Neutral/Slight	Slight	Slight/Moderate
Negligible	Neutral/Slight	Neutral/Slight	Slight
No change	Neutral	Neutral	Neutral

- 4.7** As the *Magnitude of Impact* will be *No change* on the residents of the houses during the night-time, the significance will be *Neutral*, which is defined in TAN 2011² as:

Neutral: No effect, not significant, noise need not be considered as a determining factor in the decision making process.

As the *Magnitude of Impact* will be *No change* on the residents of the houses during the day, the significance will be *Neutral*, which is as defined above.

It is thus concluded that the road traffic sound levels are within the limits given in current planning guidance, and that there is no need to introduce any measures to reduce them.

5.0 Conclusions

5.1 KJJ Properties has applied for planning permission to construct four houses on land to the south of Hillcrest, in Maryburgh, by Keltlybridge, in Perth & Kinross. The M90 motorway (M90) is some 120m to the west of the proposed development. The concern was raised, by officers of Perth & Kinross Council, that the sound of the road traffic on the M90 might disturb the residents of the houses. Accordingly, the following condition was attached to the planning permission.

4. Development shall not begin until a Noise Impact Assessment has been carried out by a suitably qualified consultant and submitted for the approval of the Planning Authority. Reason - In order to identify any mitigation measures required to ensure a suitable level of residential amenity.

Charlie Fleming Associates was asked by KJJ Properties to carry out the assessment.

5.2 The sound of the road traffic was measured as described in Section 2.0 of this report, and the results are presented in Section 3.0. In Section 4.0, the sound levels have been assessed as prescribed in The Scottish Government publication titled *Planning Advice Note 1/2011: Planning and Noise*¹ (PAN 1/2011). This, in turn, refers to *Technical Advice Note 2011: Assessment of Noise*² (TAN 2011). TAN 2011 requires the *Magnitude of Impact* and *Significance of Effects* to be worked out.

5.3 During the night, there will be *No adverse impact* on the residents of the houses, and so the significance will be *Neutral*, which is defined in TAN 2011 as:

Neutral: No effect, not significant, noise need not be considered as a determining factor in the decision making process.

During the day, there will be *No adverse impact* on the residents of the houses, and so the significance will be *Neutral*, which is as defined above.

5.4 It is thus concluded that the road traffic sound levels are within the limits given in current planning guidance, and that there is no need to introduce any measures to reduce them.



Eur Ing Charlie Fleming BSc MSc CEng FIOA MCIBSE MIET

6.0 References

- 1) The Scottish Government, *Planning Advice Note PAN 1/2011 Planning and Noise*, Crown Copyright 2011, ISBN 978-1-78045-043-8 (web only).
- 2) The Scottish Government, *Technical Advice Note TAN 2011 Assessment of Noise*, Crown Copyright 2011, ISBN 978-1-78045-042-1 (web only).
- 3) Department of Transport, *Calculation of Road Traffic Noise*, HMSO, London, 1988, ISBN 0-11-550847-3.
- 4) Highways Agency, *Design Manual for Roads and Bridges: Volume 11 Environmental Assessment*, Section 3, Part 7, paragraph 3.7, The Stationery Office, London 2006, ISBN 10: 0115527648.

A1.0 Appendix: Basic Principles of Acoustics

A1.1 Sound Pressure

The sound we hear is due to tiny changes in pressure in the air, caused by something disturbing the air, such as a loudspeaker cone moving back and forward, the blades of a fan heater going round, the moving parts of a car engine, and so on. From the initial point of the disturbance the sound travels to the receiver in the form of a wave. It is not like a wave in water, rather like one that would travel along a stretched spring, such as a child's *Slinky* toy laid flat on the ground and “pinged” at one end. Whether the human ear can hear the sound wave as it travels through the air, however, depends on the size of the disturbance and the frequency of it. That is, if the loudspeaker moves very slightly we may not be able to hear the changes in air pressure that it causes because they are too small for the ear to detect. The magnitude of sound pressures that the human ear can detect ranges from about 0.00002Pascals (Pa) to 200Pa. This enormous range presents difficulties in calculation and so, for arithmetic convenience, the sound pressure is expressed in decibels, dB. Decibels are a logarithmic ratio as shown below:

$$\text{Sound Pressure Level } L \text{ (dB)} = 20\text{Log}_{10}\{p/P\}$$

Where p = the sound pressure to be expressed in dB

and P = reference sound pressure 0.00002Pa

Hence, if we substitute 0.00002Pa, the smallest sound the ear can hear, for p , the result is 0dB. Conversely, if we substitute 200Pa, the loudest sound the ear can hear, for p , the result is 140dB. Hence, sound is measured in terms of sound pressure level in dB relative to 0.00002Pa.

A1.2 Range of Audible Sound Pressure Levels

An approximate guide to the range of audible pressures is presented overleaf in Table A1. The sound pressure levels noted are typical of the source given and should not be considered to be precise. The notes in the "Threshold" column of the Table are for general guidance, the sound pressure levels of those thresholds varying between individuals.

Table A1

Range of Audible Sound Pressure Levels and Sound Pressures

Sound Pressure Level (dB re 2x10 ⁻⁵ Pa)	Sound Pressure (Pa)	Source	Threshold of:
160	2000	Rifle at ear	Damage
140	200	Jet aircraft take off @ 25m	Pain
120	20	Boiler riveting shop	Feeling
100	2	Disco, noisy garden centre	
80	0.2	Busy street	
60	0.02	Conversation @ 2m	
40	0.002	Quiet office or living room	
20	0.0002	Quiet, still night in country	
0	0.00002	Acoustic test laboratory	Hearing

A1.3 Frequency and Audible Sound

Returning to the example of the loudspeaker cone, if it moves back and forward very slowly, for example once or twice a second, then we will not be able to hear the sound because the ear cannot physically respond to such a low frequency sound. Human ears are sensitive to sound pressure waves with frequencies between about 30Hertz (Hz) and 16,000Hz, where Hz is the unit of frequency and is also known as the number of cycles per second. That is, the number of times each second that the loudspeaker cone moves in and out, the fan blade goes round, etc. At the other end of the frequency spectrum, a sound with a frequency of 30,000Hz will also be inaudible, again because the ear cannot physically respond to sound pressure waves having such a high frequency.

Across the audible frequency range, the response of the ear varies. For example, a sound having a frequency of 63Hz will not be perceived as being as loud as a sound of exactly the same sound pressure level, having a frequency of 250Hz. A sound having a frequency of 500Hz will not be perceived as being as loud as a sound of the same sound pressure level with a frequency of 1,000Hz. Indeed, for a given sound pressure level, the hearing becomes progressively more sensitive as the frequency increases up to around 2,500Hz. Thereafter, from 2,500Hz upwards to about 16,000Hz, the sensitivity decreases, with sounds having frequencies above 16,000Hz being inaudible to most adults.

Virtually all sounds are made up of a great many component sound waves of different sound pressure levels and frequencies combined together. To measure the sound pressure level contributed at each of the frequencies between 30Hz and 16,000Hz, that is, 15,970 individual frequencies, would require 15,970 individual measurements. This would yield a massive, unwieldy amount of data.

A1.4 Octave Bands of Frequency

As a compromise, the sound pressure level in particular ranges, or "bands", of frequencies can be measured. One of the commonest ranges of frequency is the octave band. An octave band of frequencies is defined as a range of frequencies with an upper limit twice the frequency of the lower limit, eg 500Hz to 1,000Hz. This octave is exactly the same as a musical octave, on the piano, violin, etc, or *doh* to high *doh* on the singing scale. Octave bands are defined in international standards and are identified by their centre frequency. Sound measurements are generally made in the eight octave bands between 63Hz and 8,000Hz. This is because human hearing is at its most sensitive, in terms of its frequency response, over this range of frequencies. Furthermore, the sound waves that make up speech have frequencies in this range.

A1.5 Linear, (Lin) Measurement of Sound

A measurement that encompasses all the frequencies making up the sound. It is the most basic of measurements as it only provides a single value of the magnitude of the sound or vibration, with no information as to the frequency content of the sound, which is useful in the analysis of problems. It is also used to describe sounds which have approximately equal contributions across the frequency range.

A1.6 "A-Weighting" and dB(A)

Whilst an octave band analysis gives quite detailed information as to the frequency content of the sound, it is rather clumsy in terms of presenting results of

measurements, that is, having to note sound pressure levels measured at eight separate octave bands. Furthermore, the ear hears all these separate frequency components as a whole and thus it would seem sensible to measure sound in that way.

When sound pressure level is measured with a sound level meter, the instrument can analyse the sound in terms of its octave band content as described above in section A1.4, or measure all the frequencies at once. Bearing in mind that the response of the ear varies with frequency, the sound level meter can apply a correction to the sound it is measuring to simulate the frequency response of the ear. This correction is known as "A-weighting" and sound pressure levels measured with this applied are described as having been measured in dB(A).

A1.7 Variation of Sound Level With Time

Virtually all sounds vary with time. For example, speech, music, a person hammering, road traffic, an aircraft flying overhead, all vary with respect to time. Various terms can be applied to describe the temporal nature of a sound as shown in Table A2.

Table A2

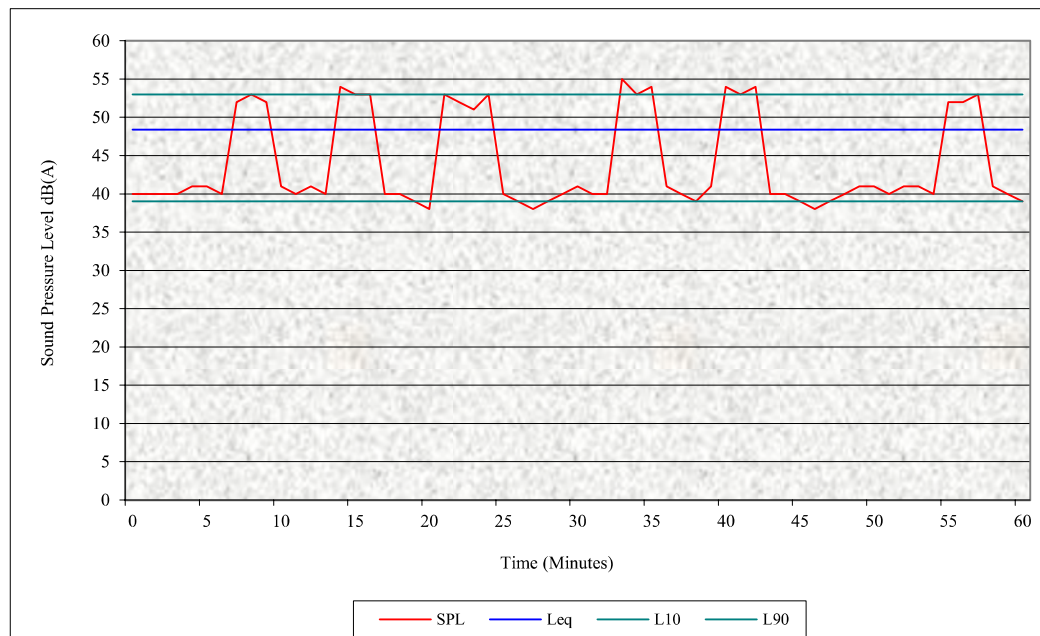
Examples of the Temporal Nature of Sound

Description	Example of Sound Source
Constant or steady state	Fan heater, waterfall
Impulsive	Gun shot, hammer blow, quarry blast
Irregular or fluctuating	Road traffic, speech, music
Cyclical	Washing machine, grass mowing
Irregular impulsive	Clay pigeon shooting
Regular impulsive	Regular hammering, tap dripping, pile driving

In practice, combinations of virtually any of the above can exist. In measuring sound it is necessary to deal with the level as it varies with respect to time.

A1.8 Time History

Consider the time history, as it is known, shown overleaf in Figure A1. Note that it is not an actual time history, rather an approximate representation of that which a person might experience some 100m away from a building site on which a man is operating a pneumatic drill.

Figure A1**Example of Time History of Construction Site Sound**

The sound of the compressor and other activity on the site is reasonably constant with time, having a level of between 38dB(A) and 41dB(A). When the drill operates the sound level rises to between around 51dB(A) and 55dB(A).

A measurement of the sound between the 25th minute and the 32nd minute, when the sound is that of the compressor, would result in a level of about 40dB(A). This is very different from the result of a measurement made between the 33rd minute and the 35th minute, when the drill is operating, which would give a sound level of about 54dB(A). In the past acousticians therefore had to develop some way of measuring the sound which gives us information as to its variation in time. The easiest parameters to understand are the maximum and minimum levels, in this case 55dB(A) and 38dB(A) respectively. These do not tell us much about the sound other than the range of levels involved. The most widely used parameter is the equivalent continuous sound level, L_{eq} , which is explained in Section A1.9.

A1.9 Equivalent Continuous Sound Level, L_{eq}

A representative measurement of the sound to which the person in the example is exposed must deal with these changes in level. This can be done by measuring what is known as the equivalent continuous sound level, denoted as L_{eq} . If the measurement has been made in dB(A) it can be denoted as L_{Aeq} and expressed in dB. This is the sound level which, if maintained continuously over a given period, would have the same sound energy as the actual sound (which varied with time) had. In the example the L_{eq} is 48.4dB(A) and it is shown on Figure A1 as a blue line. In layman's terms it may be considered to be the average of the sound over a period of time.

A1.10 Percentiles, L_x , L_{10}

Another parameter often used in describing sound is the percentile. This is a statistical parameter and with respect to sound is that level exceeded for x% of the measurement period. Hence the L_{10} is that level which was exceeded for 10% of the measurement period. In the example this is 53dB(A) and it is shown in green on Figure A1. It can be seen to be a reasonable representation of the typical value of the peaks in the time history. The L_{10} is often used to describe road traffic sound, such as in the *Calculation of Road Traffic Noise* by the Department of Transport and in the *Noise Insulation Regulations 1975/1988*.

A1.11 Time Weighting, Fast, L_F , or Slow, L_S

Time weighting refers to the speed at which the sound level meter follows variations in the time history. The “fast” weighting of 125 milli-seconds corresponds to the way in which the human ear follows sound. The “slow” weighting effectively introduces more averaging of the sound. Note that the L_{eq} is independent of the time weighting, which only applies in the measurement of maxima, minima and percentiles.

A1.12 Free-field

As sound propagates from the source it may do so freely, or it may be obstructed in some way by a wall, fence, building, earth bund, etc. The former is known as free-field propagation. The analysis of sound prescribed in TAN 20111 is based on free-field sound levels.

McGregor McMahon & Associates							Page 1																																																																																																																																																																																																																																																																																	
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<u>Summary of Results for 200 year Return Period (+20%)</u> Half Drain Time : 434 minutes. <table><thead><tr><th>Storm Event</th><th>Max Level (m)</th><th>Max Depth (m)</th><th>Max Infiltration (l/s)</th><th>Max Control (l/s)</th><th>Max Σ Outflow (l/s)</th><th>Max Volume (m³)</th><th>Status</th></tr></thead><tbody><tr><td>15 min Summer</td><td>48.768</td><td>0.268</td><td>0.0</td><td>1.6</td><td>1.6</td><td>26.7</td><td>O K</td></tr><tr><td>30 min Summer</td><td>48.874</td><td>0.374</td><td>0.0</td><td>1.6</td><td>1.6</td><td>37.3</td><td>O K</td></tr><tr><td>60 min Summer</td><td>48.982</td><td>0.482</td><td>0.0</td><td>1.6</td><td>1.6</td><td>48.1</td><td>O K</td></tr><tr><td>120 min Summer</td><td>49.083</td><td>0.583</td><td>0.0</td><td>1.6</td><td>1.6</td><td>58.1</td><td>Flood Risk</td></tr><tr><td>180 min Summer</td><td>49.131</td><td>0.631</td><td>0.0</td><td>1.6</td><td>1.6</td><td>62.9</td><td>Flood Risk</td></tr><tr><td>240 min Summer</td><td>49.157</td><td>0.657</td><td>0.0</td><td>1.6</td><td>1.6</td><td>65.5</td><td>Flood Risk</td></tr><tr><td>360 min Summer</td><td>49.175</td><td>0.675</td><td>0.0</td><td>1.6</td><td>1.6</td><td>67.4</td><td>Flood Risk</td></tr><tr><td>480 min Summer</td><td>49.178</td><td>0.678</td><td>0.0</td><td>1.6</td><td>1.6</td><td>67.6</td><td>Flood Risk</td></tr><tr><td>600 min Summer</td><td>49.176</td><td>0.676</td><td>0.0</td><td>1.6</td><td>1.6</td><td>67.5</td><td>Flood Risk</td></tr><tr><td>720 min Summer</td><td>49.172</td><td>0.672</td><td>0.0</td><td>1.6</td><td>1.6</td><td>67.1</td><td>Flood Risk</td></tr><tr><td>960 min Summer</td><td>49.161</td><td>0.661</td><td>0.0</td><td>1.6</td><td>1.6</td><td>66.0</td><td>Flood Risk</td></tr><tr><td>1440 min Summer</td><td>49.131</td><td>0.631</td><td>0.0</td><td>1.6</td><td>1.6</td><td>63.0</td><td>Flood Risk</td></tr><tr><td>2160 min Summer</td><td>49.075</td><td>0.575</td><td>0.0</td><td>1.6</td><td>1.6</td><td>57.4</td><td>Flood Risk</td></tr><tr><td>2880 min Summer</td><td>49.009</td><td>0.509</td><td>0.0</td><td>1.6</td><td>1.6</td><td>50.8</td><td>Flood Risk</td></tr><tr><td>4320 min Summer</td><td>48.856</td><td>0.356</td><td>0.0</td><td>1.6</td><td>1.6</td><td>35.5</td><td>O K</td></tr><tr><td>5760 min Summer</td><td>48.746</td><td>0.246</td><td>0.0</td><td>1.6</td><td>1.6</td><td>24.5</td><td>O K</td></tr><tr><td>7200 min Summer</td><td>48.669</td><td>0.169</td><td>0.0</td><td>1.6</td><td>1.6</td><td>16.9</td><td>O K</td></tr><tr><td>8640 min Summer</td><td>48.617</td><td>0.117</td><td>0.0</td><td>1.5</td><td>1.5</td><td>11.7</td><td>O K</td></tr><tr><td>10080 min Summer</td><td>48.583</td><td>0.083</td><td>0.0</td><td>1.5</td><td>1.5</td><td>8.3</td><td>O K</td></tr><tr><td>15 min Winter</td><td>48.802</td><td>0.302</td><td>0.0</td><td>1.6</td><td>1.6</td><td>30.1</td><td>O K</td></tr></tbody></table> 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Summer</td><td>8.024</td><td>0.0</td><td>119.9</td><td>540</td></tr><tr><td>960 min Summer</td><td>6.565</td><td>0.0</td><td>130.7</td><td>674</td></tr><tr><td>1440 min Summer</td><td>4.946</td><td>0.0</td><td>147.8</td><td>954</td></tr><tr><td>2160 min Summer</td><td>3.723</td><td>0.0</td><td>166.7</td><td>1380</td></tr><tr><td>2880 min Summer</td><td>3.039</td><td>0.0</td><td>181.6</td><td>1788</td></tr><tr><td>4320 min Summer</td><td>2.279</td><td>0.0</td><td>204.3</td><td>2508</td></tr><tr><td>5760 min Summer</td><td>1.856</td><td>0.0</td><td>221.8</td><td>3224</td></tr><tr><td>7200 min Summer</td><td>1.583</td><td>0.0</td><td>236.3</td><td>3888</td></tr><tr><td>8640 min Summer</td><td>1.389</td><td>0.0</td><td>249.0</td><td>4576</td></tr><tr><td>10080 min Summer</td><td>1.244</td><td>0.0</td><td>260.2</td><td>5248</td></tr><tr><td>15 min Winter</td><td>90.663</td><td>0.0</td><td>31.6</td><td>18</td></tr></tbody></table>								Storm Event	Max Level (m)	Max Depth (m)	Max 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180 min Summer	49.131	0.631	0.0	1.6	1.6	62.9	Flood Risk																																																																																																																																																																																																																																																																																	
240 min Summer	49.157	0.657	0.0	1.6	1.6	65.5	Flood Risk																																																																																																																																																																																																																																																																																	
360 min Summer	49.175	0.675	0.0	1.6	1.6	67.4	Flood Risk																																																																																																																																																																																																																																																																																	
480 min Summer	49.178	0.678	0.0	1.6	1.6	67.6	Flood Risk																																																																																																																																																																																																																																																																																	
600 min Summer	49.176	0.676	0.0	1.6	1.6	67.5	Flood Risk																																																																																																																																																																																																																																																																																	
720 min Summer	49.172	0.672	0.0	1.6	1.6	67.1	Flood Risk																																																																																																																																																																																																																																																																																	
960 min Summer	49.161	0.661	0.0	1.6	1.6	66.0	Flood Risk																																																																																																																																																																																																																																																																																	
1440 min Summer	49.131	0.631	0.0	1.6	1.6	63.0	Flood Risk																																																																																																																																																																																																																																																																																	
2160 min Summer	49.075	0.575	0.0	1.6	1.6	57.4	Flood Risk																																																																																																																																																																																																																																																																																	
2880 min Summer	49.009	0.509	0.0	1.6	1.6	50.8	Flood Risk																																																																																																																																																																																																																																																																																	
4320 min Summer	48.856	0.356	0.0	1.6	1.6	35.5	O K																																																																																																																																																																																																																																																																																	
5760 min Summer	48.746	0.246	0.0	1.6	1.6	24.5	O K																																																																																																																																																																																																																																																																																	
7200 min Summer	48.669	0.169	0.0	1.6	1.6	16.9	O K																																																																																																																																																																																																																																																																																	
8640 min Summer	48.617	0.117	0.0	1.5	1.5	11.7	O K																																																																																																																																																																																																																																																																																	
10080 min Summer	48.583	0.083	0.0	1.5	1.5	8.3	O K																																																																																																																																																																																																																																																																																	
15 min Winter	48.802	0.302	0.0	1.6	1.6	30.1	O K																																																																																																																																																																																																																																																																																	
Storm Event	Rain (mm/hr)	Flooded Volume (m³)	Discharge Volume (m³)	Time-Peak (mins)																																																																																																																																																																																																																																																																																				
15 min Summer	90.663	0.0	28.1	18																																																																																																																																																																																																																																																																																				
30 min Summer	64.294	0.0	40.0	33																																																																																																																																																																																																																																																																																				
60 min Summer	42.702	0.0	53.1	62																																																																																																																																																																																																																																																																																				
120 min Summer	27.310	0.0	67.9	122																																																																																																																																																																																																																																																																																				
180 min Summer	20.823	0.0	77.7	182																																																																																																																																																																																																																																																																																				
240 min Summer	17.136	0.0	85.3	240																																																																																																																																																																																																																																																																																				
360 min Summer	12.977	0.0	96.9	352																																																																																																																																																																																																																																																																																				
480 min Summer	10.637	0.0	105.9	410																																																																																																																																																																																																																																																																																				
600 min Summer	9.110	0.0	113.3	476																																																																																																																																																																																																																																																																																				
720 min Summer	8.024	0.0	119.9	540																																																																																																																																																																																																																																																																																				
960 min Summer	6.565	0.0	130.7	674																																																																																																																																																																																																																																																																																				
1440 min Summer	4.946	0.0	147.8	954																																																																																																																																																																																																																																																																																				
2160 min Summer	3.723	0.0	166.7	1380																																																																																																																																																																																																																																																																																				
2880 min Summer	3.039	0.0	181.6	1788																																																																																																																																																																																																																																																																																				
4320 min Summer	2.279	0.0	204.3	2508																																																																																																																																																																																																																																																																																				
5760 min Summer	1.856	0.0	221.8	3224																																																																																																																																																																																																																																																																																				
7200 min Summer	1.583	0.0	236.3	3888																																																																																																																																																																																																																																																																																				
8640 min Summer	1.389	0.0	249.0	4576																																																																																																																																																																																																																																																																																				
10080 min Summer	1.244	0.0	260.2	5248																																																																																																																																																																																																																																																																																				
15 min Winter	90.663	0.0	31.6	18																																																																																																																																																																																																																																																																																				
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Date 06/02/2018 15:31 File AQUACELL.SRCX			Designed by Steven.Calvert Checked by				
XP Solutions			Source Control 2017.1.2				
<u>Summary of Results for 200 year Return Period (+20%)</u>							
Storm Event	Max Level (m)	Max Depth (m)	Max Infiltration (l/s)	Max Control (l/s)	Max Σ Outflow (l/s)	Max Volume (m³)	Status
30 min Winter	48.922	0.422	0.0	1.6	1.6	42.1	O K
60 min Winter	49.047	0.547	0.0	1.6	1.6	54.5	Flood Risk
120 min Winter	49.164	0.664	0.0	1.6	1.6	66.3	Flood Risk
180 min Winter	49.223	0.723	0.0	1.6	1.6	72.2	Flood Risk
240 min Winter	49.258	0.758	0.0	1.6	1.6	75.6	Flood Risk
360 min Winter	49.289	0.789	0.0	1.6	1.6	78.7	Flood Risk
480 min Winter	49.295	0.795	0.0	1.6	1.6	79.3	Flood Risk
600 min Winter	49.289	0.789	0.0	1.6	1.6	78.7	Flood Risk
720 min Winter	49.284	0.784	0.0	1.6	1.6	78.2	Flood Risk
960 min Winter	49.265	0.765	0.0	1.6	1.6	76.4	Flood Risk
1440 min Winter	49.213	0.713	0.0	1.6	1.6	71.1	Flood Risk
2160 min Winter	49.118	0.618	0.0	1.6	1.6	61.7	Flood Risk
2880 min Winter	49.008	0.508	0.0	1.6	1.6	50.6	Flood Risk
4320 min Winter	48.772	0.272	0.0	1.6	1.6	27.1	O K
5760 min Winter	48.640	0.140	0.0	1.6	1.6	14.0	O K
7200 min Winter	48.573	0.073	0.0	1.5	1.5	7.3	O K
8640 min Winter	48.539	0.039	0.0	1.3	1.3	3.9	O K
10080 min Winter	48.527	0.027	0.0	1.2	1.2	2.7	O K
Storm Event	Rain (mm/hr)	Flooded Volume (m³)	Discharge Volume (m³)	Time-Peak (mins)			
30 min Winter	64.294	0.0	44.8	33			
60 min Winter	42.702	0.0	59.4	62			
120 min Winter	27.310	0.0	76.1	120			
180 min Winter	20.823	0.0	87.0	178			
240 min Winter	17.136	0.0	95.5	234			
360 min Winter	12.977	0.0	108.6	346			
480 min Winter	10.637	0.0	118.6	452			
600 min Winter	9.110	0.0	127.0	498			
720 min Winter	8.024	0.0	134.2	566			
960 min Winter	6.565	0.0	146.4	722			
1440 min Winter	4.946	0.0	165.5	1038			
2160 min Winter	3.723	0.0	186.8	1492			
2880 min Winter	3.039	0.0	203.3	1936			
4320 min Winter	2.279	0.0	228.7	2596			
5760 min Winter	1.856	0.0	248.4	3232			
7200 min Winter	1.583	0.0	264.7	3888			
8640 min Winter	1.389	0.0	278.9	4496			
10080 min Winter	1.244	0.0	291.4	5144			
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Model Details

Storage is Online Cover Level (m) 49.300

Cellular Storage Structure

Invert Level (m) 48.500 Safety Factor 2.0
Infiltration Coefficient Base (m/hr) 0.00000 Porosity 0.95
Infiltration Coefficient Side (m/hr) 0.00000

Depth (m)	Area (m ²)	Inf. Area (m ²)	Depth (m)	Area (m ²)	Inf. Area (m ²)
0.000	105.0	105.0	5.200	105.0	318.1
0.400	105.0	121.4	5.600	105.0	334.5
0.800	105.0	137.8	6.000	105.0	350.9
1.200	105.0	154.2	6.400	105.0	367.3
1.600	105.0	170.6	6.800	105.0	383.7
2.000	105.0	187.0	7.200	105.0	400.1
2.400	105.0	203.4	7.600	105.0	416.5
2.800	105.0	219.8	8.000	105.0	432.9
3.200	105.0	236.2	8.400	105.0	449.3
3.600	105.0	252.6	8.800	105.0	465.7
4.000	105.0	269.0	9.200	105.0	482.1
4.400	105.0	285.3	9.600	105.0	498.5
4.800	105.0	301.7	10.000	105.0	514.9

Hydro-Brake® Optimum Outflow Control

Unit Reference MD-SHE-0062-1600-0850-1600
Design Head (m) 0.850
Design Flow (l/s) 1.6
Flush-Flo™ Calculated
Objective Minimise upstream storage
Application Surface
Sump Available Yes
Diameter (mm) 62
Invert Level (m) 48.450
Minimum Outlet Pipe Diameter (mm) 75
Suggested Manhole Diameter (mm) 1200

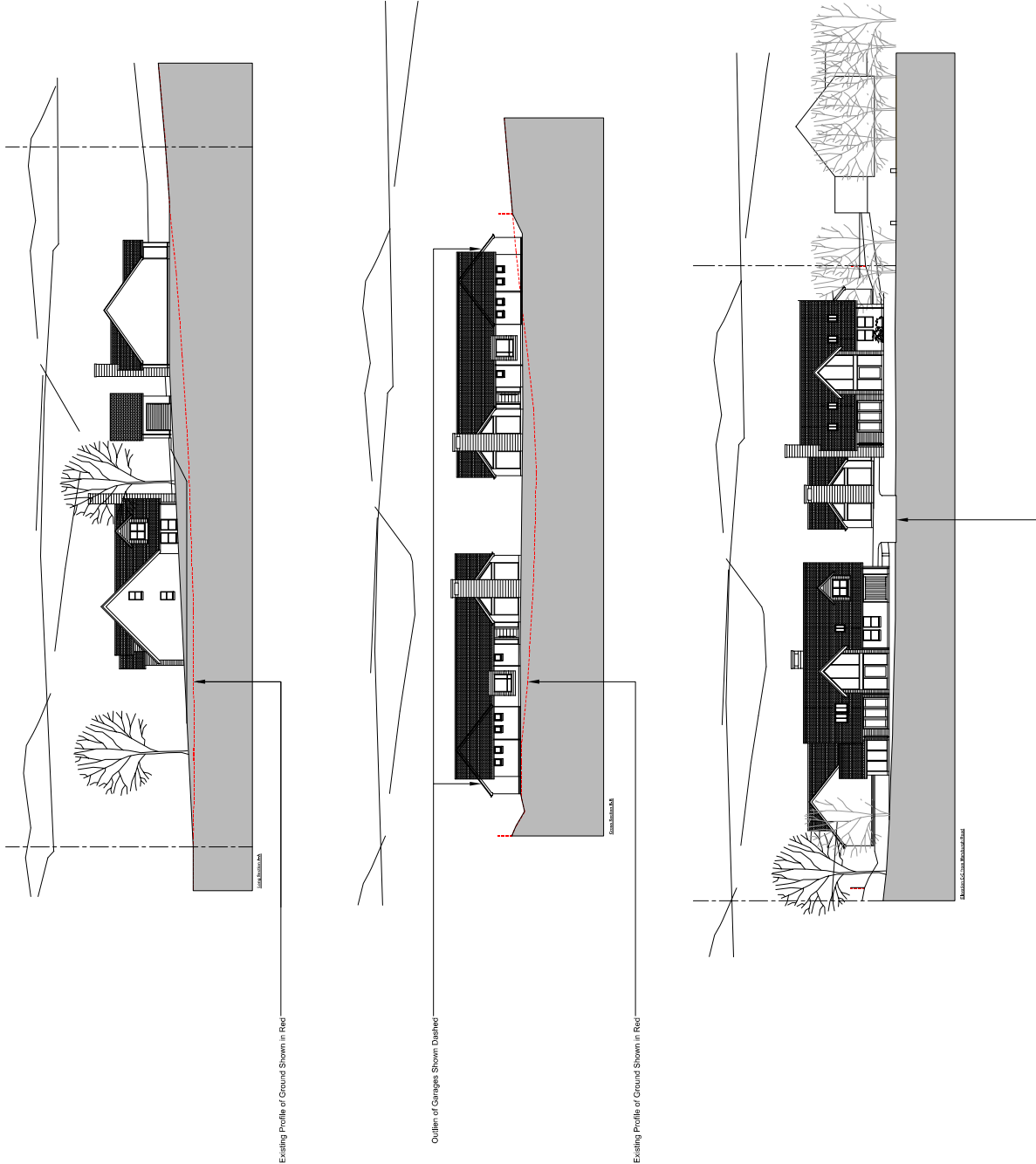
Control Points	Head (m)	Flow (l/s)
Design Point (Calculated)	0.850	1.6
Flush-Flo™	0.267	1.6
Kick-Flo®	0.540	1.3
Mean Flow over Head Range	-	1.4

The hydrological calculations have been based on the Head/Discharge relationship for the Hydro-Brake® Optimum as specified. Should another type of control device other than a Hydro-Brake Optimum® be utilised then these storage routing calculations will be invalidated

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Hydro-Brake® Optimum Outflow Control <table><tr><th>Depth (m)</th><th>Flow (l/s)</th><th>Depth (m)</th><th>Flow (l/s)</th><th>Depth (m)</th><th>Flow (l/s)</th><th>Depth (m)</th><th>Flow (l/s)</th></tr><tr><td>0.100</td><td>1.4</td><td>1.200</td><td>1.9</td><td>3.000</td><td>2.8</td><td>7.000</td><td>4.2</td></tr><tr><td>0.200</td><td>1.6</td><td>1.400</td><td>2.0</td><td>3.500</td><td>3.1</td><td>7.500</td><td>4.4</td></tr><tr><td>0.300</td><td>1.6</td><td>1.600</td><td>2.1</td><td>4.000</td><td>3.3</td><td>8.000</td><td>4.5</td></tr><tr><td>0.400</td><td>1.5</td><td>1.800</td><td>2.2</td><td>4.500</td><td>3.4</td><td>8.500</td><td>4.6</td></tr><tr><td>0.500</td><td>1.4</td><td>2.000</td><td>2.4</td><td>5.000</td><td>3.6</td><td>9.000</td><td>4.8</td></tr><tr><td>0.600</td><td>1.4</td><td>2.200</td><td>2.5</td><td>5.500</td><td>3.8</td><td>9.500</td><td>4.9</td></tr><tr><td>0.800</td><td>1.6</td><td>2.400</td><td>2.6</td><td>6.000</td><td>3.9</td><td></td><td></td></tr><tr><td>1.000</td><td>1.7</td><td>2.600</td><td>2.7</td><td>6.500</td><td>4.1</td><td></td><td></td></tr></table>						Depth (m)	Flow (l/s)	Depth (m)	Flow (l/s)	Depth (m)	Flow (l/s)	Depth (m)	Flow (l/s)	0.100	1.4	1.200	1.9	3.000	2.8	7.000	4.2	0.200	1.6	1.400	2.0	3.500	3.1	7.500	4.4	0.300	1.6	1.600	2.1	4.000	3.3	8.000	4.5	0.400	1.5	1.800	2.2	4.500	3.4	8.500	4.6	0.500	1.4	2.000	2.4	5.000	3.6	9.000	4.8	0.600	1.4	2.200	2.5	5.500	3.8	9.500	4.9	0.800	1.6	2.400	2.6	6.000	3.9			1.000	1.7	2.600	2.7	6.500	4.1		
Depth (m)	Flow (l/s)	Depth (m)	Flow (l/s)	Depth (m)	Flow (l/s)	Depth (m)	Flow (l/s)																																																																						
0.100	1.4	1.200	1.9	3.000	2.8	7.000	4.2																																																																						
0.200	1.6	1.400	2.0	3.500	3.1	7.500	4.4																																																																						
0.300	1.6	1.600	2.1	4.000	3.3	8.000	4.5																																																																						
0.400	1.5	1.800	2.2	4.500	3.4	8.500	4.6																																																																						
0.500	1.4	2.000	2.4	5.000	3.6	9.000	4.8																																																																						
0.600	1.4	2.200	2.5	5.500	3.8	9.500	4.9																																																																						
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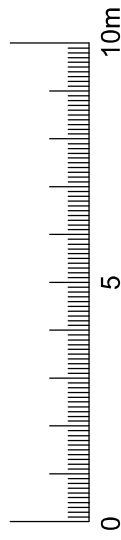
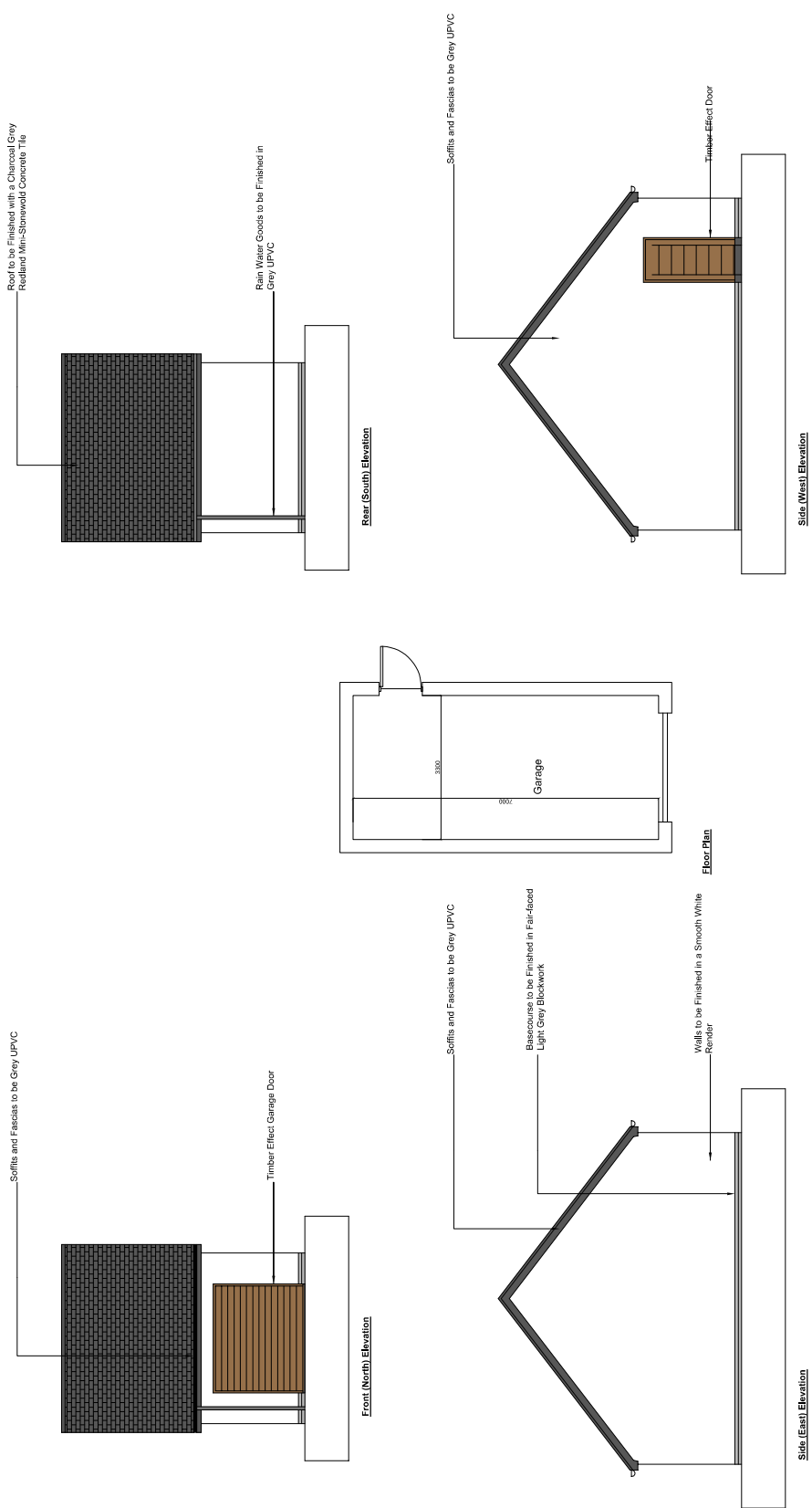


Rev B: Updated Generally. (May 2018).
Rev A: Scale Bar Added. (December 2017).

Project	PROPOSED HOUSING DEVELOPMENT @ MARYBURGH			
Client	KJJ PROPERTIES LTD	Scale	1:200 @ A1	
Title	SITE SECTIONS	Drawn By	RMCW	
Project No.	M 972	Dwg No.	PL 009 - B	
Davidson Baxter Partnership, 100 St. Clair Street, Kirkcaldy, Fife KY11 9BT, T: 01592 218791		Date	AUGUST 2017	



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Project	PROPOSED HOUSING DEVELOPMENT @ MARYBURGH			
Client	KJJ PROPERTIES LTD	Scale	1:100 @ A3	
Title	PLOT 3 GARAGE PLANS & ELEVS	Drawn By	RMCW	
Project No.	H 972	Orig No.	PL 011	
Davidson Baxter Partnership, 108 St Clair Street, Kirkcaldy, Fife, KY1 3BD, t: (0)1592 205161		Date	DECEMBER 2017	



TCP/11/16(572) – 18/01083/FLL - Erection of 4 dwellinghouses, 2 garages and associated works on land 45 metres south of Hillcrest, Maryburgh, Kelty

REPRESENTATIONS

28th June 2018

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



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

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

Dear Local Planner

KY4 Maryburgh South Of Hillcrest Land 45M
PLANNING APPLICATION NUMBER: 18/01083/FLL
OUR REFERENCE: 763020
PROPOSAL: Erection of 4no. dwellinghouses, 2no. garages and associated works

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

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

Foul

- No Foul Connection Required

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

Surface Water

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

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

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

General notes:

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

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

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

- Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>

Next Steps:

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

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

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

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

- **Non Domestic/Commercial Property:**

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

- **Trade Effluent Discharge from Non Dom Property:**

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

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

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

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

Yours sincerely

Holly Henderson
Development Operations Modern Apprentice

[Redacted signature]

Comments for Planning Application 18/01083/FLL

Application Summary

Application Number: 18/01083/FLL

Address: Land 45 Metres South Of Hillcrest Maryburgh Kelty

Proposal: Erection of 4no. dwellinghouses, 2no. garages and associated works

Case Officer: Sean Panton

Customer Details

Name: Mr R Cairney

Address: [REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Employment Provision
- Excessive Height
- Inappropriate Housing Density
- Out of Character with the Area
- Over Intensive Development
- Road Safety Concerns

Comment: Comments from Near Neighbour

Ref. See also application 17/02139/FLL

This scheme would increase housing in Maryburgh by 50% & cars by 80%.

Council's current and future Development Plan Policies ... are

PKC Development Plan 2014, under Section 7.12 Keltybridge and Maryburgh, para 7.12.2 Spatial Strategy Considerations describes Maryburgh as

"The settlement boundary of Maryburgh has been drawn to offer the potential to accommodate limited further development.....mirroring the form of the existing pattern"

The emerging new Development Plan carries this same description and the settlement boundary outline forward & remains unchanged.

This proposed application for the development of 4 houses has, approximately ,40% of the development out with the settlement boundary as in the 2014 plan. Allowing only 2 houses, not 4,

on this site.

The boundary runs south west from the south west corner of Hillcrest not west as shown on the applicant's plans.

Going north to Blairforge, immediately adjacent to the proposed scheme entrance a 'blind' ninety-degree bend on a national speed limit road. The bend is extremely dangerous during wintery weather. A road safety study may be required.

Going south to Keltybridge, 500m south, the road has a blind summit with a bend at Middleton Hollow.

The single-track road will not handle increased traffic.

Entrance to the scheme would need to accommodate the additional traffic created by this scheme of 4 houses.

Road widening... previous requests for road widening & passing places have been rejected by PKC as it would destroy the village aspect.

The section plans on the drawings provided are not a true representation, as the views looking north, showing the hill are not possible from Maryburgh, unless you're 10m above the road surface.

The total northern visual aspect of Maryburgh would be changed and is not covered by the location of the applicants submitted photo

The height of 4 houses is much higher than of adjacent properties.

No septic tank for Hillcrest is shown on plans, under plot 2

The site floods onto the road during very heavy rain & freezes in winter causing cars to skid off the road at this location. In previous years a spring has been seen in the middle of this plot.

No mains sewage in Maryburgh, 11 houses all on septic tanks. Pumped sewage may be problematic due to frequently interrupted electricity supply.

Places at Cleish primary school are also limited.

Some trees shown on the plan don't exist at this time.

Comments for Planning Application 18/01083/FLL

Application Summary

Application Number: 18/01083/FLL

Address: Land 45 Metres South Of Hillcrest Maryburgh Kelty

Proposal: Erection of 4no. dwellinghouses, 2no. garages and associated works

Case Officer: Sean Panton

Customer Details

Name: Mr Douglas Smith

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Flooding Risk
- Inappropriate Housing Density
- Out of Character with the Area
- Over Intensive Development
- Traffic Congestion

Comment: I believe this land is already being used for a septic tank and leach field by an adjacent property. To my knowledge, there is no public sewer available. There is a small stream to the east that may become polluted by too many septic systems.

Comments for Planning Application 18/01083/FLL

Application Summary

Application Number: 18/01083/FLL

Address: Land 45 Metres South Of Hillcrest Maryburgh Kelty

Proposal: Erection of 4no. dwellinghouses, 2no. garages and associated works

Case Officer: Sean Panton

Customer Details

Name: Mr George Hill

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Excessive Height
- Inappropriate Housing Density
- Inappropriate Land Use
- Light Pollution
- Loss Of Open Space
- Loss Of Sunlight or Daylight
- Noise Pollution
- Out of Character with the Area
- Over Intensive Development
- Over Looking
- Road Safety Concerns

Comment: This development, if allowed to progress would add significantly to an already difficult narrow and dangerous road from speeding cars, buses and farm traffic. The road is not wide enough to allow two vehicles to pass safely without going up on the verges and causing further damage to the environment.

It would also increase the risk for walkers, ramblers, young children etc who have no pavement to walk on or to take safe refuge from approaching traffic. There is only one side of the road that people walking on the road could use meaning they would be walking with their backs to ongoing traffic. The other side is lined with trees.

Other concerns, sewage run off, water, increase in traffic,

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/01083/FLL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin [REDACTED]
Description of Proposal	Erection of 4no. dwellinghouses, 2no. garages and associated works		
Address of site	Land 45 Metres South Of Hillcrest, Maryburgh, Kelty		
Comments on the proposal	NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time. THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE. Primary Education 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. This proposal is within the catchment of Cleish Primary School.		
Recommended planning condition(s)	Summary of Requirements Education: £25,840 (4 x £6,460) <u>Total: £25,840</u> Phasing It is advised that the preferred method of payment would be upfront of release of planning permission. Due to the scale of the contribution requirement it may be appropriate to enter into a S.75 Legal Agreement. If S.75 entered into the phasing of financial contributions will be based on		

	occupation of open market units with payments made 10 days prior to occupation. Payment for each open market unit will be £6,460 (£25,840/ 4 = £6,460).
Recommended informative(s) for applicant	Payment Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice. Methods of Payment On no account should cash be remitted. Scheduled within a legal agreement This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice. NB: The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue. Other methods of payment Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice. Remittance by Cheque The Planning Officer will be informed that payment has been made when a cheque is received. However this may require a period of 14 days from date of receipt before the Planning Officer will be informed that the Planning Decision Notice may be issued. Cheques should be addressed to 'Perth and Kinross Council' and forwarded with a covering letter to the following: Perth and Kinross Council Pullar House 35 Kinnoull Street Perth PH15GD Bank Transfers

	All Bank Transfers should use the following account details; Sort Code: 834700 Account Number: 11571138 Please quote the planning application reference. Direct Debit The Council operate an electronic direct debit system whereby payments may be made over the phone. To make such a payment please call 01738 475300 in the first instance. When calling please remember to have to hand: a) Your card details. b) Whether it is a Debit or Credit card. c) The full amount due. d) The planning application to which the payment relates. e) If you are the applicant or paying on behalf of the applicant. f) Your e-mail address so that a receipt may be issued directly. Education Contributions For Education contributions please quote the following ledger code: 1-30-0060-0001-859136 Indexation All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index. Accounting Procedures Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.
Date comments returned	04 July 2018



The Coal
Authority



INVESTOR IN PEOPLE



200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

For the Attention of: Sean Panton – Case Officer
Perth and Kinross Council

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

09 July 2018

Dear Mr Panton

PLANNING APPLICATION: 18/01083/FLL

Erection of 4no. dwellinghouses, 2no. garages and associated works; Land 45 Metres South Of, Hillcrest, Maryburgh, Kelty

Thank you for your consultation letter of 26 June 2018 seeking the views of The Coal Authority on the above planning application.

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

The Coal Authority Response: Material Consideration

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

The Coal Authority information indicates that the site is in an area of probable shallow mine workings and the presence of thick coal seam outcrops which may have been worked in the past.

It is noted that the Coal Authority were consulted on a previous planning application (12/00817/IPL) for this site where the applicant submitted a letter from Hydracrat Ground Investigation Contractors, dated 8th September 2003 which made appropriate recommendations that intrusive site investigation works should be undertaken in order to establish the exact situation regarding ground conditions and to enable the design of any necessary remedial measures, prior to development taking place. We are pleased to note

that the LPA imposed a planning condition (Condition 6) that prior to commencement of development the recommendations made by the Hydracrat Ground Investigation Contractors must be undertaken.

The same letter has been submitted in support of this current application. As no site investigations have yet been undertaken since the approval of planning application 12/00817/IPL, our comments remain the same.

Once the exact ground conditions have been established a competent person can then confirm and design an appropriate mitigation strategy such as grouting and stabilisation works, specific foundation design and / or gas protection measures, if deemed necessary, to ensure the safety and stability of the proposed development.

The applicant should also be aware that should remedial measures be required an alternative to grouting stabilisation works, wherever possible, is to remove the remnant shallow coal present beneath a site. This will enable the land to be stabilised and treated by a more sustainable method; rather than by the grout fill of any voids and consequently unnecessarily sterilising the nation's asset.

We would like to add that mine gases can find routes to the surface through mine openings and other points of weakness in the overlying strata. How, where and when gases move is very difficult to predict and can extend for some distance from the origin. Therefore, we would expect gas monitoring installations to also be carried alongside the above site investigation works. Alternatively, gas protection measures should be incorporated as part of the foundation design however this specific matter can be dealt with as part of any future building warrant application.

Based on the above, the Coal Authority considers that an adequate assessment of the coal mining risks associated with this site has been carried out. Therefore, in order to ensure that sufficient information is provided by the applicant to demonstrate to the LPA that the site is, or can be made, safe and stable for the development proposed you may wish to consider the imposition of planning conditions which cover the issues set out below.

Prior to the commencement of development:

- * The undertaking of the scheme of intrusive site investigations, designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity;
- * The submission of a report of findings arising from the intrusive site investigations and any remedial works and/or mitigation measures considered necessary;
- * Implementation of the remedial works and/or mitigation measures.

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

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

Yours sincerely

D Roberts

Deb Roberts *M.Sc.*

Planning Liaison Officer

General Information for the Applicant

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

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

Where development is proposed over areas of coal and past coal workings at shallow depth, The Coal Authority is of the opinion that applicants should consider wherever possible removing the remnant shallow coal. This will enable the land to be stabilised and treated by a more sustainable method; rather than by attempting to grout fill any voids and consequently unnecessarily sterilising the nation's asset. Prior extraction of surface coal requires an Incidental Coal Agreement from The Coal Authority. Further information can be found at:

<https://www.gov.uk/get-a-licence-for-coal-mining>

Disclaimer

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

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

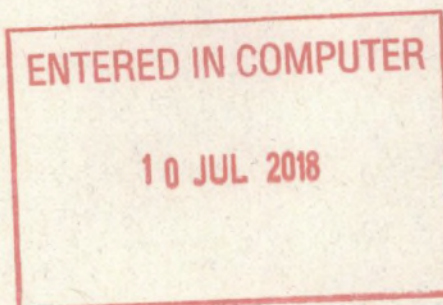
Tracy McManamon

From: Paul Appleby - [REDACTED]
Sent: 10 July 2018 10:50
To: Development Management - Generic Email Account
Subject: Objection to Planning Application: 18/01083/FLL

[REDACTED]

9th July 2018

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



Fao. The Development Quality Manager

Dear Sir/Madam,

Re: Planning Application: 18/01083/FLL

Description of Development: Erection of 4 no. dwelling houses, 2 no. garages and associated works at/near land 45 metres south of Hillcrest, Maryburgh, Kelty, KY4 0JE

Name of Applicant: KJJ Properties Ltd

I write in connection with the above planning application. I have examined the plans and I know the site well. I wish to object strongly to this planning application.

I would initially refer to the Council's own current and future Development Plan Policies. It is my understanding that the current PKC Development Plan 2014, under Section 7.12 Keltybridge and Maryburgh, and para 7.12.2 Spatial Strategy Considerations, describes Maryburgh as "The settlement boundary of Maryburgh has been drawn to offer the potential to accommodate limited further development mirroring the form of the existing pattern" The emerging new Development Plan carries this same description and the settlement boundary outline forward remains unchanged. It is clear from the plans for this potential development that the proposed house to the north west of the site is well outside the this settlement boundary and it would further appear that the house to the south west is also partially outwith this settlement boundary

As far as I am aware all of the properties in Maryburgh are served by septic tank/soak away style drainage, to add a further 4 properties to an already stretched system would have the potential for additional drainage and environmental hazards. This represents an increase of almost 40% in the number of properties in the village. It should be noted that the proposed site is on a fairly steep incline and floods regularly already, this without the potential addition of another 4 properties and associated outbuildings.

The septic tank facility serving my property [REDACTED] is situated some 5 metres into the north east side of the proposed site and enjoys right to free access without interference which are detailed in the title deeds for my property. These rights have been in place since 1976. Having consulted the plans I can see neither reference to this facility nor any plan(s) to modify and make good.

The developers sole comment "new/altered septic tank" does not fill me with confidence as I am assuming it will result in major work at the front and access to my property. This potential work is not itemised or detailed on the planning application.

My understanding of the section in my title deeds is that it shall not be in the power of the proprietor in all time coming to sell or dispose of any act or deed which directly affects my property or any part thereof. To submit a planning application therefore, without a detailed submission of how the said plans will affect my property, is both unfair, unrealistic and simply wrong.

A previously submitted set of plans featured a proposal to move/reposition my property's septic tank/soak away to the right side of my property which is on a fairly steep uphill gradient – there is no reference to this or indeed to any alternative facility being offered. Were the former to be the developer's chosen option I would have serious concerns about waste water and sewage being channelled uphill which would appear to be the only option. I would have additional concerns about the provision of an electric pump system as the electricity supply in the village is provided using overhead rather than underground cables. This supply can best be described as intermittent and prone to outages, indeed this week alone I have already experienced three power outages.

I have seen no plans, nor have I been advised, of how it is proposed that my property would be adequately reinstated nor have I seen any details of any proposed re-siting of my septic tank/soakaway. If such a plan exists then it should include all setup and maintenance costs being borne by the applicant together with the costs associated with the incorporation of any renewed servitude rights under the title deeds for my property (Hillcrest).

Maryburgh is a dispersed settlement where development proposals should be considered very carefully, infilling could ruin the character of the village while estate development could overwhelm it. The protection of Maryburgh's visual, historic and aesthetic qualities is paramount to the existing local small community. It is my view that permission for additional development in this area should be refused as it would contradict the aspiration for improving the character and quality of the area and the manner in which it functions.

As stated previously here have now been several applications for the development of the proposed site over recent years. None of these plans have been executed and come to fruition. The latest proposed plan would increase the size of the village by almost 40% and hence increase noise, traffic and potential environmental damage accordingly.

The road through the village is a only a single track with only a very limited amount of pavement/walkway for pedestrians – to have access to the village a pedestrian has little choice but to walk on the road. The proposals will therefore not benefit the village with the additional traffic volumes not only from the proposed new properties but also from the additional service traffic that they will generate.

It should be further noted that the proposed development of 4 properties is immediately adjacent to a 'blind' ninety-degree bend. The resultant road safety issues are clear. Put quite simply a single-track road cannot accommodate this increased volume of traffic and any potential road widening would destroy ancient field boundaries.

In conclusion, the proposed siting of the development is particularly ill considered. It is on a farmland site with adjacent walkways used by many villagers, their children and visitors for recreation etc. Building here would both diminish the striking views to and from the Cleish Hills and the surrounding area.

Yours faithfully,

Paul Appleby

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BRUCE
SOLICITORS

Additional Comments

(Appleby)

When telephoning
please ask for:
or email:

Our Ref:
Your Ref:
Date:

Ronald Cobham
ronnie@wasbruce.co.uk
RC/CB

12th July 2018

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

RECEIVED

16 JUL 2018

ENTERED IN COMPUTER

16 JUL 2018

Dear Sirs

Paul Appleby

Planning Ref. 18/01083/FLL

We act for Mr Appleby who owns the above property.

He has asked us to comment on the above Planning Application.

Mr Appleby's property is served by a septic tank which is to the south of the subjects within the area marked "plot 2" on the application plan.

Our client observes that there does not appear to be any proposals in the application dealing with this issue.

If the septic tank is to be left undisturbed our client will require reassurance that the necessary guarantees will be provided to secure a continued use and access. Alternatively if the septic tank is to be relocated Mr Appleby has concerns regarding the practicality of this.

It is understood this property lies at a lower level than the surrounding countryside and it would be difficult to achieve an appropriate depth for the drainage/soak away septic facility and its ability to cope with the demands of a 4 property development.

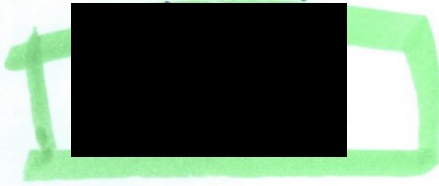
In addition access to a more distant location would be difficult and drainage and servicing more expensive.

It would require evidence that his property would be adequately reinstated and that he would not suffer inconvenience or lack of facility. He would further require that all costs for the reciting

including any necessary servitude rights to be incorporated under the title deeds will be met by the applicant.

Please let us know if you require any further information.

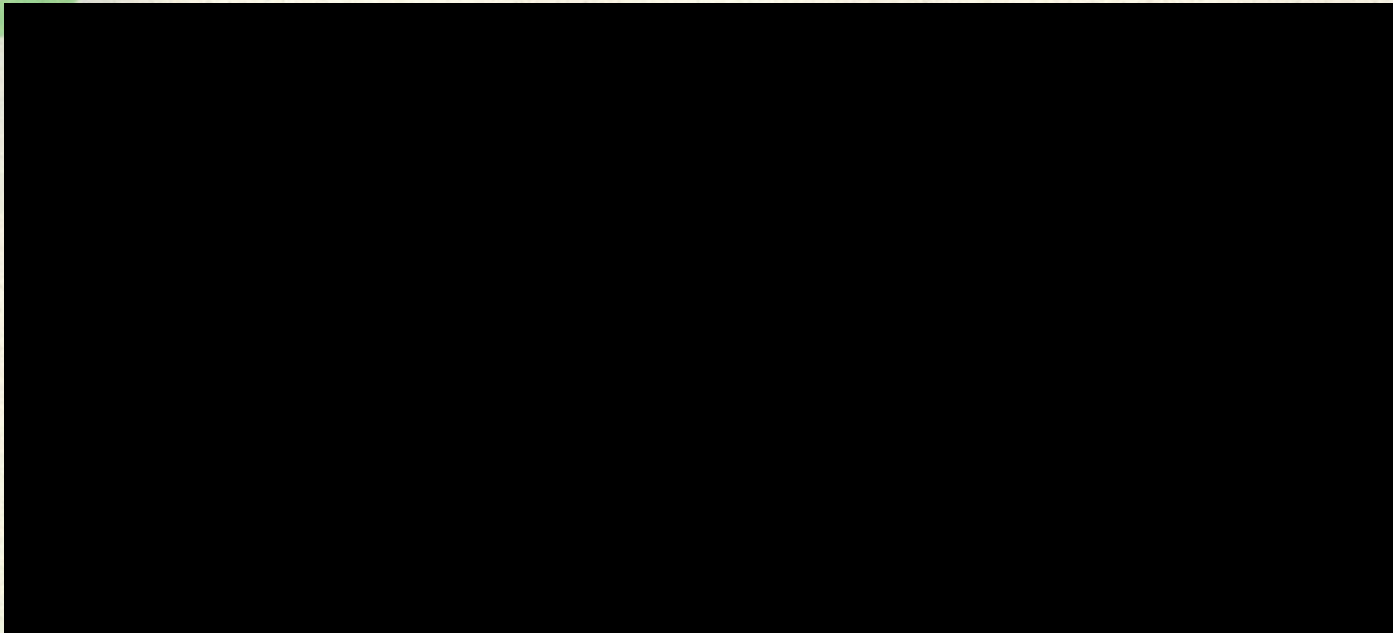
Yours faithfully

A redacted signature consisting of a black rectangular box covering the text, with a green rectangular border around it.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/01083/FLL	Comments provided by	Dean Salman Development Engineer
Service/Section	Transport Planning	Contact Details	██████████ ████████████████████
Description of Proposal	Erection of 4no. dwellinghouses, 2no. garages and associated works		
Address of site	Land 45 Metres South Of Hillcrest, Maryburgh, Kelty		
Comments on the proposal	Insofar as the Roads matters are concerned I have no objections to this proposal on the following conditions.		
Recommended planning condition(s)	Prior to the development (Plot 1) hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail, of Type B Road construction detail. Prior to the development (Plots 2-4) hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail, of Type B Road construction detail. Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.		
Recommended informative(s) for applicant	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.		
Date comments returned	13 July 2018		

From: PETER TRAYLOR <[REDACTED]>
Sent: 15 July 2018 10:44
To: Development Management - Generic Email Account
Subject: Fwd: Planning Application Reference:18/01083/FLL



Sirs

Re: Planning Application: 18/01083/FLL

Description of Development Erection of 4 in no dwelling houses, 2 in no garages and associated works at/near land 45 metres south of Hillcrest, Maryburgh, Kelty, KY4 0JE

I refer to the above application and wish to submit my **objection** to this application for the following reasons.

The history of development applications on this site goes back to 1999. There have now been eight further applications including this application. To date no effort has been made by the developer to take forward any development on this site.

The following Policies were listed as the reasons for refusal of the last application Ref 17/02139/FLL for 5 dwellings being contrary to the PKC Local Development Plan 2014 in the refusal letter dated 5th February, 2018 :-

Policy PM1B (criterion a) - Density and Scale of the development is considered to be the **overdevelopment** of the site which will have a negative impact upon the character and setting of Maryburgh.

Policy PM1B (criterion b) - Placemaking, the density of the development would erode and dilute the areas landscape character

Policy PM4 - Settlement Boundaries, the development extends beyond the boundaries of the Maryburgh Settlement.

Policy ER 6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes, of the PKC LDP 2014, as it erodes local distinctiveness, diversity and quality of

Perth & Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience through density and visual impact of the proposal.

Policy EP2 - New Development and Flooding, as insufficient information has been submitted in respect of the drainage of the site which may result in the flooding of the site or nearby area.

It also stated that no information had been submitted in respect of Coal Mining and thus there is insufficient information to determine potential risk of the site, particularly in relation to the extended area from previous applications.

The letter went on to say under "Justification" that the proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

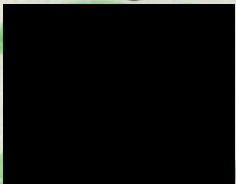
The Current adopted PKC Dev Plan 2014 states under Section 7.12 Keltybridge and Maryburgh, and para 7.12.2 Spatial Strategy Considerations describes Maryburgh as "The Settlement boundary of Maryburgh has been drawn to offer the potential to accommodate limited further development mirroring the form of the existing pattern and the emerging New Development Plan carries this same description and the settlement boundary going forward remains unchanged. There is a definite need to protect this small settlement from intrusive, unacceptable volume of overdevelopment, which this new application for 4 dwellings would indeed create, the plan of the development being extended beyond the boundaries of the Maryburgh settlement.

For all of the above reasons and many more including the narrow rural roads through Maryburgh and Keltybridge, additional traffic volume, road safety issues especially the 90 degree bend so near this site, with no pavements for walkers, potential flooding issues, additional septic tanks in the area with the potential environmental risk this poses and the effect on the local environment generally. This proposed current application/development is totally unsuitable for the Hamlet of Maryburgh being a dispersed settlement whose character is without doubt unique. The requirement to protect its visual, historic and aesthetic qualities is paramount to its continued existence as a small community.

I therefore request that this application is refused.

Yours sincerely

Mrs Margaret Traylor



The Community Council would not wish to see domestic garden ground extend beyond the settlement boundary. Additional garden ground is not considered necessary in order to deliver a one or two house development.

It is worth noting that the previous in principle permission was granted contrary to planning policy.

We would request that the application be refused.

Yours faithfully



Secretary,
Cleish & Blairadam Community Council

c/c Councillors Callum Purves, Mike Barnacle, Willie Robertson, Richard Watters.

Telephone 01738 475334

From: nikki castley [REDACTED]
Sent: 16 July 2018 09:41
To: Development Management - Generic Email Account
Subject: Planning Application: 18/01083/FLL - NOTICE OF OBJECTION

Planning Application: 18/01083/FLL

Maryburgh is a small picturesque hamlet where development proposals should be considered very carefully, ensuring where permission is given that the character and quality of the hamlet is respected and maintained. Here is yet another instance of a builder wanting to overdevelop an area that does not need additional housing and purely building for profit with little regard for the area and its residents. There is a definite need to protect this small settlement from intrusive, unacceptable volume of overdevelopment, which this new application for 4 dwellings would indeed create. The Current adopted PKC Dev Plan 2014 states under Section 7.12 Keltybridge and Maryburgh, and para 7.12.2 Spatial Strategy Considerations describes Maryburgh as "The Settlement boundary of Maryburgh has been drawn to offer the potential to accommodate limited further development mirroring the form of the existing pattern and the emerging New Development Plan carries this same description and the settlement boundary going forward remains unchanged. This proposed application for the development of 4 houses now results in some of the development now being out with the settlement boundary as in the 2014 plan which allowed for only 2 house not 4 on this site.

A further four houses will only further impact the infrastructure of this hamlet. Maryburgh is accessed by a single track road that is narrow and made dangerous by the number of speeding cars that have complete disregard for the speed limit. There has been no allowance made for a road that is not wide enough to allow two vehicles to pass safely without going up on the verges and causing further damage to the environment. It would also increase the risk for children, walkers and residents who have no pavement to walk on or to take safe refuge from approaching and often speeding traffic.

We are aware that the history of development applications on this site goes back to 1999 and that there has been eight applications relating to this site. The following Policies were listed as the reasons for refusal

of the last application Ref 17/02139/FLL for 5 dwellings being contrary to the PKC Local Development Plan 2014 in the refusal letter dated 5th February, 2018 :-

Policy PM1B (criterion a) - Density and Scale of the development is considered to be the over development of the site which will have a negative impact upon the character and setting of Maryburgh.

Policy PM1B (criterion b) - Placemaking, the density of the development would erode and dilute the areas landscape character

Policy PM4 - Settlement Boundaries, the development extends beyond the boundaries of the Maryburgh Settlement.

Policy ER 6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes, of the PKC LDP 2014, as it erodes local distinctiveness, diversity and quality of Perth & Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience through density and visual impact of the proposal.

Policy EP2 - New Development and Flooding, as insufficient information has been submitted in respect of the drainage of the site which may result in the flooding of the site or nearby area.

We can see no reason why the above would have changed and therefore planning approval should not be given.

Protecting our historic hamlets and villages is a responsibility that local planning authorities are obliged to take up through conservation designation and protective planning policies and guidance. This proposed current application/development is totally unsuitable for the Hamlet of Maryburgh being a dispersed settlement whose character should be protected. The requirement to protect its visual, historic and aesthetic qualities is paramount to its continued existence as a small community and the council should not be seen to be encouraging development but instead protecting sites such as this.

We strongly object to this application would therefore request that planning is refused.

Mr & Mrs W Castley



Comments for Planning Application 18/01083/FLL

Application Summary

Application Number: 18/01083/FLL

Address: Land 45 Metres South Of Hillcrest Maryburgh Kelty

Proposal: Erection of 4no. dwellinghouses, 2no. garages and associated works

Case Officer: Sean Panton

Customer Details

Name: Miss Joanne Murray

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Excessive Height
- Inappropriate Housing Density
- Inappropriate Land Use
- Loss Of Open Space
- Noise Pollution
- Out of Character with the Area
- Over Intensive Development
- Road Safety Concerns
- Traffic Congestion

Comment: I strongly object to the above development bearing in mind the current and future PKC Development Plan under section 7.12, Keltybridge and Maryburgh and para 7.12.2 Spatial Strategy Considerations. This development of 4 houses is still outwith the settlement boundary as in the 2014 plan.

I am extremely concerned also about traffic congestion as the road through the hamlet is narrow, single tracked and the proposal is adjacent to a very steep narrow bend. There are many walkers, cyclists and horse riders who pass through Maryburgh. There is no pavement and the increased amount of traffic will jeopardise the safety of all.

The properties in Maryburgh are all served by septic tanks and 4 more houses will put extra strain on drainage and water supply.

I am concerned about the height of the proposed development compared with the height of existing properties.

The protection of Maryburgh's visual, historic and aesthetic qualities is paramount to the existing local small community and this proposed development totally out of character with the area.

Comments for Planning Application 18/01083/FLL

Application Summary

Application Number: 18/01083/FLL

Address: Land 45 Metres South Of Hillcrest Maryburgh Kelty

Proposal: Erection of 4no. dwellinghouses, 2no. garages and associated works

Case Officer: Sean Panton

Customer Details

Name: Mr Ralph Pryde

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Contrary to Development Plan Policy
- Excessive Height
- Inappropriate Housing Density
- Inappropriate Land Use
- Loss Of Open Space
- Noise Pollution
- Out of Character with the Area
- Over Intensive Development
- Road Safety Concerns
- Traffic Congestion

Comment: I strongly object to the above application. I refer to the Council's own current and future Development Plan Policies. In the current PKC Development Plan 2014, under Section 7.12 Keltybridge and Maryburgh, and para 7.12.2 Spatial Strategy Considerations describes Maryburgh as "The settlement boundary of Maryburgh has been drawn to offer the potential to accommodate limited further development mirroring the form of the existing pattern" The emerging new Development Plan carries the same description and the settlement boundary outline remains unchanged. This new application of 4 houses is STILL outwith the settlement boundary.

The proposed development is also adjacent to a steep uphill bend in the road and I am concerned about the safety of walkers, cyclists and riders if the volume of traffic on this NARROW SINGLE TRACK ROAD is to continue to rise. There is no pavement. Walkers use the road and the increased traffic will be extremely DANGEROUS.

All of the properties in Maryburgh are served by septic tanks and the addition of 4 large properties would put additional strain on drainage and water.

This Proposed development will rob Maryburgh of its unique character and charm. This housing

estate is totally unsuitable for this area

KINROSS-SHIRE CIVIC TRUST

Helping protect, conserve and develop a better built and natural environment

e-mail

16th July 2018.

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

Dear Sirs

Planning Application 18/01083/FLL, Erection of 4 Houses on land 45 metres South of Hillcrest, Maryburgh, Kelty

Kinross-shire Civic Trust wishes to object to the above application as it considers the proposal to be contrary to the 2014 Local Development Plan and the emerging LDP2.

The proposal is contrary to Policy PM4: Settlement Boundaries as part of the application site is located outside the defined settlement boundary of Maryburgh. Policy PM4 states that development will not be permitted except within the settlement boundary.

House 4 lies outside the settlement boundary and therefore is in contravention of policy RD3 Houses in the Countryside

The density of the proposal is very similar to that of the previous application for five houses (17/02139/FLL) which was considered to be overdevelopment, one of the reasons for its refusal.

Maryburgh has an established character and settlement pattern and the new proposals do not respect the vernacular character of the village, which therefore contravenes the Placemaking policies of LDP and LDP2. Indeed the impact of the development would have severe detrimental contrast to the existing nature of Maryburgh.

Previous applications for this site have attached qualifications from the Planning Officer that *'a development comprising of a maximum of two dwellings would be more appropriate, with the principle elevations addressing the public road to the east, as per the prevailing building pattern'*.

The Trust also objects to the proposed garden grounds extending beyond the Settlement Boundary and regards this as being totally unnecessary for a 2 building development.

For all these reasons the Trust objects to this application

Chairman – Mr Alistair Smith, Treasurer – Mr Ken Miles, Secretary - Mrs Eileen Thomas
C:\Users\TJMcmamanon\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\JX5Q98GW\180716 18-01083 Maryburgh.doc

Yours faithfully

For and on behalf of Kinross-shire Civic Trust
Cc PKC Local Members

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/01083/FLL	Comments provided by	Leigh Martin
Service/Section	HES/Flooding	Contact Details	FloodingDevelopmentControl@pkc.gov.uk
Description of Proposal	Erection of 4no. dwellinghouses, 2no. garages and associated works		
Address of site	Land 45 Metres South Of Hillcrest Maryburgh Kelty		
Comments on the proposal	We originally objected to this application due to lack of information (see below). Due to subsequent information being provided, we now remove this objection. The site entrance is in an area of potential surface water flooding. This could cause possible issues with site access, especially in an emergency situation. The site levels/drainage should be designed to take this into account. The Microdrainage report has a drainage area of 0.166Ha whereas the planning application has a site area of 0.314Ha. Which is correct? The plot areas on the site layout show the site to be much greater than 0.166Ha, although we do understand that not all of the site will drain to the site drainage. However, no information is supplied to show this catchment. Is it assumed that only hard surface non permeable areas will contribute to the site drainage? If any permeable paving areas are to be constructed, what are their drainage specifications? What rainfall intensity can they cope with before they become non permeable? We require further information on the Microdrainage calculations. There is no information to show what this simulation is for e.g. the storage cell, manholes, outflow culvert etc. Please see our planning guidance for information on the full details that we require. We require greenfield run off rate calculations to check the discharge rate on the hydrobrake is suitable. Please see our planning guidance for information on the full details that we require. We require the drainage layout to be able to check it. We require further details about the underground storage tank. What it is, specifications etc. We require photographic evidence that there is an inlet on the site to the culvert under the road. Otherwise the applicant will have to contact the roads department about connecting into their road drainage. Photographs supplied for previous planning applications have not proved this.		
Recommended	N/A		

planning condition(s)	
Recommended informative(s) for applicant	PKC Flooding and Flood Risk Guidance Document (June 2014)
Date comments returned	27/07/18

Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref 18/01083/FLL

Our ref LJA

Date 2 August 2018

Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

RE: Erection of 4 no. dwellinghouses, 2no. garages and associated works, Land 45 Metres South of Hillcrest Maryburgh, Kelty

I refer to your letter dated 26/06/2018 in connection with the above application and have the following comments to make.

Contaminated Land (assessment date – 02/08/2018)

Recommendation

Information from the Coal Authority regarding a previous planning application at this site highlighted a potential risk from previous coal mining activity in the area. Given this history there is a potential ground gas issue at the proposed development site which should be considered in order to determine the suitability of the site for the proposed use.

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

Condition

Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;

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

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

Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref 18/01083/FLL

Our ref ALS

Date 06/08/2018

Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

RE: Erection of 4no. dwellinghouses, 2no. garages and associated works Land 45 Metres South Of Hillcrest Maryburgh Kelty for KJJ Properties Limited

I refer to your letter dated 26/ 06/2018 in connection with the above application and have the following comments to make.

Water (assessment date – 06/08/2018)

Recommendation

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

Comments

The development is for a 4 dwelling houses in a rural area with private water supplies (including Maryburgh & Keltybridge) and public mains believed to serve properties in the vicinity. The applicant has indicated that they will connect to the Public Mains water supply but should this prove to be impractical cognisance must be taken of Informative 2 below. To ensure the new development has an adequate and consistently wholesome supply of water and to maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance please note the following condition and informatives.

WS00 Condition

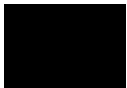
Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

WAYL - Informative 1

The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.

PWS - Informative 2

The applicant shall ensure the private water supply for the development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.



Memorandum

To Development Quality Manager

From Regulatory Services Manager

Your ref 18/01083/FLL

Our ref LRE

Date 6 August 2018

Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission PK18/01083/FLL RE: erection of 4no dwelling houses, 2no. Garages and associated works land 45 metres south of Hillcrest Maryburgh Kelty

I refer to the noise impact assessment submitted with the above application and have the following comments to make.

Environmental Health (assessment date –01/08/18)

Recommendation

I have no adverse comments to make in relation to the application.

Comments

The applicant submitted a noise impact assessment (NIA) 3152\03\AR dated 1 June 2018 which was undertaken by acoustic consultants Charlie Fleming Associated.

The measurements for road traffic were undertaken in accordance with the Department of transport document titled calculation of road Traffic noise and PAN 1/TAN 2011.

The NIA concluded that there would be no adverse impact from road traffic noise on the future residents of the dwelling houses during the daytime or nighttime period. Therefore the significance of effects in line with TAN 2011 will be neutral and no mitigation measures are required.

Although I agree with the conclusion of the NIA, it would have been beneficial if the consultant had included all calculations within the report and made reference to the predicted internal levels and the recommended levels for night time and daytime inline with standards such as the WHO community noise 1999 and BS8233.

At night time the internal levels within bedrooms should ideally be below $LA_{eq, 8hour}$ 30dBA as recommended by World Health Organisation (WHO) Guidelines on Community Noise and BS8233. BS8233 does allow for a relaxation to 35dBA but there was no agreement as part of any consultation with the consultant on target levels.

Withstanding my above comments it is my contention that the internal daytime and night time levels should be achievable at the proposed dwelling houses.

