

**LRB-2020-12 – 19/02087/FLL – Erection of 3 dwellinghouses, land 30 metres south west of Leiland House and 50 metres south east of Tillyochie Farmhouse, Balado**

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**LRB-2020-12 – 19/02087/FLL – Erection of 3 dwellinghouses, land 30 metres south west of Leiland House and 50 metres south east of Tillyochie Farmhouse, Balado**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**







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

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

Thank you for completing this application form:

ONLINE REFERENCE 100241699-001

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:	Bidwells		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Mark	Building Name:	Broxden House
Last Name: *	Myles	Building Number:	
Telephone Number: *	01738 630666	Address 1 (Street): *	Lamberkine Drive
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Perth
Fax Number:		Country: *	Scotland
		Postcode: *	PH1 1RA
Email Address: *	mark.myles@bidwells.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

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

## Site Address Details

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

Please identify/describe the location of the site or sites

<input type="text" value="Tillyochie"/>			
Northing	<input type="text" value="702885"/>	Easting	<input type="text" value="307332"/>

## Description of Proposal

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

Erection of 3 dwellinghouses on land 30 metres south west of Lealand House and 50 metres south east of Tillyochie Farmhouse, Balado

## 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.

Please refer to separate grounds of appeal statement

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

☒ Yes ☐ No

If yes, you should explain in the box below, why you are raising 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)

In response to the 3rd reason for refusal, additional information (copies of drainage calculations and approved CAR licence) are provided in support of this appeal to confirm that proposed private drainage arrangements (which have already been installed) have already been accepted and approved by the council and SEPA, and are therefore compliant with the requirements of the Loch Leven Catchment Area policies 46A and 46B of the LDP2.

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)

Planning application forms, proposed plans and drawings, Report of Handling and decision notice, flood risk assessment, private drainage calculations and CAR Licence, Report of Handling and decision notices relating to the earlier 2009 and 2014 planning applications and our grounds of appeal statement.

## Application Details

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

19/02087/FLL

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

20/12/2019

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

18/02/2020

## 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

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

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

To view the site in the context of the wider building group and from surrounding vantage points including the A91 to the north

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 Mark Myles

Declaration Date: 23/03/2020



Refusal of Planning Permission to erect 3 dwellinghouses on land 30 metres South West of Lealand House and 50 metres South East of Tillyochie Farmhouse, Balado  
Mr R Paterson  
23 March 2020



# NOTICE OF REVIEW APPEAL

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## 1.0 Background

The council refused planning permission for the erection of 3 dwellinghouses (19/02087/FLL) on 18<sup>th</sup> February 2020, for three reasons, namely;

- 1) The proposal is considered to be contrary to Policy 19 Housing in the Countryside of the PKC Local Development Plan (LDP2) 2019 and the council's housing in the countryside guide 2020 as it failed to comply with any of the categories.
- 2) Plots 1 and 2 are considered to expand the existing building group on to an exposed area of land contrary to Policy 39 'Landscape' of LDP2.
- 3) No information had been submitted to demonstrate that total phosphorous from the development is compliant with the Loch Leven Catchment Area policies 46A and 46B of LDP2.

There is significant previous planning history in relation to the site and in terms of previous decisions that are considered material to the consideration of this appeal, focus is on the previous approvals dating from 2011 and 2016. Indeed, following our appointment to progress this Notice of Review appeal, it has become apparent that the 2016 approval was actually implemented, but to date this fact has never been raised with the planning department.

The original planning application (09/00848/FLL) for the erection of 3 houses was approved by the council in December 2011. That planning application had been approved on the basis that the proposed 3 house development was justified under the terms of the council's rural housing policy as it was agreed that this organic building group could accommodate new houses in principle. The Report of Handling for that application also states that additional native hard and soft landscaping will form a crucial and integral part of the scheme – to assist in providing a contained setting for each individual plot, and also to limit further expansion opportunities. As part of this consent a Section 75 Agreement was also signed and relates to the payment of education developer contributions and also ensuring private drainage arrangements took full account of the Loch Leven catchment area process and policy requirements in place at that time.

A planning application to then renew that permission was granted permission by the council in February 2016 under application reference (14/02062/FLL). The Report of Handling for the renewal application reiterated that the submission of planning application (09/00848/FLL) had addressed all outstanding conflicting policy items, with the proposals consisting of two detached plots on the north side of the minor public road (adjacent to an existing field ruin), with the remaining detached plot and combined soakaway area on the south side of the road (to the rear of the existing farmhouse). The Report of Handling on the renewal application also again highlighted that adequate open space and undeveloped land surrounds the plots and affords an opportunity to suitably landscape the units into the established area.

As part of the approval of that renewal application, further supporting information on the proposed drainage calculations and private drainage arrangements were provided as the Loch Leven Catchment Area policy position and protocol had altered from the time of the original application in 2009. The details submitted were subsequently accepted by SEPA. The sewage treatment plant was then installed in 2018/19 as per the approved drawings and a CAR licence was also issued by SEPA. Due to the changes in the protocol, the drainage details and their implementation were then able to be controlled by planning condition, so the S75 Agreement that had been signed as part of the original 2009 application was then able to be amended



(15/00819/MPO). The S75 Agreement as amended therefore related solely to the requirement for developer contributions towards education infrastructure.

Given the works that were undertaken during 2018/19 to install the sewage treatment plant at Tillyochie, and the fact that this work was implemented prior to the expiry of the planning permission (14/02062/FLL) in February 2019, then it would appear that the planning consent remains valid for this development. However, to date this has not been raised directly with PKC pending the outcome of this appeal.

A further flood risk assessment had been provided in support of planning application (19/02087/FLL) and it is noted that the council's flood risk team raised no objections. Given the previous planning history of approvals and the legal agreement relating to the site, the applicant and the agent involved at the planning application stage did not consider the need to provide a supporting planning statement as it was thought that the application would be determined favourably as per the previous assessments and in line with the earlier considerations against policy.

## 2.0 Grounds of Appeal

The drainage works that have been implemented as part of the previous planning consent 14/02062/FLL means that planning permission continues to remain valid for this development.

Notwithstanding this very significant point which has only been picked up following the submission and determination of application 19/02087/FLL, in order to fully protect our clients' position, we have had to submit this appeal against the refusal of application 19/02087/FLL.

The appeal is also based on the fact that, although LDP2 was adopted by the council in November 2019, and the council's Housing in the Countryside Guidance was adopted by the council in January 2020 (it is noted that the 2020 guidance still has to be formally approved by the Scottish Government) and there are therefore different policy references in place from the time when the original planning application was approved in 2011, the key point is that the detailed policy criteria on which to assess and determine this proposal have not fundamentally changed since that time. i.e. the building groups category and the category relating to conversion or replacement of non-domestic buildings have not altered significantly over the last 10 years.

Therefore, while the planning officer states in his report that he fails to see on what basis the previous applications were approved (even though the Reports of Handling for the 2009 and 2014 applications clearly do explain why those applications were supported and approved), this just confirms that there are simply different interpretations of the same policy between different planning officers within the council's planning department.

The Report of Handling for this proposal recognises and accepts that there is a building group at Tillyochie and suggests that Plots 1 and 2 have definable boundaries to the west and east but not to the north or south where there are post and wire fences and no boundary treatments respectively. The Report of Handling underplays the robust boundaries that do exist. Thick woodland is located along the western boundary and frames the site when viewed from any eastern vantage point. The 2 storey property (Leiland house) and its strong landscaped curtilage provide robust and strong boundaries to the east thus sandwiching the site between the western and eastern boundaries. The northern and southern boundaries are long established and also tie in with the established building line and boundaries already set by the adjacent properties.

In terms of the conversion or replacement of non-domestic buildings, the Report of Handling confirms that the existing ruin is not worthy of restoration and could be replaced.

We would concur that the ruinous building has no architectural integrity and that the external appearance of the original building is not worthy of retention particularly when there is already a complete mix and range of architectural styles and plot sizes present at Tillyochie (as confirmed in the Report of Handling). The proposed boundaries for Plots 1 and 2 pay greater cognisance to the wider site boundaries and the immediate adjacent boundaries. If redevelopment of the site of the ruin was restricted to the footprint only, then any new build in this location would sit in isolation and could not benefit from any of these defined boundaries. Accordingly, it is considered that the proposed 2 houses in this location (which do benefit from clearly defined boundaries) are a more appropriate layout and form of development encompassing the replacement of the existing ruin, and therefore providing a suitable response to forming part of the existing building group.

Plot 3 also benefits from strong defined boundaries to the north and west and long established boundaries to the south which are not just post and wire fencing, but fencing that is characteristic of the surrounding area but also forming the curtilages of the immediately adjacent properties. Again Plot 3 was previously considered an appropriately defined extension to the established building group 10 years ago and nothing has changed since that time to reach a different conclusion. The position and layout of Plot 3 also ties in with the immediate adjacent properties at Tillyochie Bungalow to the south west and Tillyochie Farmhouse to the north west. The eastern boundary is linked to and aligned with the defined eastern boundary of Tillyochie Farmhouse.

As highlighted above the Report of Handling considers that none of the dwellings would be out of character as there are already a range of different architectural styles and plot sizes present at Tillyochie.

In response to the 2<sup>nd</sup> reason for refusal, Plots 1 and 2 would be viewed and read as forming part of the wider and larger building group (adjacent residential properties and farm buildings) when viewed from any direction including from the A91 situated on higher ground to the north. When viewed from the east, Plots 1 and 2 would be viewed against the backdrop of woodland that is located immediately to the west. The proposed houses on Plots 1 and 2 would have no adverse visual impact on the wider landscape as the houses would not be viewed in isolation and would be seen as part of the cluster of buildings within the wider building group.

Due to the siting and location of the house on Plot 3 it would also be read and considered as part of the wider building group particularly when approaching Tillyochie along the public road from the east. It is noted that the council's 2<sup>nd</sup> reason for refusal does not apply to Plot 3.

In terms of the 3<sup>rd</sup> reason for refusal it is evident that private drainage and phosphate reduction measures have been extensively considered and assessed in the past. Indeed, as part of the 2014 renewal planning application further details had to be provided which in turn allowed SEPA to provide their approval. The proposed details were then applied as a condition to the renewed planning consent (no. 6) and this had also allowed the S75 Agreement to be modified accordingly. The drainage infrastructure mitigation requirements have already been installed at Tillyochie Farm and as highlighted above SEPA have also issued a CAR licence. It is therefore evident that the implementation of these works has kept the planning permission 14/02062/FLL alive.

It was an oversight by the applicant and the agent to the planning application that they did not consider this further prior to submission of the application that is now subject to this appeal.

Furthermore the drainage information could have been submitted again and it would have been helpful if this had been raised by the planning officer prior to determination of the application as it would have helped to remove this issue and avoid the need for this appearing as a reason for refusal of the application.

The Report of Handling states that no evidence had been submitted or mitigation is proposed so SEPA have not been consulted. It's unfortunate that the planning officer did not fully consider the previous planning history and take on board the fact that this matter had already been addressed in detail or even request additional information from the agent prior to simply refusing the application.

We have therefore provided copies of the previously submitted drainage details and calculations which were approved by SEPA (as well as a copy of their CAR licence) and photographs confirming that the treatment plant has since been installed at Tillyochie Farmhouse. As part of this Notice of Review process it may therefore be necessary for the LRB to re-consult SEPA to obtain an up to date response to confirm their position on this matter.

We also note that there is a typo in the Report of Handling stating that matters relating to drainage and flooding are not able to be controlled by condition but when reading the consultation response from the council's flood risk team we believe that is meant to have said can be controlled.

## 3.0 Conclusions

The applicant has spent considerable time and expense on this project and appointing engineers to provide an additional up to date flood risk assessment including the necessary hydrological analysis as part of this further application process.

The applicant has also already spent in excess of £10,000 installing the sewage treatment works at Tillyochie Farm which is in accordance with the approved details from the previous application 14/02062/FLL. It is therefore considered that planning permission remains in place for the 3 house development and that it should not have been necessary to submit a further planning application and also no requirement for this subsequent appeal.

The proposed private drainage details are the same as was proposed in the 2014 renewal planning application and those were deemed to be satisfactory and meet with the council's and SEPA's approval. A further copy of these are provided in order to specifically address reason for refusal number 3. It is unfortunate that this matter couldn't have been resolved as part of the planning application process and further consultation with SEPA may be required by the LRB, but it is hoped that this could help to resolve this matter quickly.

The main issue raised with this proposal is therefore whether or not the application can comply with any of the relevant criteria of the housing in the countryside policy.

Based on the fact that 2 previous approvals had been allowed for the same development and were founded on an assessment of the same policy criteria, it is highly unusual that this significant material consideration was dismissed and not given significantly greater weight in the determination of the application.

If the updated 2020 (SG) is approved by Scottish Government and it is then formally adopted by the council in advance of when the LRB come to consider this Notice of Review Appeal, then it is evident that the 2020 (SG) also provides strong support towards this proposal

For the reasons set out in section 2 above, it is considered that Plots 1 and 2 comply with categories 1 and 5 of the housing in the countryside policy, and Plot 3 with category 1 of the policy, and also the detailed guidance set out in the current adopted 2012 (SG) as well as the proposed replacement 2020 (SG).

Each of the 3 plots would also be viewed and read as forming part of the larger building group and as such would have no adverse visual impact on the wider landscape.

The proposal is also consistent with the policy guidance on promoting rural development set out in Scottish Planning Policy as well as the Governments stated aim of increasing rural population as set out in the Planning (Scotland) Act 2019.

In light of the background circumstances to this case, the previous history and implementation of the planning permission (14/2062/FLL), it is therefore respectfully requested that the LRB allow this appeal subject to any conditions considered necessary, as the proposal complies with category 1 and 5 of Policy 19 from LDP2 and the associated (SG), is not contrary to Policy 39 or 46 of LDP2, and there are no other policy considerations or material considerations that would indicate otherwise.





# PERTH AND KINROSS COUNCIL

Mr R Paterson  
c/o Greenfields Design Ltd  
FAO Gordon Porter  
2B Bank Street  
Alloa  
FK10 1HP

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 18th February 2020

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **19/02087/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 2019 for permission for **Erection of 3 dwellinghouses Land 30 Metres South West Of Leiland House And 50 Metres South East Of Tillyochie Farmhouse Balado** for the reasons undernoted.

Head of Planning and Development

### Reasons for Refusal

- 1 The proposal is contrary to Policy 19 'Housing in the Countryside' of the Perth and Kinross Local Development Plan 2 (2019) and the Council's Housing in the Countryside Guide 2020, as it does not comply with any of the categories of the policy guidance where a residential development would be acceptable in principle at this location.
- 2 The proposal is contrary to Policy 39 'Landscape' of the Perth and Kinross Local Development Plan 2 (2019) as Plots 1 and 2 erode the local distinctiveness, diversity and quality of Perth and Kinross's landscape character through the expansion of the existing building group on to an exposed area of land.

- 3 The proposal is contrary to Policies 46A and 46B 'Loch Leven Catchment Area' of the Perth and Kinross Local Development Plan 2 (2019) as no information has been submitted to demonstrate that the total phosphorus from the proposed development is compliant with requirements of the policy.

### **Justification**

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

### **Notes**

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

### **Plan Reference**

19/02087/1

19/02087/2

19/02087/3

19/02087/4

19/02087/5

19/02087/6

19/02087/7

19/02087/8

19/02087/9

19/02087/10

19/02087/11

19/02087/12

19/02087/13



# REPORT OF HANDLING

## DELEGATED REPORT

Ref No	19/02087/FLL	
Ward No	P8- Kinross-shire	
Due Determination Date	19.02.2020	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Erection of 3 dwellinghouses.

**LOCATION:** Land 30 Metres South West of Leiland House  
& 50 Metres South East of Tillyochie  
Farmhouse, Balado.

### 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:** 13<sup>th</sup> January 2020

### SITE PHOTOGRAPHS



### BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is on land 30metres South West of Leiland House and 50metres South East of Tillyochie Farmhouse, Balado. The application seeks detailed planning permission for the erection of 3 dwellinghouses. Each plot is a detached 5 bedroomed unit with a detached double garage with a storage room above.

The site has extensive history. The most relevant application is application 09/00848/FLL for the erection of 3 dwellinghouses which was approved in 2010. This consent was then renewed in 2015 under application 14/02062/FLL, although this was not implemented and has now expired. At present, there is no live consent on the site. The current application therefore seeks a fresh consent for 3 dwellinghouses.

## **SITE HISTORY**

07/01127/FUL - Erection of two houses and garages 2 June 2007: Application Withdrawn

08/00980/FUL - Erection of 3 houses and garages 29 October 2008: Application Refused

09/00848/FLL - Erection of 3 dwellinghouses and garages 8 December 2011: Application Approved

14/02062/FLL - Renewal of permission (09/00848/FLL) erection of 3 dwellinghouses 11 February 2016: Application Approved

15/00819/MPO - Modification of planning obligation (09/00848/FLL - Erection of 3 dwellinghouses and garages) relating to section 75 agreement 8 July 2015: Application Approved

## **PRE-APPLICATION CONSULTATION**

No formal pre-application consultation undertaken.

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

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

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

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

*live, work, study and visit, and where businesses choose to invest and create jobs.”*

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

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

The principal policies are, in summary:

- Policy 1A – Placemaking
- Policy 1B- Placemaking
- Policy 5 – Infrastructure Contributions
- Policy 6 – Settlement Boundaries
- Policy 19 – Housing in the Countryside
- Policy 39 – Landscape
- Policy 41 – Landscape
- Policy 46A – Loch Leven Catchment Area
- Policy 46B – Loch Leven Catchment Area
- Policy 50 – Prime Agricultural Land
- Policy 52 – New Development and Flooding
- Policy 58A – Contaminated and Unstable Land: Contaminated Land
- Policy 60B – Transport Standards and Accessibility Requirements: New Development Proposals

## **OTHER POLICIES**

### Housing in the Countryside Guide 2020

In accordance with Scottish Planning Policy, Planning Advice Note 72: Housing in the Countryside, and Planning Advice Note 68: Design Statements, the Council’s objective is to strike a balance between the need to protect the outstanding landscapes of the Perth & Kinross area, and encourage appropriate housing development in rural areas including the open countryside and out-with settlements. The Council seeks to encourage sustainable development in rural areas which means guiding development to places where existing communities and services can be supported, and the need to travel minimised. It also means encouraging the sympathetic reuse of existing traditional buildings of character and beauty and to ensure that new buildings are located correctly and constructed to the highest standards of design and finish.

Local Development Plan 2 Policy 19 ‘*Housing in the Countryside*’ aims to: safeguard the character of the countryside; support the viability of communities; meet development needs in appropriate locations; and ensure that high standards of siting and design are achieved. Central to achieving this is harnessing the potential of the numerous redundant traditional rural buildings which contribute to the character and quality of the countryside.

These buildings represent a significant resource both architecturally and from a sustainability point of view and have the potential to be reused and adapted to help meet present and future rural housing needs.

## **CONSULTATION RESPONSES**

### External

Scottish Water:

No objection to the proposed development as there is currently sufficient capacity in the Glendevon Water Treatment Works to service the development. There is however no public waste water infrastructure available.

### Internal

Transport Planning:

Transport Planning initially requested further information in relation to visibility splays. This information was consequently received and Transport Planning now have no objection to the proposed development, subject to conditional control regarding vehicular access.

Development Negotiations Officer:

No contributions required.

Environmental Health (Noise Odour):

No objection to the proposed development subject to conditional control regarding the operation of the proposed stove.

Structures & Flooding:

No objection to the proposed development subject to conditional control regarding the detailing of the proposed soakaways.

## **REPRESENTATIONS**

1 letter of representation was received objecting to the proposed development. In summary, the letter highlighted the following concerns:

- Lack of information in relation to drainage (reference to Loch Leven Catchment)
- Contrary to Housing in the Countryside Policy
- Houses are out of character with the surrounding environment

## **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	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Submitted (Flood Risk Assessment)

## APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2 (2019).

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 site has extensive history. The most relevant application is application 09/00848/FLL for the erection of 3 dwellinghouses which was approved in 2010. This consent was then renewed in 2015 under application 14/02062/FLL, although this was not implemented and has now expired. At present, there is no live consent on the site. In looking at the previous permissions, I find it difficult to see where the proposal complied with the housing in the countryside policy, however that was the decision at the time. The current application therefore seeks a fresh consent for 3 dwellinghouses. The current application will therefore be determined against the most up to date Local Development Plan and Supplementary Guidance. It should be noted that this is now a different LDP from the assessment of the previous applications.

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

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

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

In this case, for the purposes of assessment against Policy 19, the site can essentially be divided into 2 components. Plots 1 and 2 can be considered as one component and Plot 3 as a second component. These components will be discussed below.

### Plots 1 and 2

Plots 1 and 2 can be considered against 2 elements of Policy 19. These elements are (a) building groups and (e) conversion or replacement of non-domestic dwellings.

#### *Building Groups*

The building group criteria states that a building group is defined as 3 or more existing buildings of a size at least equivalent to a traditional cottage and which, when viewed within their landscape setting, appear as a group. The majority of the buildings in the group should be either residential or be suitable for conversion to residential under Category 5 of this guidance. Premises which are smaller than a traditional cottage, such as small domestic garages and outbuildings, will not count towards the requirement for at least 3 buildings.

In this instance, the existing grouping adjacent the site can be considered as a building group as there are more than 3 buildings of an equivalent size. However, for a proposal to be accepted under this category, it must also be comply with the siting criteria. In this case, the field in which plots 1 and 2 are located only has definable boundaries on the Western and Eastern Boundaries. It does not have definable boundaries on the Northern and Southern sides. The Northern boundary only has a post and wire fence and the Southern boundary has nothing at present. As the site is not considered a definable extension to the existing grouping, plots 1 and 2 cannot be considered under the building group category.

#### *Conversion or replacement of non-domestic dwellings*

The development site currently has a small ruinous building present as seen in the photograph below:



Due to the presence of this building, the proposal can be assessed against criteria (e) conversion or replacement of redundant traditional non-domestic buildings. In order for a replacement building to be considered it must be demonstrated that the building is no longer in use, and that the building cannot be sold or let on the open market for another employment use. In this instance, whilst no evidence has been submitted as part of the application, it is clear that the existing building is no longer in use and cannot be used for any employment use. As such, its replacement is considered justified.

However, for a replacement building to be considered, any replacement building should reinforce the architectural integrity and external appearance of the original building and its grounds. The Supplementary Guidance states that it is very unlikely that the entire 'brownfield' area of a site will be suitable for housing; in general, no more than 25% of the total units or footprint should comprise new build development.

In this instance, two 5 bedroomed detached dwellinghouses with large detached garages are proposed on the site which is well in excess of the footprint of the existing building. As such, plots 1 and 2 cannot be accepted under the conversion or replacement of non-domestic dwellings category.

### Plot 3

#### *Building Groups*

Similarly to Plots 1 and 2, Plot 3 can be assessed against the building group category. However, Plot 3 is also not considered to be a definable extension to the existing grouping. The Eastern and Southern boundaries are only a post and wire fence at present which does not comply with the siting criteria. The below photograph shows the existing post and wire fence along the Eastern Boundary. As seen, this plot would clearly not be a definable extension to the existing grouping.



### **Design and Layout**

Although the principle of the development is considered to be contrary to the relevant provisions of the aforementioned Local Development Plan, consideration must be given to the design and layout of the proposed units. Whilst the comments in the letter of representation received are noted, it is not considered that the proposed units will be out of character with the existing building group where there are already a range of different architectural styles and plot sizes present. Each unit is designed to respect the rural environment in which it is located and is sufficiently sited to provide suitable amenity space.

### **Landscape and Visual Amenity**

The area of land where plots 1 and 2 are to be located is slightly raised and thus the development of dwellinghouses in this location would be highly visible from the surrounding rural environment, particularly when viewed from the A91 to the North. There is little screening or landscaping available to soften the visual impact of the development therefore the dwellinghouses would be intrusive upon the landscape.

### **Residential Amenity**

Each of the plots has been appropriately sited and designed to ensure that there is no adverse overlooking or overshadowing to existing neighbouring residential receptors. There is a sufficient distance between each of the properties and sufficient amenity space has been achieved for each of the plots. I therefore have no adverse concerns in relation to residential amenity.

### **Roads and Access**

Each of the plots have a large driveway and parking area providing turning facilities to allow for the vehicles to exit each plot in a forward gear. This is considered sufficient for the level of traffic likely to be generated by the proposed development. My colleagues in Transport Planning were consulted as part of this application and initially requested further information in relation to visibility splays. This was consequently received and Transport Planning have no objection to the proposed development, subject to conditional control



regarding vehicular access. I therefore have no adverse concerns in relation to roads and access that could not be controlled via suitably worded planning conditions.

### **Loch Leven Catchment**

The site is located within the Loch Leven Catchment Area. As such, evidence must be provided to demonstrate that the total phosphorus from built development must not exceed the current level permitted by the discharge consents for Kinross and Milnathort waste water treatment works together with the current contribution from built development within the rural area of the catchment. No evidence has been submitted or mitigation proposed as part of this application. This was also raised within the letter of representation received. As such, this will be included as reasons for refusal on this report.

At this point it should be noted that SEPA were not consulted as part of this application due to no evidence or mitigation being submitted. Should any information regarding this have been received, SEPA would have been required to be consulted due to the presence of the site within the Loch Leven Catchment.

### **Drainage and Flooding**

A Flood Risk Assessment (FRA) was submitted as part of this application. My colleagues in the Structures and Flooding Team were consulted to assess the proposed development and the submitted FRA. My colleagues have no objection to the proposed development, subject to conditional control regarding the detailing of the proposed soakaways. I therefore have no adverse concerns in relation to drainage and flooding which could not be adequately controlled via suitably worded planning conditions.

### **Conservation Considerations**

The site is not in a designated Conservation Area or in close proximity to a listed building or any other designated site of historical interest. It is therefore considered that the development will have no adverse impact upon the cultural heritage of the area.

### **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 at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.

This proposal is within the catchment of Fossoway Primary School.

Education & Children's Services have no capacity concerns in this catchment area at this time, therefore no education contributions are required.

### **Economic Impact**

The development of this site would account for short term economic investment through the 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 2016 and the adopted Local Development Plan 2 (2019). 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 19 '*Housing in the Countryside*' of the Perth and Kinross Local Development Plan 2 (2019) and the Council's Housing in the Countryside Guide 2020, as it does not comply with any of the categories of the policy guidance where a residential development would be acceptable in principle at this location.
- 2 The proposal is contrary to Policy 39 '*Landscape*' of the Perth and Kinross Local Development Plan 2 (2019) as Plots 1 and 2 erode the local distinctiveness, diversity and quality of Perth and Kinross's

landscape character through the expansion of the existing building group on to an exposed area of land.

- 3 The proposal is contrary to Policies 46A and 46B '*Loch Leven Catchment Area*' of the Perth and Kinross Local Development Plan 2 (2019) as no information has been submitted to demonstrate that the total phosphorus from the proposed development is compliant with requirements of the policy.

### **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**

19/02087/1  
19/02087/2  
19/02087/3  
19/02087/4  
19/02087/5  
19/02087/6  
19/02087/7  
19/02087/8  
19/02087/9  
19/02087/10  
19/02087/11  
19/02087/12  
19/02087/13

**Date of Report** 13<sup>th</sup> February 2020





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

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

Thank you for completing this application form:

ONLINE REFERENCE 100126301-002

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

## Type of Application

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

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

## Description of Proposal

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

Erection of 3 dwellinghouses and separate garages

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:	Greenfields Design Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Gordon	Building Name:	2b
Last Name: *	Porter	Building Number:	
Telephone Number: *	+44 1259216500	Address 1 (Street): *	Bank Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Alloa
Fax Number:		Country: *	United Kingdom
		Postcode: *	FK10 1HP
Email Address: *	jb@greenfieldsdesign.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

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

## Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Tillyochie Farm, Balado, Kinross

Northing

702885

Easting

307332

## Pre-Application Discussion

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

☐ Yes ☒ No

## Site Area

Please state the site area:

12580.00

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)

vacant land

## Access and Parking

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

☐ Yes ☒ No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
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?	<div style="border: 1px solid black; padding: 2px 10px;">0</div>
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)? *	<div style="border: 1px solid black; padding: 2px 10px;">12</div>
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).	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *	
<input type="checkbox"/> Yes – connecting to public drainage network <input checked="" type="checkbox"/> No – proposing to make private drainage arrangements <input type="checkbox"/> 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? *	
<input type="checkbox"/> New/Altered septic tank. <input checked="" type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed). <input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).	
Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *	
<div style="border: 1px solid black; padding: 5px;">         Sewage Treatment Plant for foul water with discharge to land via soakaway. Surface water to soakaway.       </div>	
Do your proposals make provision for sustainable drainage of surface water?? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (e.g. SUDS arrangements) *	
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? *	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, using a private water supply <input type="checkbox"/> 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)

A hardstanding will be provided to accommodate wheelie bins

## Residential Units Including Conversion

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

☒ Yes ☐ No

How many units do you propose in total? \*

3

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: Gordon Porter

On behalf of: Mr R Paterson

Date: 16/12/2019

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☐ Yes ☒ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ N/A

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

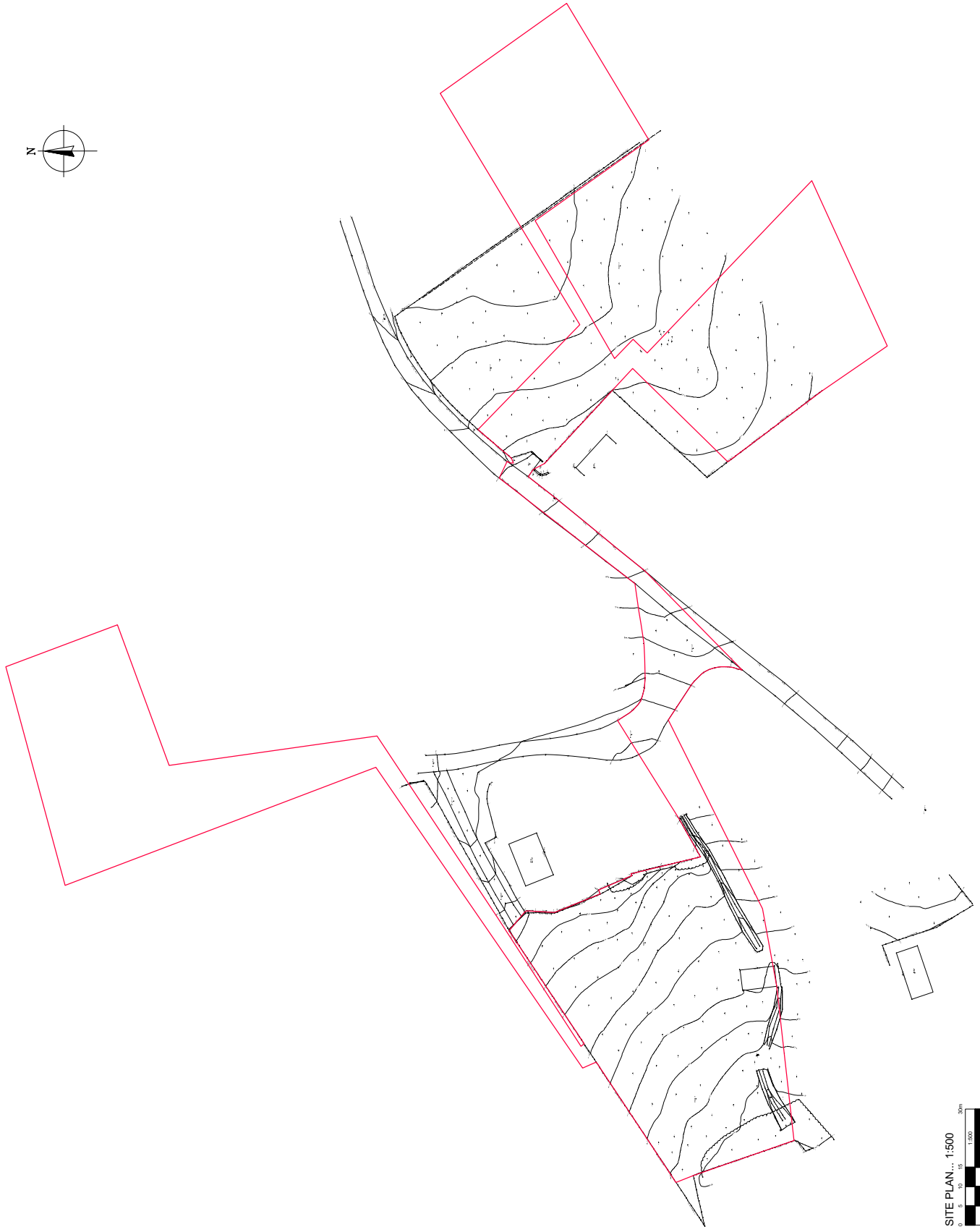
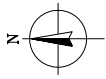
## **Declare – For Application to Planning Authority**

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

Declaration Name: Mr John Blair

Declaration Date: 17/12/2019

## **Payment Details**



SITE PLAN... 1:500  
0 5 10 15 20m  
1:500

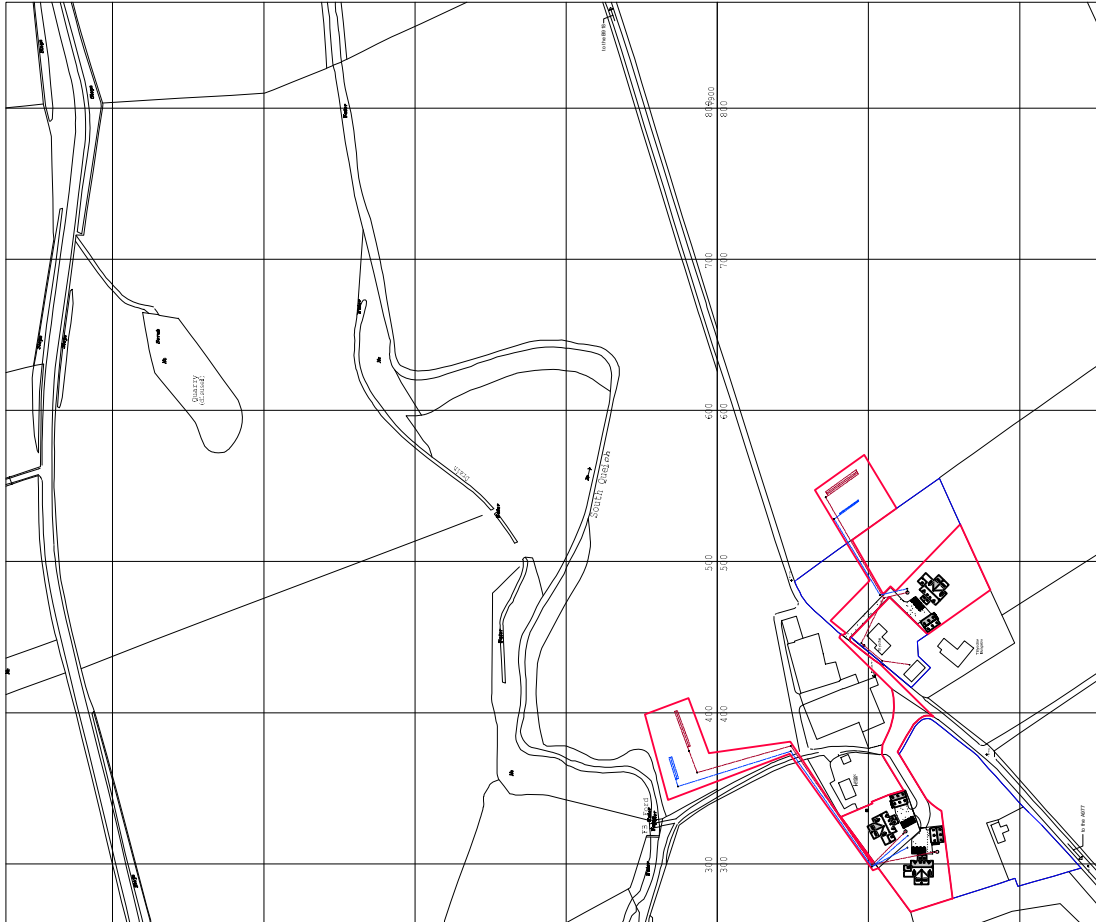
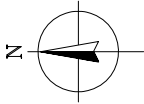
REVISION INT. DATE

**Greenfields Design Ltd.**  
Landscape Architecture & Planning  
28 Bank Street, Alderley, Cheshire, WA15 9JF  
Tel: 01293 210500  
Email: g.d@greenfieldsdesign.co.uk

Title: Existing Site Plan  
Project: Development  
at Thyrone  
near Kinnaird

REV	DATE	BY	CHKD	APPD
1	20-Dec-19	GP		

DO NOT SCALE FOR CONSTRUCTION PURPOSES - IF IN DOUBT ASK - DRAWINGS NOT FOR CONSTRUCTION PURPOSES



LOCATION PLAN... 1:2500



Rev. B - Title box  
Rev. A - site layout  
REVISION  
GP 2012/19  
GP 11/1/19  
INT DATE



Greenfields Design Ltd.  
architectural and landscape design consultants

28 Bank Street, Alsea, Clackmannanshire FK10 1HP  
tel. 01259 216500  
email. gpd@greendesign.co.uk

Title - Location Plan  
Project - Proposed Development  
at Tillyochie  
near Kinross

SCALE	1:2500	DRAWN BY	GP
DATE	08-Nov-19	CHECKED BY	11995-S-120
HEET	A2	PROJECT NAME	Palet

DO NOT SCALE FOR CONSTRUCTION PURPOSES - IF IN DOUBT ASK - DRAWING NOT FOR CONSTRUCTION PURPOSES



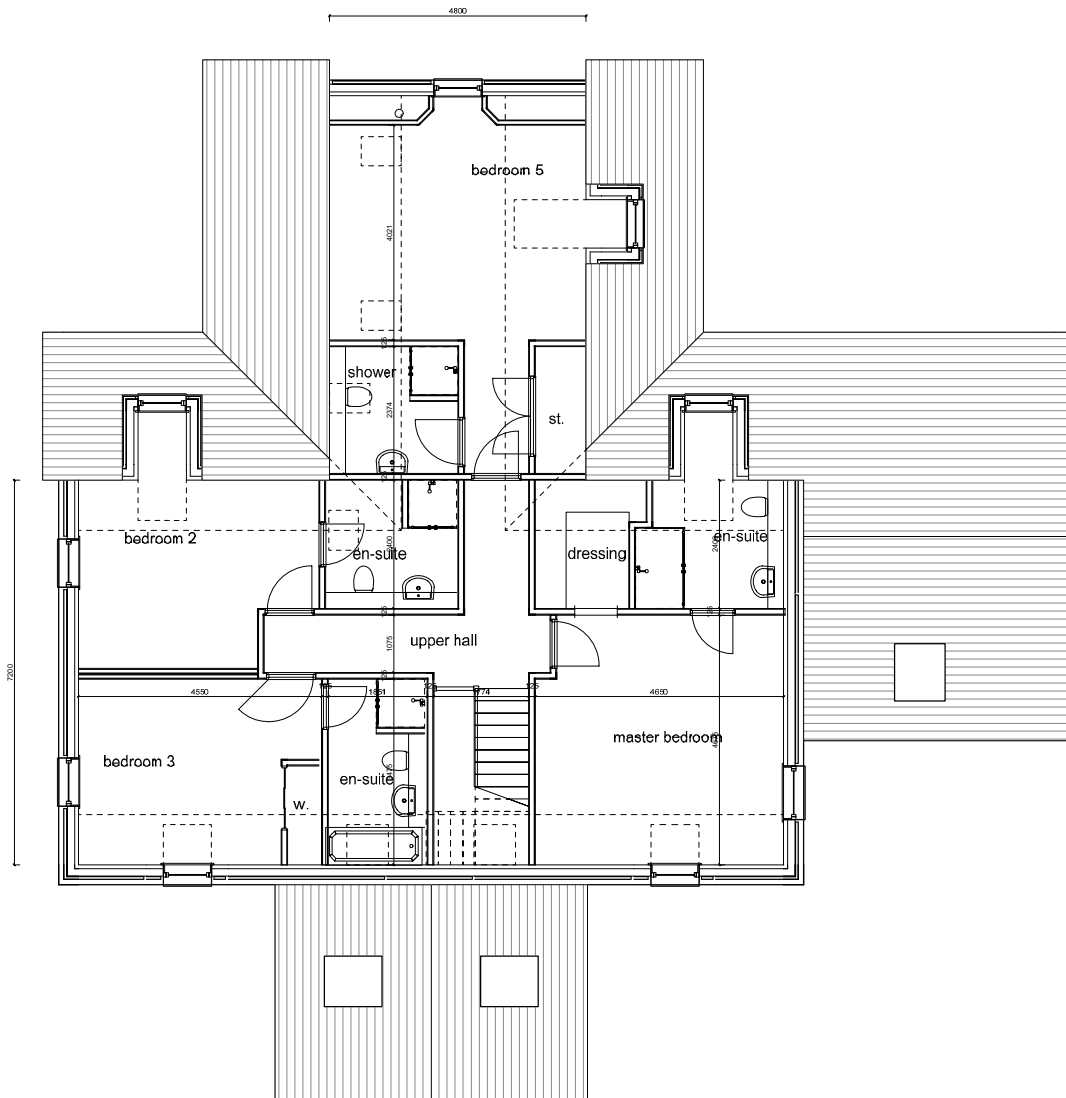


WEST ELEVATION... 1:100

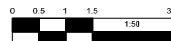


SOUTH ELEVATION... 1:100

**EXTERNAL FINISHES**  
 Slate roof finish,  
 Natural stone to walls as shown,  
 Timber cladding to walls as shown,  
 White wet dash render to external walls,  
 Smooth cement and natural stone base course,  
 PVCu fascia and bargeboard,  
 Stained redwood windows,  
 Black PVCu outlets and downpipes.



FIRST FLOOR PLAN... 1:50



Rev. B - Title box GP 2012/18  
 Rev. A - General amendments GP 11/13/18  
 REVISION INT DATE



28 Bank Street, Alton, Cambridgeshire FK10 1HP  
 Tel: 01223 216500  
 Email: gfd@greenfieldsdesign.co.uk

Title - First Floor Plan  
 Project - Plot 1  
 MR Palencia  
 at Tillydrie  
 near Kinross

DATE	1:50	DATE	GP
DATE	11-Jun-18	DATE	11595-1-12B
DATE	A1	DATE	Page1



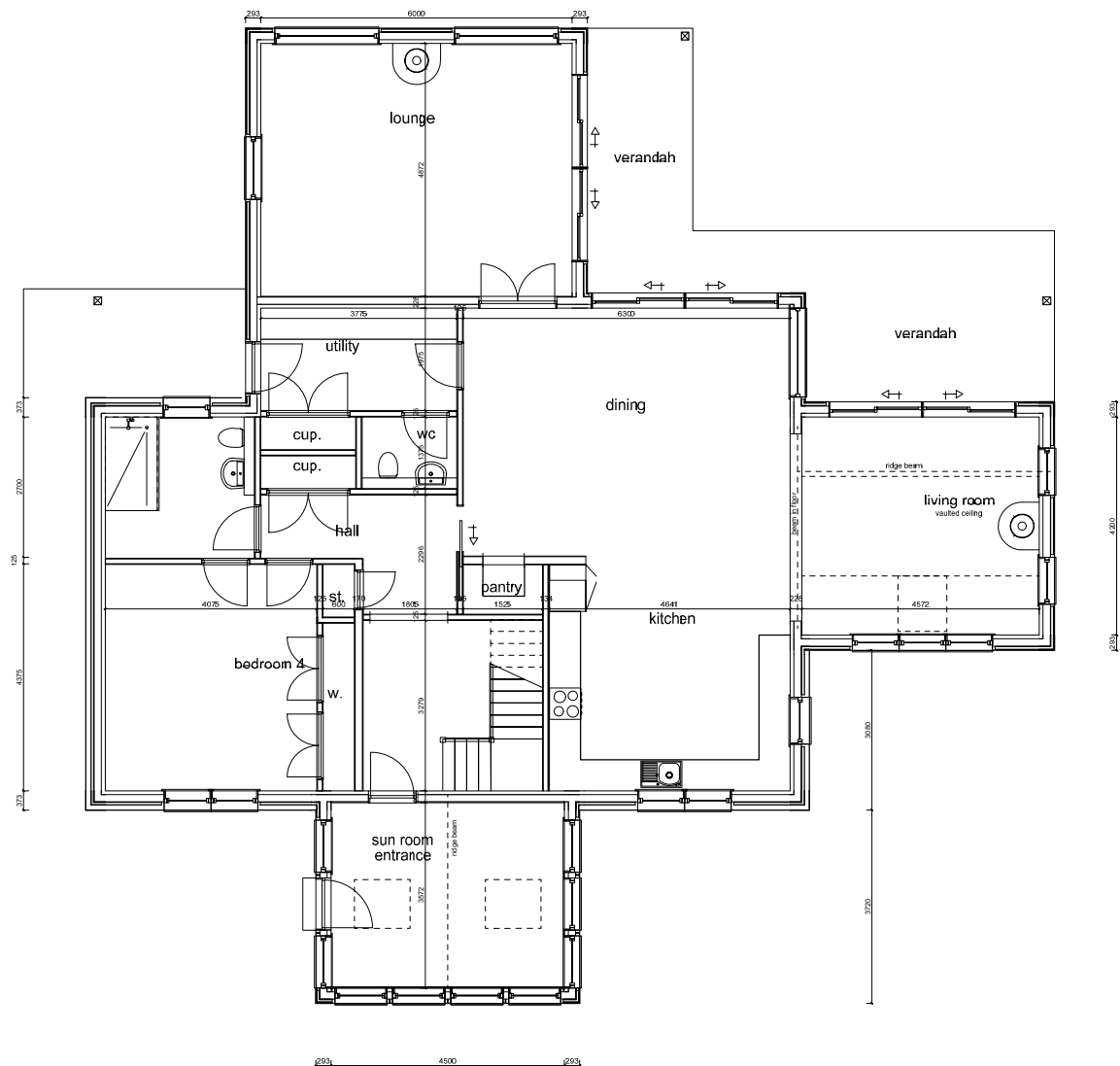


EAST ELEVATION... 1:100

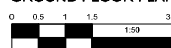


NORTH ELEVATION... 1:100

EXTERNAL FINISHES  
 Slate roof finish,  
 Natural stone to walls as shown,  
 Timber cladding to walls as shown,  
 White wet dash render to external walls,  
 Smooth cement and natural stone base course,  
 PVCu fascia and bargeboard,  
 Stained rewood windows,  
 Black PVCu gutters and downpipes.



GROUND FLOOR PLAN... 1:50



Rev. B - Title box  
 Rev. A - General amendments  
 REVISION  
 GP 2012/18  
 GP 11/13/18  
 INT DATE



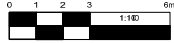
28 Bank Street, Alton, Cambridgeshire FK10 1HP  
 tel: 01223 216500  
 email: info@greenfieldsdesign.co.uk

Title - Ground Floor Plan  
 Project - Plot 1  
 181 Palencia  
 at Tillydrie  
 near Kinross

DATE	1:50	DATE	GP
11-Jun-18		11-Jun-18	
A1		Page 1	

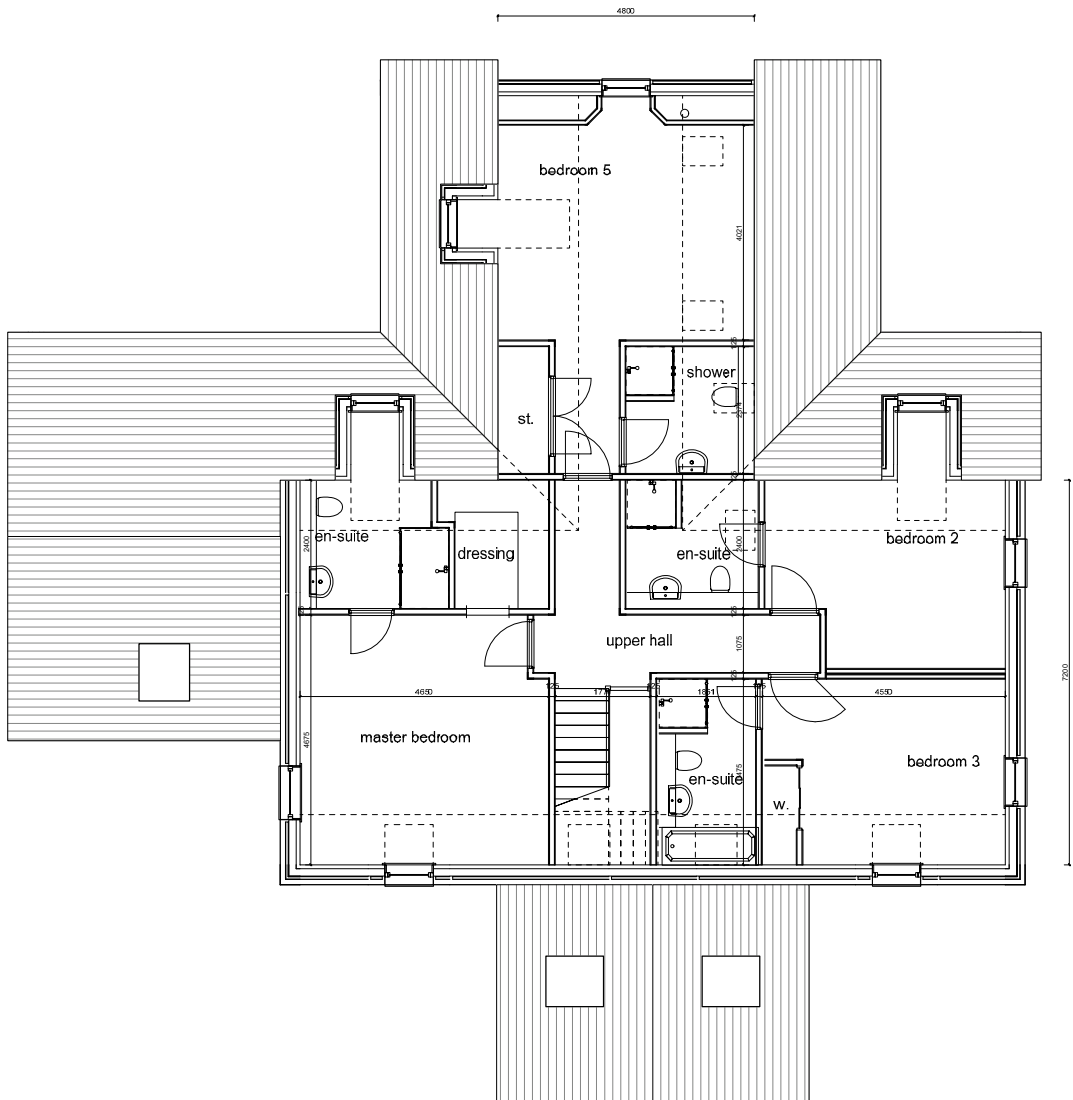


NORTH WEST ELEVATION... 1:100



SOUTH WEST ELEVATION... 1:100

**EXTERNAL FINISHES**  
 Slate roof finish,  
 Natural stone to walls as shown,  
 Timber cladding to walls as shown,  
 White wet dash render to external walls,  
 Smooth cement and natural stone base course,  
 PVCu fascia and bargeboard,  
 Stained redwood windows,  
 Black PVCu outters and downpipes.



FIRST FLOOR PLAN... 1:50



Rev. B - lift box GP 20/12/15  
 Rev. A - general amendments GP 11/10/15  
 REVISION INT. DATE



28 Bank Street, Alton, Cambridgeshire FK10 1HP  
 Tel: 01223 216500  
 email: gfd@greenfieldsdesign.co.uk

Title - First Floor Plan and Elevations  
 Project - Plot 2  
 MR Paterson  
 At Tillythorpe  
 Near Kinross

DATE	1:50	DATE	GP
DATE	29-Oct-19	DATE	11595-2-12b
DATE	A1	DATE	Page1

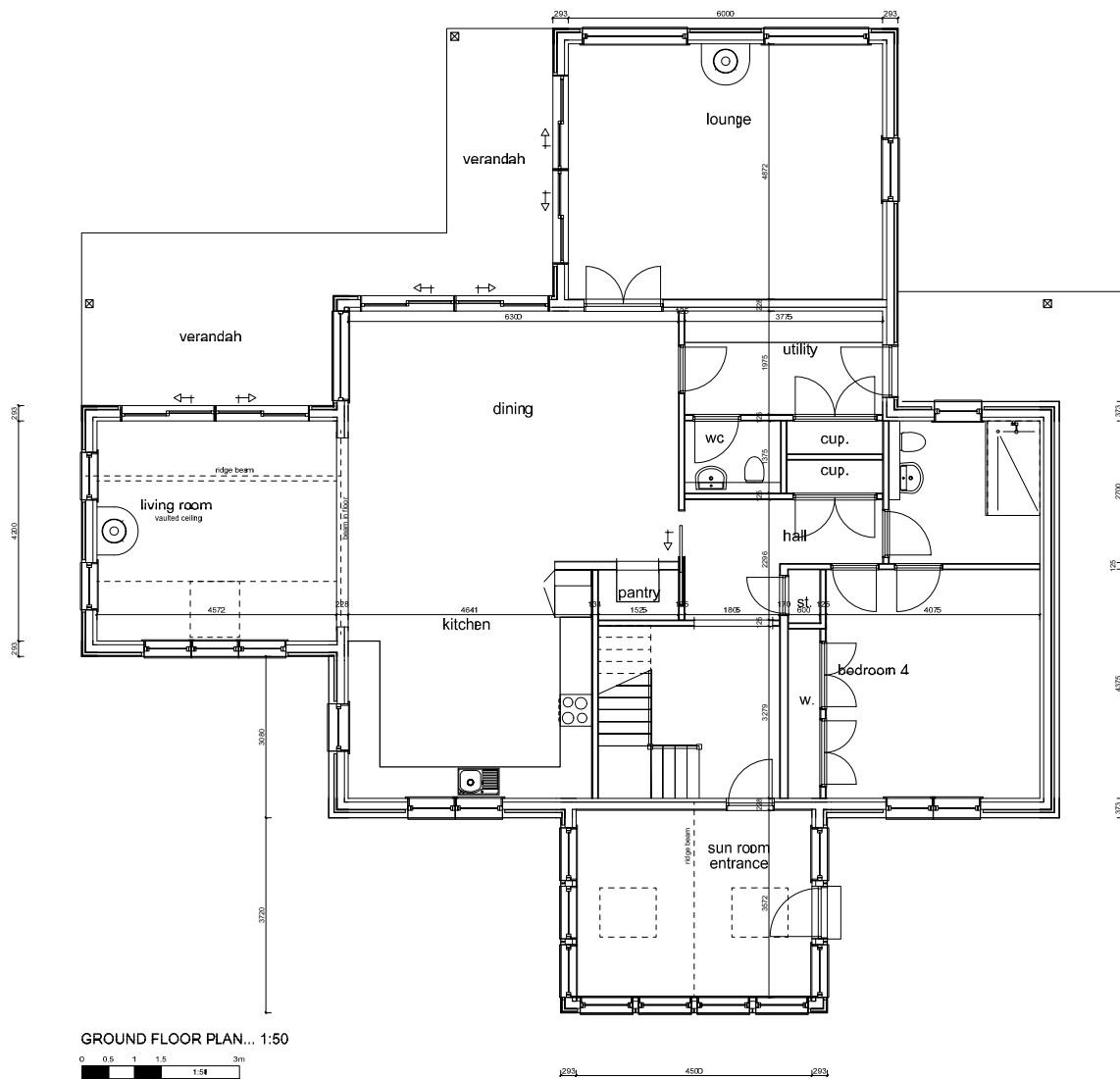


SOUTH EAST ELEVATION... 1:100



NORTH EAST ELEVATION... 1:100

EXTERNAL FINISHES  
 Slate roof finish,  
 Natural stone to walls as shown,  
 Timber cladding to walls as shown,  
 White wet dash render to external walls,  
 Smooth cement and natural stone base course,  
 PVCu fascia and bargeboard,  
 Stained rewood windows,  
 Black PVCu gutters and downpipes.



Rev. B - lift box GP 2012/15  
 Rev. A - general amendments GP 11/13/15  
 REVISION INT. DATE

**Greenfields Design Ltd.**  
 architectural and interior design consultants

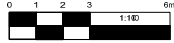
28 Bank Street, Alton, Cambridgeshire FK10 1HP  
 tel: 01223 216500  
 email: info@greenfieldsdesign.co.uk

Title - Ground Floor Plan & Elevations  
 Project - Plot 2  
 M. Paterick  
 At Tillythorpe  
 Near Kintore

DATE	1:50	GP
DATE	29-Oct-19	11595-2-11b'
DATE	A1	Page 1

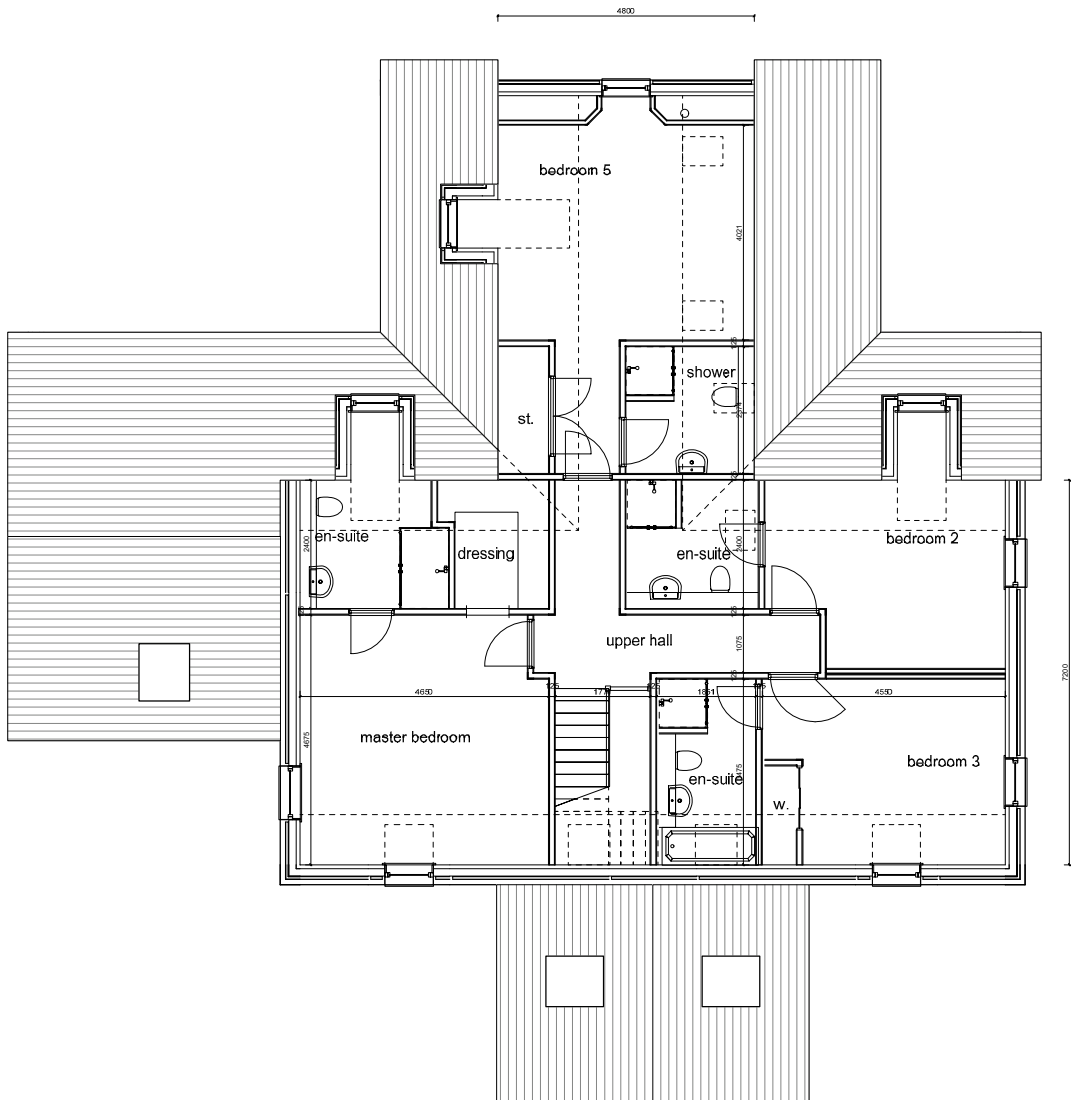


SOUTH EAST ELEVATION... 1:100



NORTH EAST ELEVATION... 1:100

**EXTERNAL FINISHES**  
 Slate roof finish,  
 Natural stone to walls as shown,  
 Timber cladding to walls as shown,  
 White wet dash render to external walls,  
 Smooth cement and natural stone base course,  
 PVCu fascia and bargeboard,  
 Stained redwood windows,  
 Black PVCu outlets and downpipes.



FIRST FLOOR PLAN... 1:50



Rev. B - Title box  
 Rev. A - General amendments  
 REVISION INT. DATE



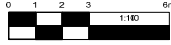
28 Bank Street, Alton, Cambridgeshire FK10 1HP  
 Tel: 01223 216500  
 email: gfd@greenfieldsdesign.co.uk

Title - First Floor Plan  
 Project - Plot 3  
 MR Palenock  
 At Tillythorpe  
 Near Kintore

SCALE	1:50	DATE	GP
DATE	28-Oct-19	PROJECT	11595-3-12b
REV	A1	DATE	Page1

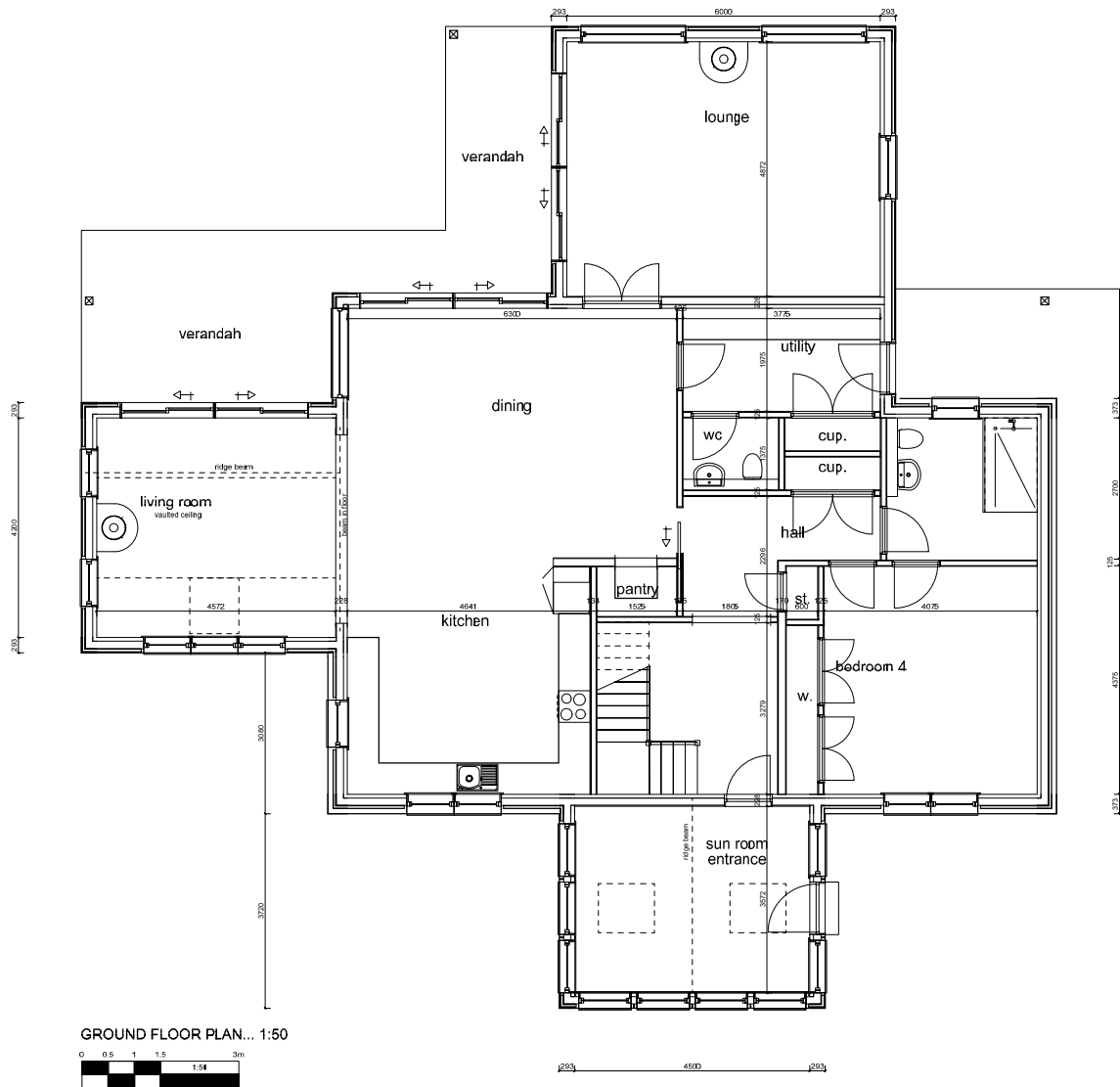


NORTH WEST ELEVATION... 1:100



SOUTH WEST ELEVATION... 1:100

EXTERNAL FINISHES  
 Slate roof finish,  
 Natural stone to walls as shown,  
 Timber cladding to walls as shown,  
 White wet dash render to external walls,  
 Smooth cement and natural stone base course,  
 PVCu fascia and bargeboard,  
 Stained rewood windows,  
 Black PVCu gutters and downpipes.



Rev. B - Title box  
 Rev. A - General amendments  
 REVISION INT. DATE

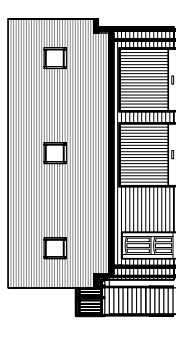
**Greenfields Design Ltd.**  
 architectural and interior design consultants

28 Bank Street, Alton, Cambridgeshire FK10 1HP  
 tel: 01223 216500  
 email: info@greenfieldsdesign.co.uk

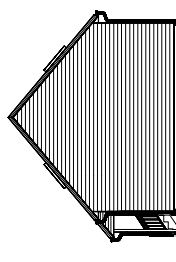
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 Project - Plot 3  
 M. Paterick  
 At Tillythorpe  
 Near Kintore

DATE	1:50	GP
DATE	29-Oct-19	11595-3-11b
DATE	A1	Page1

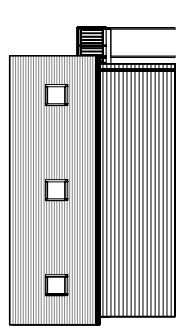
EXTERNAL FINISHES  
Natural stone finish to roof  
Plaster finish to walls and ceilings  
Natural stone finish to floors  
Natural stone finish to walls and ceilings  
Natural stone finish to walls and ceilings  
Natural stone finish to walls and ceilings  
Natural stone finish to walls and ceilings  
Natural stone finish to walls and ceilings



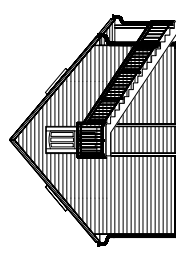
FRONT ELEVATION... 1:100  
PLOT 1 - NORTH  
PLOT 2 - WEST  
PLOT 3 - NORTH EAST



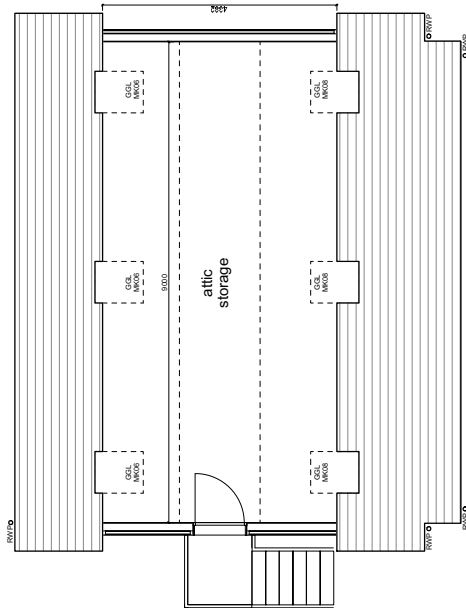
SIDE ELEVATION... 1:100  
PLOT 1 - EAST  
PLOT 2 - SOUTH  
PLOT 3 - NORTH WEST



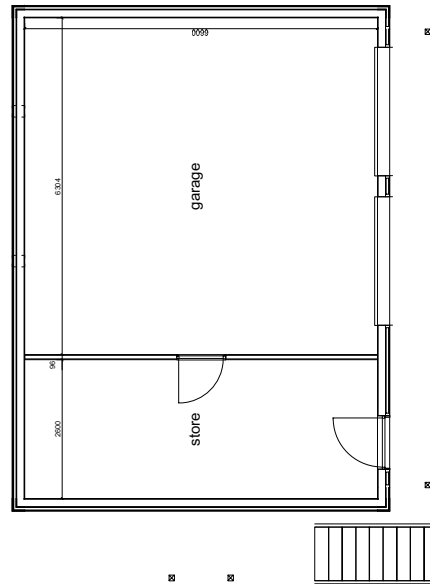
REAR ELEVATION... 1:100  
PLOT 1 - SOUTH  
PLOT 2 - EAST  
PLOT 3 - SOUTH WEST



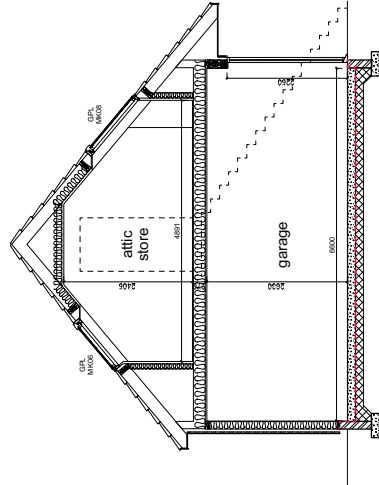
SIDE ELEVATION... 1:100  
PLOT 1 - WEST  
PLOT 2 - NORTH  
PLOT 3 - SOUTH EAST



FIRST FLOOR PLAN... 1:50



GROUND FLOOR PLAN... 1:50



SECTION A-A... 1:50

Rev: C - Title box  
Rev: B - External stair removed  
Rev: A - External stair removed  
REV: DATE

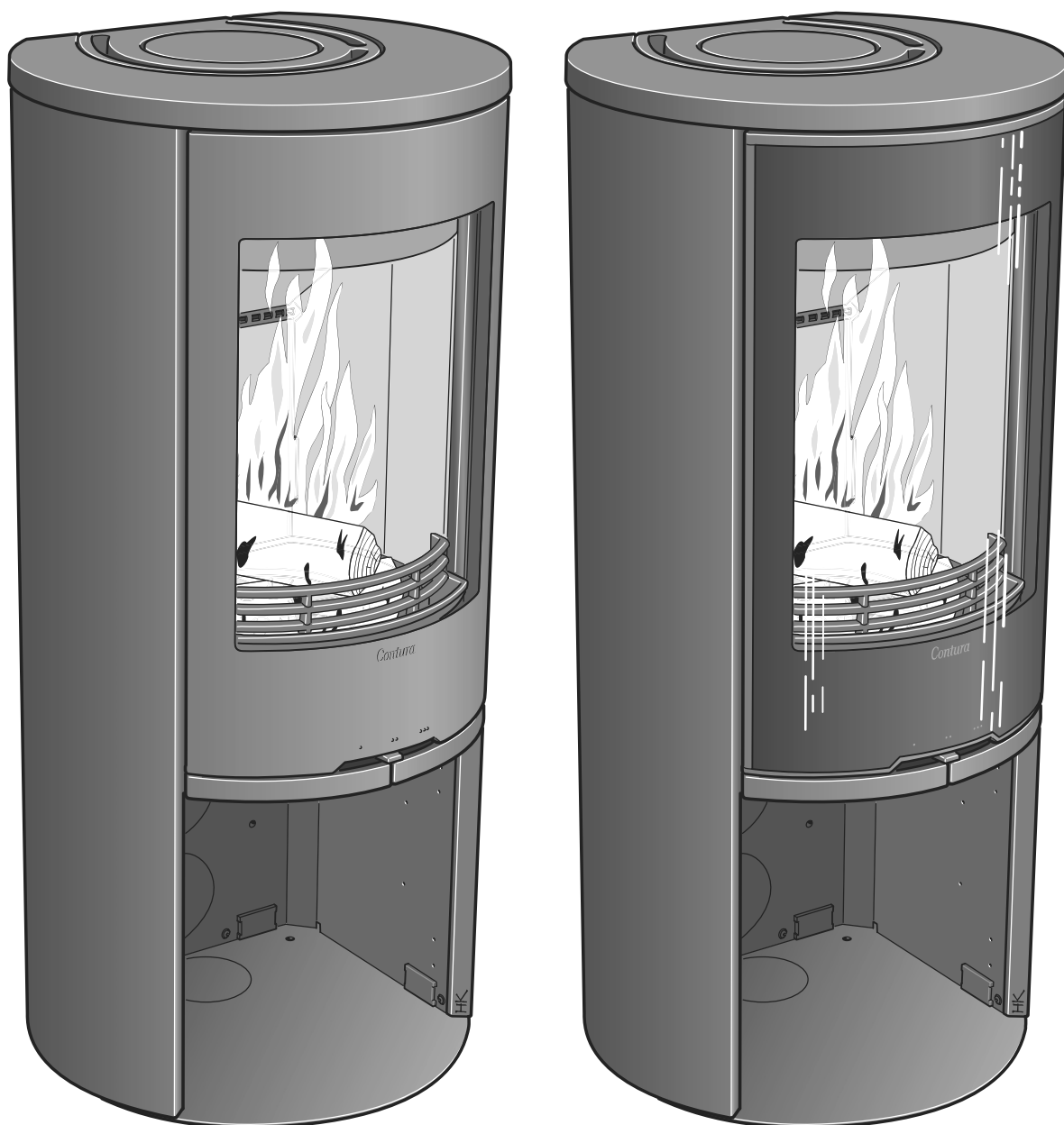
Greenfields Design Ltd.  
28 Belfry Street, Alderley, Cheshire, M20 9JF  
Tel: 01292 210500  
Email: info@greenfieldsdesign.co.uk

Title: Garage  
Project: Theobald Farm  
Client: Theobald Farm  
Location: Blackpool, Lancashire

Scale: 1:50  
Sheet: 11/11  
Date: 11/05/2011

DO NOT SCALE FOR CONSTRUCTION PURPOSES - IF IN DOUBT, ASK! DRAWINGS NOT FOR CONSTRUCTION PURPOSES

# Installation Instructions



C 510

# *Contura*

## DECLARATION OF PERFORMANCE

No. C510-CPR-130601-SE-2

*Contura*

## PRODUCT

Product type Stove lit with solid biofuels  
 Type designation Contura 510  
 Manufacturing number See rating plate on the stove  
 Intended area of use Heating of rooms in residential buildings  
 Fuel Wood

## MANUFACTURER

Name NIBE AB / Contura  
 Address Box 134, Skulptörvägen 10  
 SE-285 23 Markaryd, Sweden

## CHECKS

According to AVCP System 3  
 European standard EN 13240:2001 / A2:2004  
 Test institute Rein-Ruhr Feuerstätten Prüfstelle, NB 1625,  
 has checked declared performance and issued test report no. RRF-40 15 3859

## DECLARED PERFORMANCE

Essential characteristics	Performance	Harmonised technical specification
Reaction to fire	A1 WT	EN 13240:2001 / A2:2004
Minimum distance to combustible material	100 mm to rear 500 mm to side Other safety distances according to the installation instructions	
Risk of falling embers	Approved	
Emissions from combustion	CO 0.09 % NOx 94 mg/m <sup>3</sup> OGC 73 mg/m <sup>3</sup> PM 12 mg/m <sup>3</sup>	
Surface temperatures	Approved	
Cleaning options	Approved	
Mechanical durability	Approved	
Emissions of hazardous substances	Approved	
Nominal output	5 kW	
Efficiency	80 %	
Flue gas temperature in connector at nominal output	299°C	

The undersigned is responsible for the manufacture and conformity with the declared performance.



**Niklas Gunnarsson**, Business area manager NIBE STOVES  
 Markaryd, March 17, 2015





A warm welcome to Contura.

A warm welcome to the Contura family. We hope you will get a great deal of pleasure from your new stove. As a new owner of a Contura stove you have secured a product with timeless design and long service life. Contura also has combustion that is both environmentally friendly and efficient for the best heat production.

Read through these installation instructions carefully before installation. Read how to best light your stove in the lighting instructions.

Table of contents

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Prior to installation	53
Connection to chimney	54
Supply of combustion air	55
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Assembly	57
Installation of the door	58
Removing the hearth surround	59

## Technical details

Effect	3-7kW
Nominal effect	5 kW
Efficiency	up to 80%

<b>Model</b>	<b>510</b>
Height (mm)	1066
Width (mm)	495
Depth (mm)	440
Weight (kg)	105

Type approved in accordance with:  
 European standard EN-13240  
 Swedish environmental marking  
 NS 3059 (Norway)  
 DIN Plus (Germany)  
 Art. 15a B-VG (Austria)  
 Clean Air Act. (UK)

## Important to remember!

### Installation by authorised technician

This manual contains instructions about how the stoves must be assembled and installed. To ensure the function and safety of the stove, we recommend that the installation is carried out by an authorised technician. Contact one of our dealers who can recommend suitable technicians.

### Building application

These main instructions may give guidance which would contravene national building regulations. Please refer to supplementary instructions or ask your local authority for advice regarding building regulations. Before installing a stove or erecting a chimney it is necessary for you to make a building application permission to your local authority.

### Structural support

Check that the wood joists are strong enough to bear the weight of the stove and chimney. The stove and chimney can usually be placed on a normal wooden joist in a single occupancy house if the total weight does not exceed 400 kg.

### Hearth plate

Due to the risk of falling embers, a flammable floor must be protected by a hearth plate. It must extend 300 mm in front of the stove and 100 mm on each side of the stove, or have a 200 mm extension on each side of the opening. The hearth plate can consist of natural stone, concrete, metal plate or glass. A painted metal or glass hearth plate is available as an accessory for these models.

## NOTE!

### Report the installation of a stove to your local authority.

The owner of the house is personally responsible for ensuring compliance with the mandatory safety requirements and must have the installation approved by a qualified inspector. Your local chimney sweep must also be informed about the installation as this will affect the routines for regular chimney-sweeping services.

## WARNING!

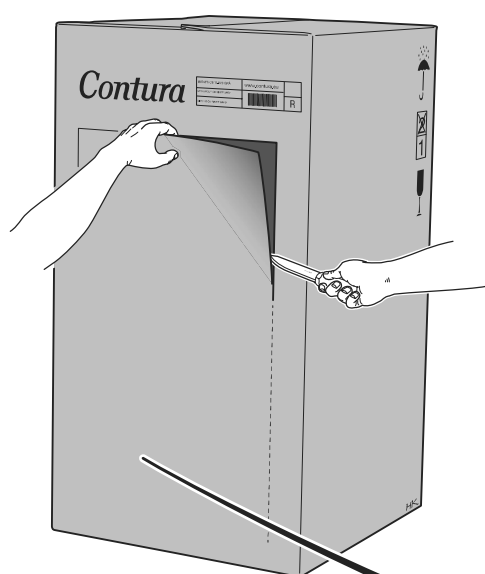
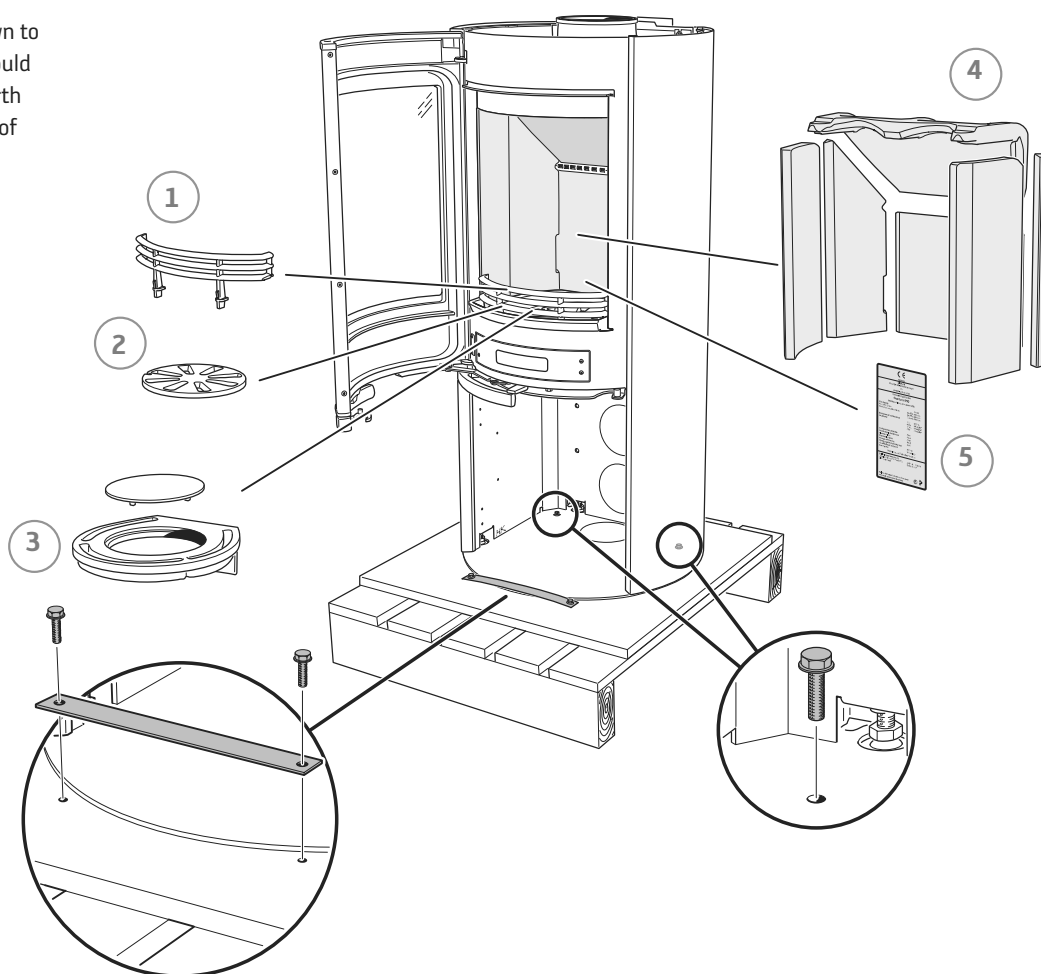
### The stove becomes very hot

During operation, certain surfaces of the stove become very hot and can cause burn injury if touched. Be aware of the strong heat radiated through the hatch glass. Placing flammable material closer than the safe distance indicated may cause a fire. Pyre lighting can cause quick gas ignition with the risk of damage to property and personal injury.

## Prior to installation

If the insert needs to be put down to be moved, loose components should be removed. Removal of the hearth cladding is described at the end of these installation instructions.

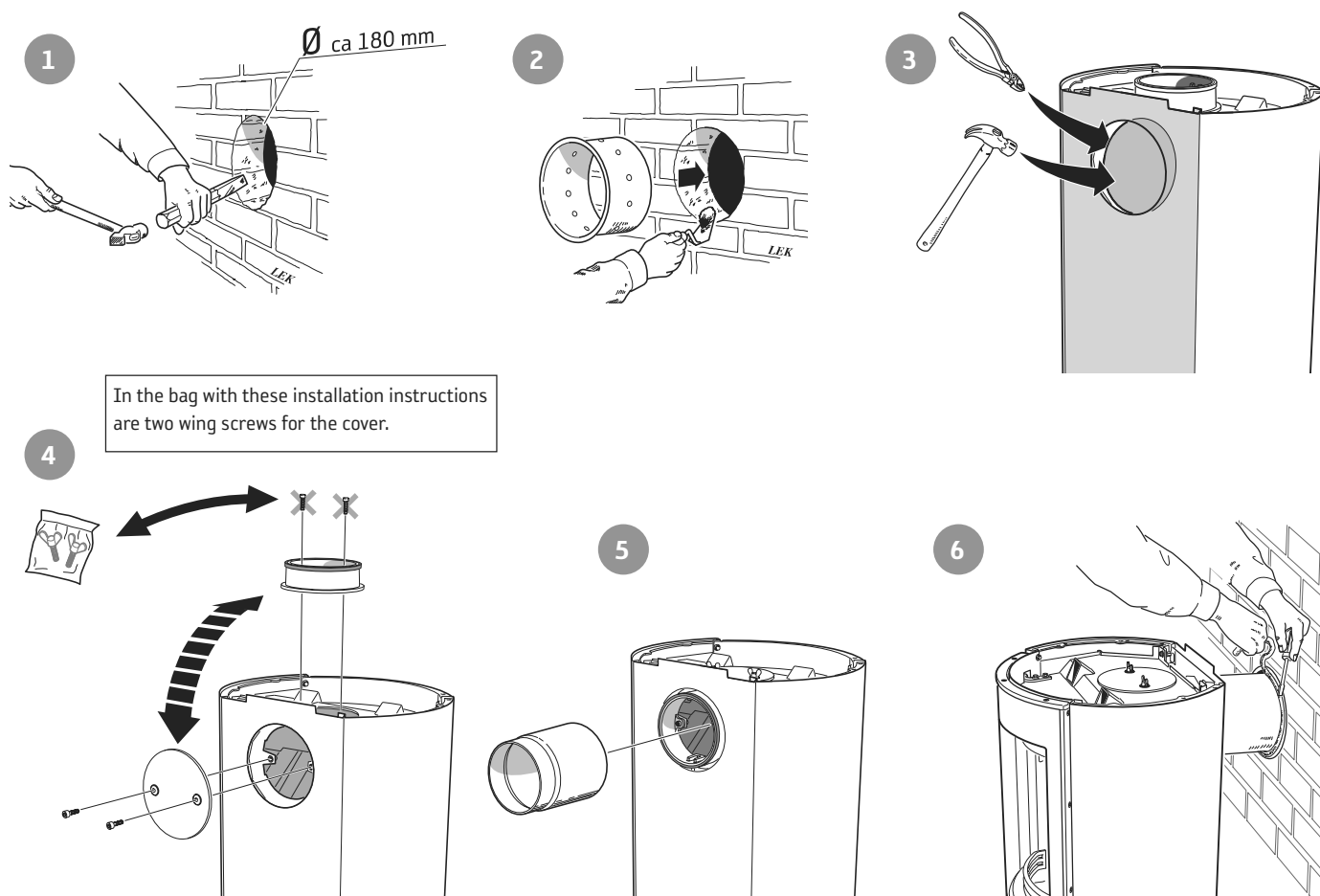
- 1 Fire bars
- 2 Grate disc
- 3 Hot air grate
- 4 Fire bricks (Vermiculite)
- 5 Type plate



## Connection to chimney

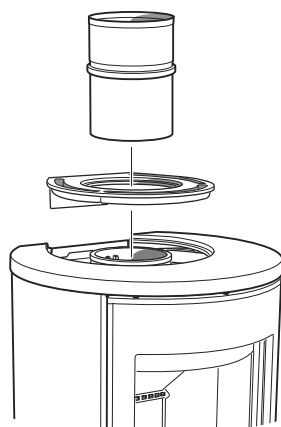
- The stove meets the requirements for connecting to chimneys dimensioned for 350°C flue gas temperature.
- The external diameter of the connection sleeve is 150 mm.
- The stove requires a draft in the chimney of at least -12 Pa. The draft is affected both by the length and area of the chimney, and by how well sealed it is. Minimum recommended chimney length is 3.5 m and suitable cross section area is 150-200 cm<sup>2</sup> (140-160 mm in diameter).
- A flue with sharp bends and horizontal routing reduces the draught in the chimney. Maximum horizontal flue is 1 m, on the condition that the vertical flue length is at least 5 m.
- It must be possible to sweep the full length of the flue and the soot hatches must be easily accessible.
- Carefully check that the chimney is sealed and that there is no leakage around soot hatches and flue connections.

### Rear connection to a masonry chimney



### Top connection to the chimney

The hot air grille must be installed before chimney top connection.



Make sure that the connector gasket does not work loose when the connection pipe is placed on the connector. If further sealing material is required, heat-resistant sealant may be used.

## Supply of combustion air

When a stove is installed in a room, the demand for air supply to the room increases. Air can be provided indirectly via a vent in the outer wall or via a duct from the outside that is connected to the connector on the underneath of the stove. The amount of air needed for combustion is 15 m<sup>3</sup>/h.

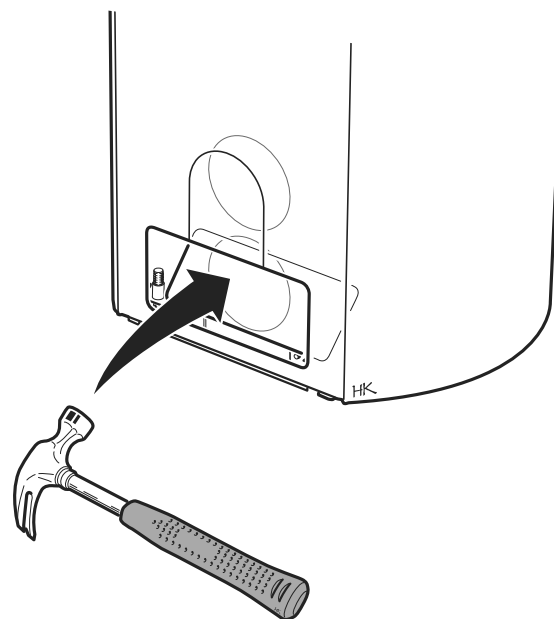
The connector has an external diameter of 67 mm. When duct routing further than 1 m the pipe diameter must be increased to 100 mm and a correspondingly larger wall vent must be selected.

In hot areas the duct should be insulated with 30 mm mineral wool covered with a moisture inhibitor (plastic). It is important that the lead-in between the pipe and the wall (or floor) is sealed using jointing compound.

A 1 m length of condensation insulated ducting for combustion air is available as an accessory.

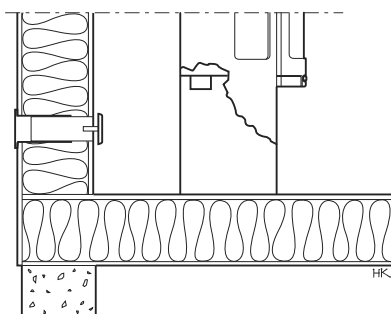


Leave a 40 mm gap between the condensation insulation and the bottom of the stove.

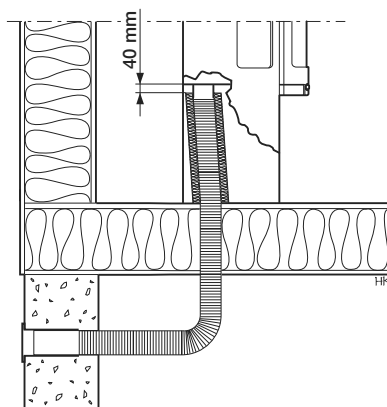


Outside air can be connected through the floor plate or at two different heights through the two panels in the back of the stove. Tap out the knockout using a hammer.

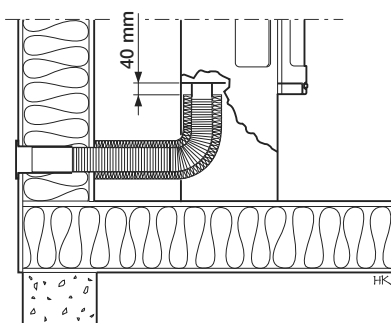
## Installation variants



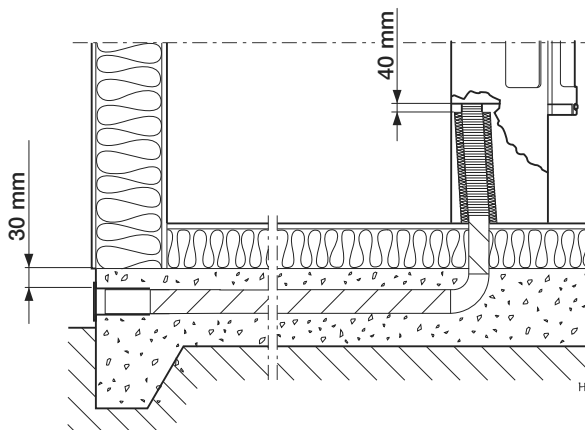
Indirect air supply through the external wall.



Through floor and wall-and-cavity foundation.



Through the external wall.



Through floor and foundation slab.

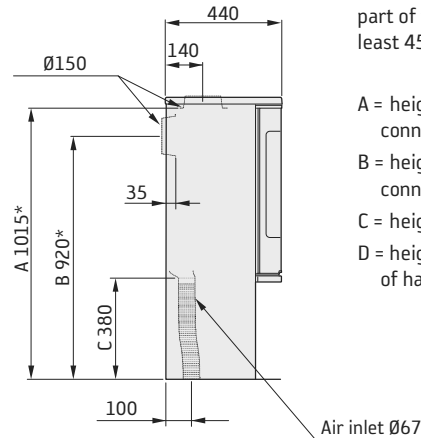
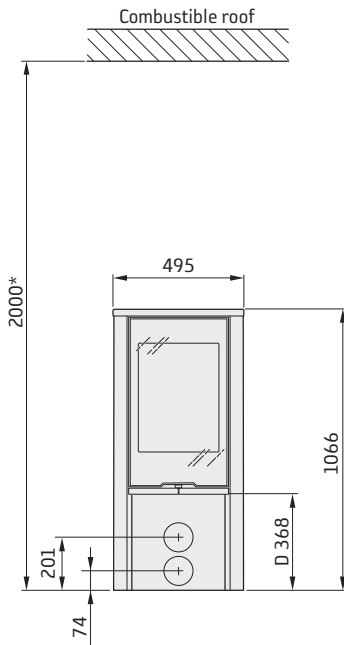
# Installation distances

## C 510

**WHEN INSTALLING TURNABLE (OPTION)** the following installation distances do not apply. See the separate turntable installation instructions.



A separate glass hearth plate (accessory) increases the connection height to the chimney by 10 mm. The spacers supplied with the hearth plate are installed on the stove before connection.



The minimum distance in front of the stove opening to combustible parts of the building or interior decoration must be at least 1 m.

The dimension diagrams only show the minimum permitted installation distances for the stove. When connecting to a steel flue, also note the safety distance requirements of the flue. The safety distance between an un-insulated flue and a combustible part of the building should be at least 450 mm.

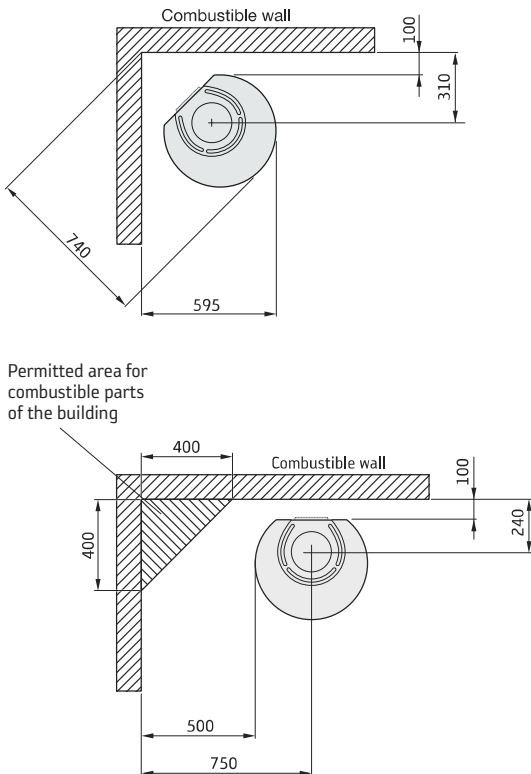
A = height from floor to chimney connection upwards

B = height from floor to c/c chimney connection rear

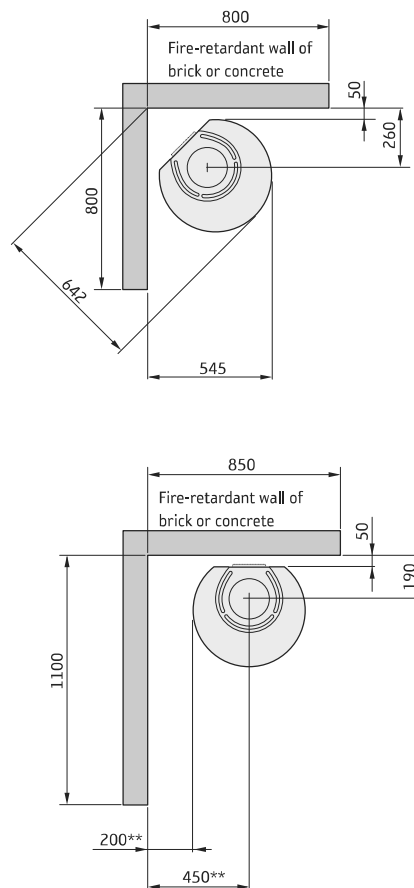
C = height from floor to air inlet

D = height from floor to lower edge of hatch

### INSTALLATION AGAINST COMBUSTIBLE WALLS



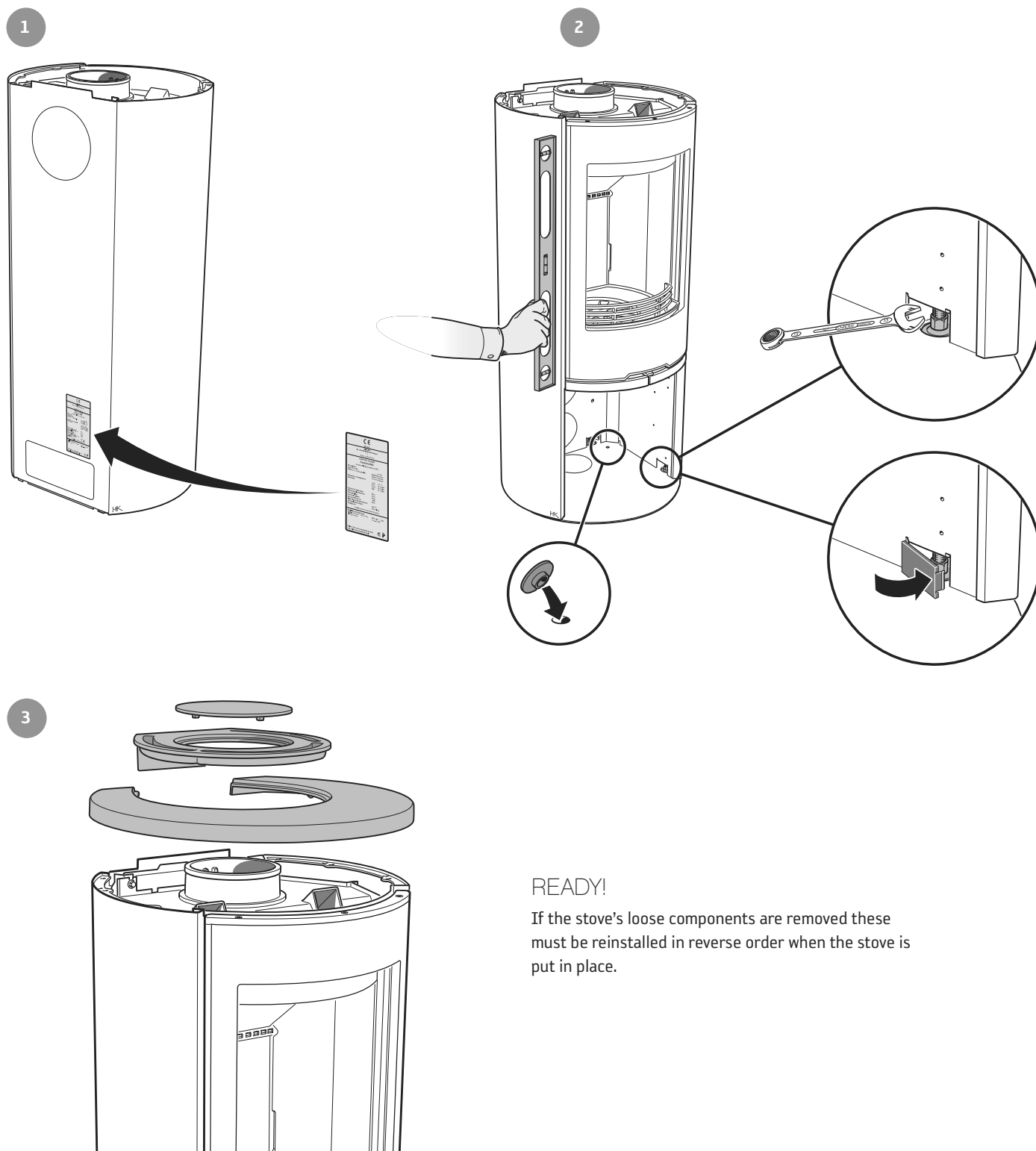
### INSTALLATION AGAINST FIREWALLS



\* If the stove is placed on a hearth plate made of glass for example (accessory), the height from the floor is affected by a distance corresponding to the thickness of the hearth plate, for a free standing glass hearth plate this is 10 mm.

\*\* To prevent discolouration of painted non-flammable walls we recommend that the same side distance is used to combustible walls is used.

# Assembly



## READY!

If the stove's loose components are removed these must be reinstalled in reverse order when the stove is put in place.

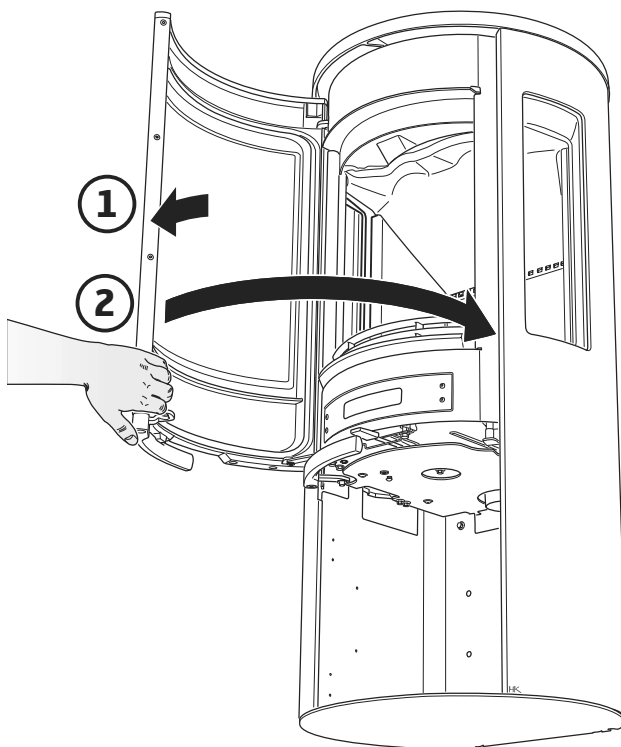
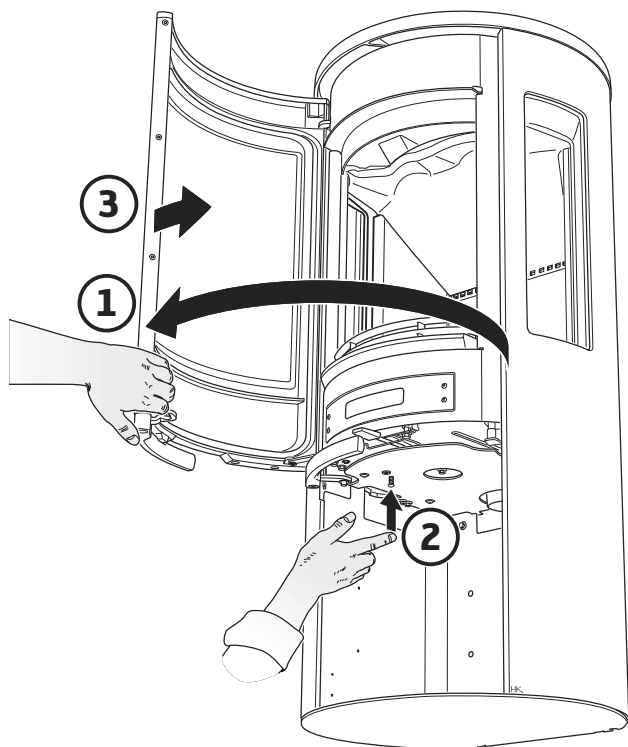
## Final inspection of the installation

It is extremely important that the installation is inspected by an authorised chimney sweep before the stove is used. Also read the "Lighting instructions", before lighting for the first time.



## Installation of the door

The door can be held in the open position using the push button on the underside of the stove.

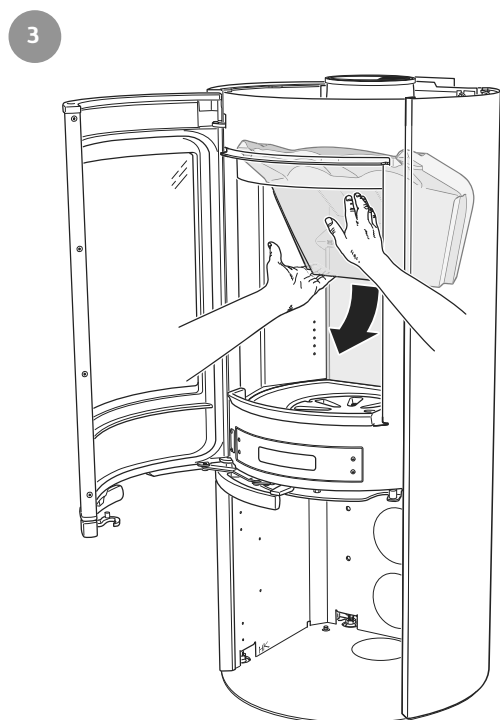




## Removing the hearth surround

How to remove the hearth surround (Vermiculite)

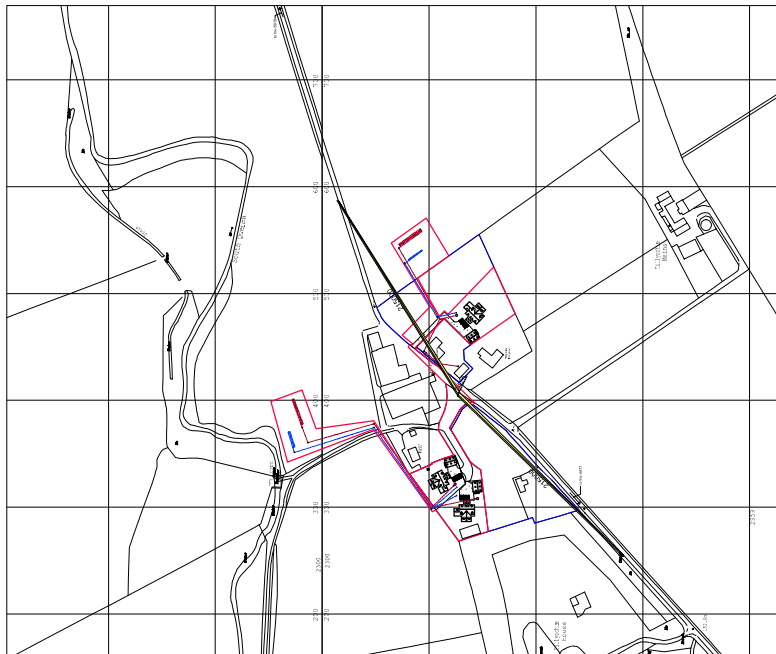
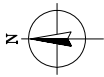
Handle the vermiculite with care. Lift the smoke baffle with one hand whilst removing the sides pieces. Reinstall in reverse order



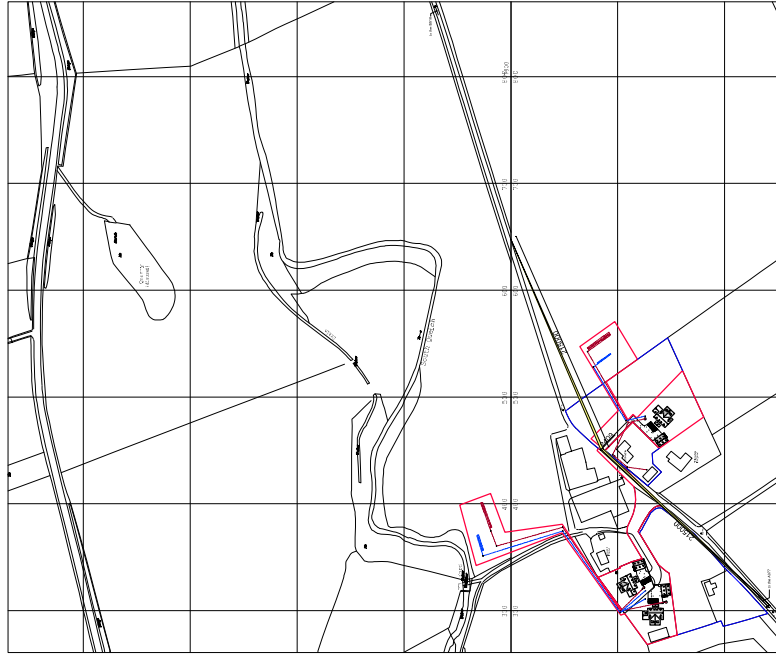
*Contura*

NIBE AB · Box 134 · 285 23 Markaryd · Sweden  
[www.contura.eu](http://www.contura.eu)

Contura reserves the right to change dimensions and procedures described in these instructions at any time without special notice. The current edition can be downloaded from [www.contura.eu](http://www.contura.eu)



PLOT 1 & 2 VISIBILITY SPLAYS... 1:2500



PLOT 3 VISIBILITY SPLAYS SPLAY... 1:2500

**SCOTTISH ENVIRONMENT PROTECTION AGENCY**  
**WATER ENVIRONMENT AND WATER SERVICES (SCOTLAND) ACT 2003**  
**WATER ENVIRONMENT (CONTROLLED ACTIVITIES) (SCOTLAND) REGULATIONS**  
**2011 ("THE REGULATIONS")**  
**WATER USE LICENCE**

**Licence Number:** CAR/S/1174300

**Responsible Person:** Richard Paterson

**Site or Location of Activity/Activities** Tillyochie  
Tillyochie Road  
Balado  
Perthshire  
KY13 0NN

The Scottish Environment Protection Agency, in accordance with regulations 8 and 15 of the Regulations, hereby authorises the carrying on of the controlled activity or activities set out in Schedule 1 of this licence, at or near or in connection with the site or location set out above, subject to the requirements of the Regulations and to the conditions contained in the schedules attached to and forming part of this licence.

The person responsible for securing compliance with this licence and its conditions ("the responsible person") shall be Richard Paterson, of Tillyochie Farm House, Kinross, Kinross-shire, KY13 0NL.

This licence and its conditions shall, except where otherwise provided in any of those conditions, take effect on 07 March 2019.

Signed: .....  
[Redacted Signature]

Date: 07 March 2019

Authorised to sign on behalf of the  
Scottish Environment Protection Agency

**Right of Appeal**

You are entitled to appeal to the Scottish Ministers, within three months of the date of this licence, if you have been granted a form of authorisation which is different from the form of authorisation which you believe ought to have been granted (under regulation 50(b) of the Regulations) or against any condition or conditions of this licence (under regulation 50(c) of the Regulations). The bringing of an appeal against a condition will not have the effect of suspending the operation of the condition. The procedures for the making of an appeal are set out in Schedule 9 of the R

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## INTERPRETATION OF TERMS

For the purposes of this licence, and unless the context requires otherwise, the following definitions shall apply:

### Generic

"the Act" means the Water Environment and Water Services (Scotland) Act 2003;

"controlled activity" means an activity to which the Regulations apply, in accordance with regulation 3(1) of the Regulations;

"incident" means:

- any accident which has had or could have an adverse impact on the water environment; or
- any malfunction, breakdown or failure of plant or techniques which has had or could have an adverse impact on the water environment; or
- any event, such as force majeure or action taken to save human life or limb, which results, or is likely to result, in a breach of any condition of this licence;

"pollution", in relation to the water environment, means the direct or indirect introduction, as a result of human activity, of substances or heat into the water environment, or any part of it, which may give rise to any harm, and "harm" shall have the same meaning as in the Act;

"the Regulations" means the Water Environment (Controlled Activities) (Scotland) Regulations 2011;

"responsible person" means the person who is responsible for securing compliance with the terms of this licence and has been identified as such by SEPA in accordance with regulation 8(6) of the Regulations, and in this context 'person' includes a body corporate, limited liability partnership and Scottish partnership;

"SEPA" means the Scottish Environment Protection Agency;

"SEPA officer" means a person authorised by SEPA under regulation 31(4) of the Regulations or, pursuant to paragraph 6(c) of Schedule 10 of the Regulations, under regulation 27(4) of the Water Environment (Controlled Activities) (Scotland) Regulations 2005;

"the water environment" means all surface water, groundwater and wetlands; and "surface water", "groundwater" and "wetlands" shall have the same meanings as in the Act;

"watercourse" shall have the same meaning as in the Act;

### Point source pollution control

"parameter" means any defined chemical constituent or measurable physico-chemical characteristic of a sample;

"point source discharge" means a discharge of an effluent or other matter to the water environment or land by a fixed installation, pipe, outlet or otherwise;

"sewage" has the same meaning as in section 59 of the Sewerage (Scotland) Act 1968;

"sewage fungus" means a visible microbiological growth usually consisting of a mixture of bacteria, fungus, protozoa and algae;



“sewage treatment works” means any works, apparatus or plant used for the treatment or disposal of sewage and includes a septic tank;

“the STW” means the sewage treatment works at or near to or in connection with which the controlled activities authorised by this licence are carried out;

Any reference to a numbered condition, numbered paragraph, group of conditions, group of paragraphs, schedule, table, appendix or figure or is a reference to the condition, paragraph, group of conditions, group of paragraphs, schedule, table, appendix or figure bearing that number in this licence.

Except where specified otherwise in this licence:

- “day” means any period of 24 consecutive hours,
- “week” means any period of 7 consecutive days,
- “month” means a calendar month,
- “quarter” means a calendar quarter,
- “year” means any period of 12 consecutive months;

and any derived words (e.g. “monthly”, “quarterly”) shall be interpreted accordingly.

Except where specified otherwise in this licence, any reference to an enactment or statutory instrument includes a reference to it as amended (whether before or after the date of this licence) and to any other enactment, which may, after the date of this licence, directly or indirectly replace it, with or without amendment.





**SCHEDULE 1. CONTROLLED ACTIVITY****1.1. Description of Controlled Activity**

- 1.1.1. The controlled activity shall be the discharge of treated sewage effluent to the water environment.

**1.2. Location of Controlled Activity**

- 1.2.1. The following controlled activity described in Table 1.1 is authorised under licence and shown on plan attached as Appendix A.

**Table 1.1 Authorised Activity**

Controlled Activity	NGR	Affected Waters	Name/Reference
Discharge of treated effluent	NO 0757 0294	Groundwater	Discharge of treated sewage effluent from Tillyochie development

**SCHEDULE 2. GENERAL CONDITIONS****2.1. Responsible person**

- 2.1.1. The responsible person to whom this licence is issued shall secure compliance with the conditions contained in the licence.

**2.2. Records**

- 2.2.1. A copy of this licence shall be kept such that it is readily accessible for examination by all relevant staff.
- 2.2.2. Unless otherwise specified in a condition of this licence, every record made in compliance with a condition of this licence shall be preserved for not less than 5 years from the date of its being made. Every such record shall be kept as set out in condition 2.2.1 above for not less than one year from the date of its being made and thereafter preserved at a location, previously notified to SEPA in writing, if that location is not the site or location of the authorised activity.
- 2.2.3. All records shall be legible, and any amendment made to any record made in compliance with a condition of this licence shall be made in such a way as to leave the original entry clear and legible. The reason for each amendment shall be explained in the said record.

**2.3. Incidents**

- 2.3.1. In the event of an incident, the responsible person shall notify SEPA without delay and in any case by the next working day after identification of the incident, using the contact details in the explanatory notes. This notification shall include: the time and duration of the incident, a description of the cause of the incident, any effect on the environment as a result of the incident and any measures taken to minimise or mitigate the effect and prevent a recurrence.
- 2.3.2. Where requested by SEPA, a written report following any incident notified to SEPA should be sent to SEPA at the contact address in the explanatory notes within 14 days of the occurrence of the incident.

**2.4. Environmental Harm**

- 2.4.1. Other than as specifically permitted or limited by any condition of this authorisation, the authorised activities shall not have a significant adverse impact on, or cause pollution of, the water environment.



**SCHEDULE 3. CONDITIONS APPLYING TO THE POINT SOURCE DISCHARGE AS A WHOLE****3.1. Nature of Discharge**

- 3.1.1. The discharge shall consist solely of treated sewage effluent not exceeding a maximum daily volume of 4.2 cubic metres.

**3.2. Discharge Point**

- 3.2.1. There shall be no direct connection from any foul drain, the treatment facility or the sub-surface irrigation system to any watercourse, ditch, land drain or surface water without prior consent from SEPA.
- 3.2.2. The discharge shall be to land via an infiltration system of minimum surface area 102 m<sup>2</sup>.

**3.3. Sample Point**

- 3.3.1. A sample point as shown on plan attached as Appendix A shall be constructed, maintained and appropriately identified as a sample point so that a representative sample of the sewage effluent may be safely obtained. All constituents of the discharge shall pass through the said sample point.

**3.4. Operation of Works**

- 3.4.1. The STW shall be operated and maintained in accordance with the manufacturer's instructions such that:

it remains fully operational, except at times of unavoidable mechanical or electrical breakdown; and

following any such mechanical or electrical breakdown all reasonably practicable means shall be used to return the STW to a fully operating condition.

- 3.4.2. An alarm system shall be provided and maintained to ensure visible/audible notification of failure or breakdown of the treatment plant.

**3.5. Unusual Situations**

- 3.5.1. On any occasion where unusual weather conditions adversely affect the operation of the treatment system, all reasonably practicable means shall be used to mitigate that adverse effect.

**3.6. Records and Provision of Information**

- 3.6.1. A record of maintenance work carried out shall be maintained and kept available for inspection by SEPA Officers on request.

**3.7. Treatment Design Standards**

- 3.7.1. Prior to discharge, the sewage effluent shall be treated by a system designed to produce an effluent of mean quality not exceeding:

10 milligrams per litre of biochemical oxygen demand (determined in the presence

of excess allyl-thiourea after 5 days at 20°C); and

5 milligrams per litre of ammoniacal nitrogen.

15 milligrams per litre of suspended solids (measured after drying at 105°C).

2 milligrams per litre of phosphorous







## EXPLANATORY NOTES

(These explanatory notes do not form part of the licence)

### The Water Framework Directive

The Water Framework Directive (WFD) is a wide-ranging piece of European environmental legislation which became law in Scotland at the end of 2003 through the Water Environment and Water Services (Scotland) Act 2003 and in April 2006 through the Water Environment (Controlled Activities) (Scotland) Regulations 2005. In March 2011, the Water Environment (Controlled Activities) (Scotland) Regulations 2005 were replaced with the Water Environment (Controlled Activities) (Scotland) Regulations 2011 ("the Regulations", also known as CAR).

The WFD establishes a legal framework for the protection, improvement and sustainable use of the water environment across Europe by requiring member states to:

- Prevent deterioration and enhance status of aquatic ecosystems, including groundwater;
- Promote sustainable water use;
- Reduce pollution; and
- Contribute to the mitigation of floods and droughts.

The Regulations set out the regulatory framework for achieving some of the aims of the WFD in Scotland, through a regime for authorising "controlled activities", e.g. point source discharges, abstractions, impoundments and engineering activities. They provide for three levels of authorisation, dependent on the risks associated with a controlled activity. A licence is the highest level of authorisation.

Having differing levels of authorisation allows for proportionate and cost-effective controls, so that environmental protection can be achieved whilst minimising the regulatory burden.

### Water Efficiency

Regulation 5 of the Regulations imposes a general duty to use water efficiently:

*"It is the duty of any person carrying out a controlled activity authorised under these Regulations to take all reasonable steps to secure efficient and sustainable water use."*

For example, water efficiency could be the management of the total quantity of water abstracted from a source of supply using measures to minimise wastage, optimise use and reduce consumption.

The means of achieving this can be varied but may include good housekeeping, management systems and procedures, reusing and recycling water and the redesign of operations.

Water audits are the first step to using water efficiently. Water audits develop an understanding of the water system, enable detection of leakages and areas of water wastage and are a means of identifying opportunities for reduced water use.

### Appeals

If you are aggrieved by any of the conditions of the licence or the level of authorisation, you may appeal to the Scottish Ministers. Further information on your right of appeal and the appeals procedure is contained in regulations 50 to 53 and Schedule 9 of the Regulations.

Formal notice of appeal under regulation 50(b) or (c) is to be given within three months of the date that the licence is issued. Paragraph 2 of Schedule 9 lists the documents that the appellant has to submit to the Scottish Ministers.



### Subsistence Charges

An annual subsistence charge may be payable in respect of the licence in terms of the current Water Environment (Controlled Activities) Fees and Charges (Scotland) Scheme, copies of which are available from SEPA. Where a subsistence charge is payable, an invoice will be sent to you.

The charging scheme provides that it is a condition of every authorisation that the fees and charges prescribed in the scheme are paid in accordance with the scheme. Failure to pay such charges may therefore constitute an offence.

### General Statutory Requirements

A licence under the Regulations does not disapply any other statutory requirements applicable to the licence holder or his/her operations, such as any need to obtain planning permission or a building warrant, or any responsibilities under legislation for health, safety and welfare in the workplace.

### Contact Details for Notifications

The contact address and telephone number for notifications in terms of condition 2.3.1 and/or conditions **Error! Reference source not found./Error! Reference source not found.** of the licence is as follows:

Scottish Environment Protection Agency  
Pentland Court  
The Saltire Centre  
Glenrothes  
Fife  
KY6 2DA

During office hours

Tel No: 01592 776 910  
Fax No: 01698 738 155

Out of office hours and public holidays

Tel No: 0800 80 70 60

### Address for Reports and Submissions

The contact address for all information to be reported or submitted in terms of condition 2.3.2 of the licence is as follows:

The Registry  
Scottish Environment Protection Agency  
Angus Smith Building  
6 Parklands Avenue  
Eurocentral  
Holytown  
North Lanarkshire  
ML1 4WQ  
registryangussmith@sepa.org.uk

### **SEPA Review and Variation of Conditions**

The conditions of the licence will be periodically reviewed by SEPA and may be varied under regulation 22 of the Regulations as a result of that review.

### **Operator-Initiated Variation of Conditions**

The responsible person may apply to SEPA under regulation 24 for a variation of the conditions of the licence.

### **Transfer of Authorisation**

A responsible person may apply to transfer the licence to another person under regulation 25 by making a joint application with the other person.

### **Surrender of Authorisation**

Where the controlled activities authorised by the licence have ceased, or it is intended that the controlled activities will cease, the responsible person may apply to SEPA to surrender the licence under regulation 27.

### **Suspension and Revocation of Authorisation**

SEPA may at any time suspend or revoke an authorisation (in whole or in part) by serving a notice on the responsible person under regulation 29.

### **Enforcement Notices**

Where SEPA is of the opinion that an activity

- a) has contravened, is contravening or is likely to contravene any condition of the licence or
- b) has caused, is causing or is likely to cause significant adverse impacts on the water environment or
- c) has caused, is causing or is likely to cause a direct or indirect discharge into groundwater of any hazardous substance (as determined pursuant to Schedule 2 of the Regulations) or any other pollutant

SEPA may serve an enforcement notice on the responsible person under regulation 32.

This notice will specify the steps to be taken by the responsible person which SEPA considers to be necessary or appropriate to prevent, mitigate or remedy the contravention, the impact on the environment or the discharge into groundwater.

### **Offences**

It is an offence to carry on, or cause or permit others to carry on, any controlled activity except insofar as it is authorised under the Regulations and carried on in accordance with that authorisation.

It is an offence to fail to comply with or contravene, or cause or permit others to fail to comply with or contravene, a water use licence, including any condition imposed.

It is an offence to fail to comply with, or cause or permit others to fail to comply with, the requirements of an enforcement notice.

It is an offence to intentionally make, or cause or permit others to make, a false entry in any record required to be kept under a condition of an authorisation.



Further details on these and other offences and on penalties liable to be imposed upon conviction for an offence are provided in regulation 44 of the Regulations.

Directors, managers and other individuals within a company may be held personally liable for offences under the Regulations.

All personnel who are responsible for fulfilling any condition of the licence should be made aware of these facts.

Please note that your licence authorises you to carry out the activity or activities outlined in your application to SEPA in accordance with the licence and its conditions. Be aware, however, that any activity outwith the terms of the licence is prohibited under regulation 4 of the Regulations. Should you undertake any activity which does not conform to the terms of your licence, you may be subject to criminal proceedings in accordance with regulation 44(1)(a) and/or (d) of the Regulations. This prohibition encompasses any activity which is liable to cause pollution of the water environment. Section 20 of the Water Environment and Water Services (Scotland) Act 2003 includes definitions of "pollution" and "water environment".

The statutory definition of pollution, as set out in that section, is as follows:-

*"Pollution", in relation to the water environment, means the direct or indirect introduction, as a result of human activity, of substances or heat into the water environment, or any part of it, which may give rise to any harm, and "harm" means –*

- a) harm to the health of human beings or other living organisms,*
- b) harm to the quality of the water environment, including-*
  - i) harm to the water environment taken as a whole,*
  - ii) other impairment of or interference with, the quality of aquatic ecosystems or terrestrial ecosystems directly depending on aquatic ecosystems,*
- c) offence to the senses of human beings,*
- d) damage to property, or*
- e) impairment of, or interference with, amenities or other legitimate uses of the water environment.'*

### **Population Equivalent (PE)**

The discharge quality and flow conditions attached to this licence are based on a design PE of 28 as stated in the licence application.

In this context, "population equivalent" means a measure of the organic biodegradable load calculated on the basis of the maximum weekly load entering the STW during the year, excluding unusual events such as those due to high rainfall, where one population equivalent is the organic biodegradable load that has a 5-day biochemical oxygen demand (BOD5) of 60g oxygen per day.

### **Discharges to Land**

For sewage discharges to land, the design and construction of the infiltration system or soakaway should be in accordance with the current Building (Scotland) Regulations 2004. Section 3 of the Technical Handbook, Scottish Building Standards Agency (available at <http://www.scotland.gov.uk/Topics/Built-Environment/Building/Building-standards/publications/pubtech>) provides guidance on achieving compliance with the Building (Scotland) Regulations 2004. The Building Control section of your local authority should be contacted for advice.

Date:- 25/03/2019  
 By:- GF  
 Project No:- 601393  
 Rev: P1

Project title:- Tillyochie Housing Development

Average amount of water per person per day	150	litres
Primary treatment (septic tank - standard discharge)	10	mg P/litre
Daily discharge of phosphorus (per person) from primary treatment	1,500	mg P
<b>Tertiary treatment (SBR with phosphate precipitation)</b>	2	mg P/litre
Daily discharge of phosphorus (per person) from treatment	300	mg P / person

<b>Proposed Development</b>		
<b>3No. 5 Bedroom House + Detached Garages (Considered 2No. P.E. per Garage)</b>	<b>27</b>	<b>P.E.</b>
10% reduction factor for PE 12-24, 20% reduction factor for PE 25-50	22	P.E.
Tertiary treatment (SBR with phosphate precipitation)	2	mg P/l
Daily discharge of phosphorus	6,480	mg P / day

<b>Phosphorus Mitigation</b>		
Mitigation requires a reduction of 125% of the amount of phosphorus to be discharged from the new development	8,100	mg P / day
Mitigation is proposed by upgrading an existing 5 bedroom property with tertiary treatment (Biodisc with phosphate precipitation)		
<b>Required P.E. to be Mitigated Against</b>	<b>7</b>	<b>P.E.</b>
Existing phosphorus discharge	10,500	mg P / day
Phosphorus discharge after upgrade	2,100	mg P / day
Mitigation offered is by proposals	8,400	mg P / day
Mitigation exceeds the requirements, therefore OK		





# Millard

More than civil engineers



Proposed Development at  
Tillyochie, Perth and  
Kinross

## Flood Risk Assessment

Ref: 15634/AB/681  
January 2020



CLIENT: Mr R. Paterson

ENGINEER: Millard Consulting  
Seabraes  
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7.0	Conclusions .....
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Appendix A: WINFAP output

Appendix B: Flood Modeller output

Appendix C: Results from ReFH2 Flow Analysis (Revitalised Flood Hydrograph Method – Version 2)

Appendix D: Output from HECRAS Model

Appendix E: FRA Checklist

## PLANS

15634/21/001	Predicted Q200 Flood Extent and Cross Section Location Plan
570/1	Site 1 Topographic Survey (survey of eastern site area by Benchmark Land Surveys)
570/2	Site 2 Topographic Survey (survey of western site area by Benchmark Land Surveys)
11595-S-11c	Site Plan (Greenfields Design Ltd drawing)

## 1.0 Introduction

Millard Consulting have been instructed to carry out a Flood Risk Assessment in relation to a proposed residential development on land at Tillyochie in Perth and Kinross. The site is split into two areas, both of which currently consist of open ground.

For a development such this, it is normal to assess flood risk for a 1 in 200 year flood event. The potential impact of climate change should also be quantified as part of the assessment.

### 1.1 Scope and Methodology

The scope of this Flood Risk Assessment is to assess and quantify flood risk to the proposed development. Flood risk to the development will be assessed for a 1 in 200 year flood event. The potential impact of climate change will also be quantified as part of the assessment.

To assess flood risk to the development a topographical survey has been undertaken by Benchmark Land Surveys. They have also surveyed cross sections through the South Queich in the vicinity of the site to enable a hydraulic model to be constructed. The survey was preceded by a site walkover to confirm the extent of survey required.

Using several methods, the Q200 flood flow for the South Queich will be assessed and applied in the hydraulic model. The results provided by the hydraulic model will then be utilised with the topographical survey to assess flood risk to the site.

Once flood risk to the site has been assessed and quantified, recommendations for the site from the perspective of flood risk will then be made.

The assessment is prepared using our best engineering judgement but there are levels of uncertainty implicit in the historical data and methods of analysis. Details of the range of possible error in the methods of flood estimation are given in the Flood Estimation Handbook (FEH).

An FRA checklist has been prepared, and is enclosed within Appendix E.

This Flood Risk Assessment is carried out in accordance with the requirements of the Scottish Planning Policy (SPP) (Scottish Government, 2014). This assessment uses a set of procedures originally set out in the Flood Estimation Handbook (Institute of Hydrology, 1999) and embodied in the FEH and WINFAP software packages currently used.

## 2.0 General Description of Site

The proposed development site is located within the small, rural settlement of Tillyochie, approximately 3.5km to the west of Kinross. Irregular in shape, the site comprises two areas, bisected by a main road, which runs from south west to north east. The area to the west of the road slopes from west to east, and is approximately 3000m<sup>2</sup>. The area to the east of the road covers approximately 3,500m<sup>2</sup> and is generally flat. The site is centred on National Grid Reference NO 074 028. The site location is shown in red, in Figure 1 below:

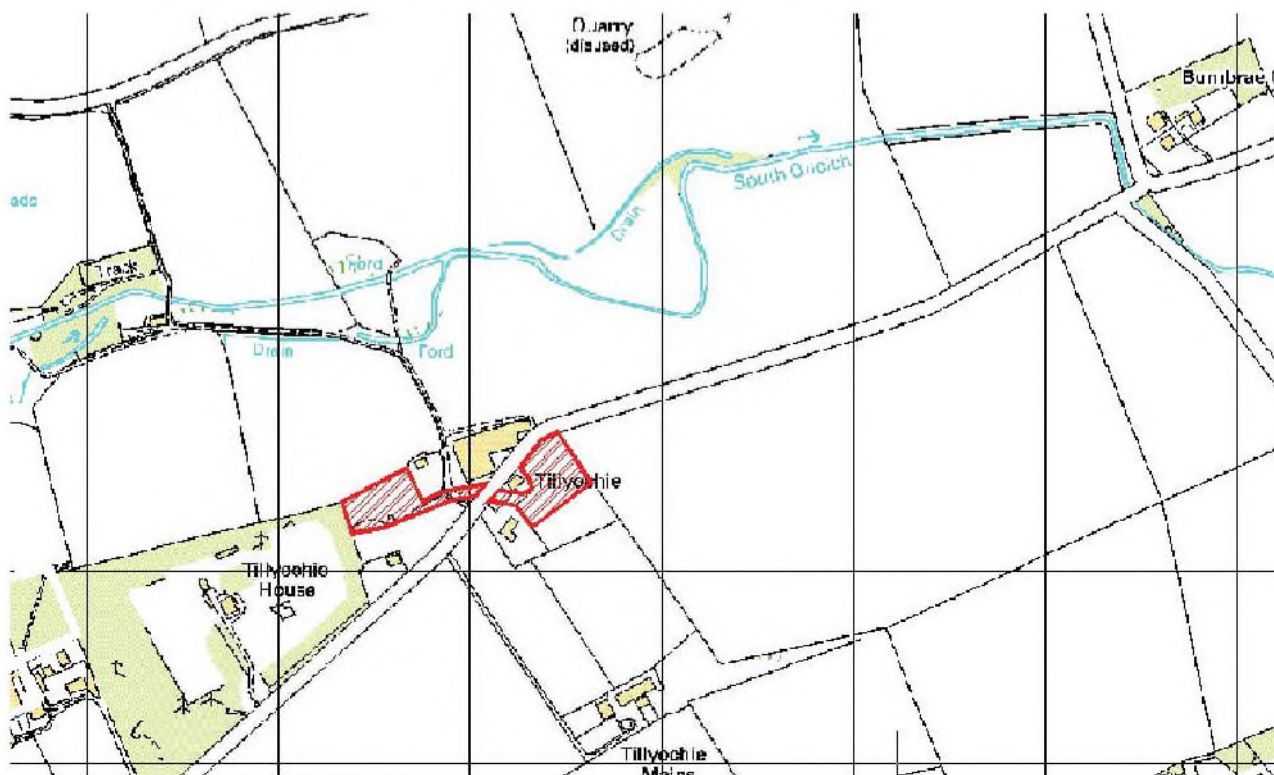


Figure 1 – Site location plan

The site areas are currently open, grassed fields, while the immediate surrounding area comprises four residential properties, arable farmland and various farm buildings. The site areas are approximately 100m apart, and both have sloping topography. The most westerly site area is at a higher elevation than the easterly site, with its lowest level approximately 4m higher than the highest level on the eastern site.

The main flood risk to the sites is from the South Queich, which flows generally in an easterly direction to the north of the site. At its closest point, the watercourse is some 130m from the lower site. In the vicinity of the site the South Queich has a gently meandering course. The watercourse could be described as clean, winding, with some pools and shoals. There are also man made drains located in the vicinity of the watercourse, however these are at a similar level to the South Queich, and do not need to be separately considered in this assessment. In the vicinity of the site the flood plain consists of farmland, generally grassed fields, however there are areas of cropped fields.

There are two structures located on the South Queich in the vicinity of the site; the first is approximately 110m upstream of the western site area, and the second is some 880m downstream of the eastern site area. Both bridges are old masonry arch bridges. The hydraulic model begins just downstream of the upstream bridge, but includes the bridge downstream of the site. This bridge is on the road which runs through Tillyochie, and is located immediately adjacent to the junction between this road and the B918.





Photograph 1 – looking downstream from the road bridge to the east of the site.



Photograph 2 – looking upstream from the road bridge downstream of the site.





Photograph 3 – taken from the road bridge downstream of the site, looking in a south westerly direction along the road towards the site. The site is located adjacent to the buildings in the distance in the centre of the photograph. Road levels drop from the bridge in a south westerly direction, before rising again before reaching the site.



Photograph 4 – a view of the downstream side of the road bridge downstream of the site.





Photograph 5 – looking downstream on the South Queich from approximately the location of cross section 6.



Photograph 6 – looking upstream on the South Queich from approximately the location of cross section 8.





Photograph 7 – looking downstream on the South Queich from approximately the location of cross section 12.



Photograph 8 – looking upstream on the South Queich from a location between cross sections 13 and 14.





Photograph 9 – taken from a similar location to Photograph 8, looking in a south easterly direction. The western site area is located at the top of the hill, beyond the end of the trees in the top left of the photograph.



Photograph 10 – looking in a north easterly direction along the north western boundary of the western site area.





Photograph 11 – taken from the same location as Photograph 10, looking in an easterly direction across the western site area.



Photograph 12 – looking in a south westerly direction across the eastern site area.

### **3.0 General Observations**

The objective of this flood risk assessment is to analyse the flows in the watercourse and define the appropriate flood levels and flood envelope affecting the site.

The proposed layout of the housing development should not occupy floodplain or constitute landraising/loss of flood storage. It is also important to demonstrate that there will be safe access/egress from the site during times of severe flooding.

Current site proposals show two new properties on the western site area, and a third property on the eastern site area. For the current site layout proposals, please refer to Greenfields Design Ltd drawing 11595-27, enclosed within the "Plans" section of this report.

The site is located within the Forth area in the latest climate change guidance produced by SEPA. An uplift of 40% should therefore be applied to estimated flood flows to account for the potential impact of climate change.



## 4.0 Estimation of Flood Flows

In order to define the extent and water surface level of the 200 year (0.5% annual probability) floodplains, we have made an assessment of flood flows and flood levels in the South Queich using both the FEH Statistical Method and the FEH Rainfall Runoff Methods, which are outlined in the Flood Estimation Handbook (FEH), and the Revitalised Flood Hydrograph Method (Version 2). The estimated flowrate has then been factored up by 40% to allow for the potential influence of climate change (following established practice, and in line with guidance from the UK Climate Impacts Programme).

### 4.1 FEH Statistical Method

#### 4.1.1 Estimation of Index Flood $Q_{MED}$

In order to define the extent and water surface level of the 0.5% annual probability floodplain, we must first estimate the Index Flood,  $Q_{MED}$ , using the methods outlined in the Flood Estimation Handbook (FEH). For the subject site, the flood flows need to be estimated for the South Queich.

There is a gauging station on the South Queich, some distance downstream of the site at Kinross. SEPA were approached for the latest annual maxima data for the station, however SEPA hydrology have advised that the station is currently under review, with results unreliable, and have recommended flood flows are estimated without using data from the South Queich gauge.

Following the above information from SEPA, flood flows will therefore be estimated using Catchment Descriptors method, and adjusted using flow records from donor sites. This method is described in Volume 3, Chapter 13, of the FEH. The catchment descriptors define various physical and hydrological properties and characteristics of the land that forms the catchment upstream of the point of interest. The formula also includes variables that define the statistical rainfall pattern within the catchment. There is a further adjustment to the formula that accounts for the degree of urbanisation of the catchment.

The method produces the mean annual flood  $Q_{MED}$  – the index flood – which is the flood flow along the river or floodplain that is statistically “exceeded on average every other year”. It is roughly equivalent to the two-year flood. The exercise is done using the FEH and WINFAP software.

The extent of the watercourse catchment upstream of the site, as defined by the FEH Web Service, is shown together with a listing of the catchment descriptors in Figures 2 and 3 below. The catchment size derived by the FEH Web Service is 16.83km<sup>2</sup>. This has been checked on OS mapping and confirmed as appropriate.

The WINFAP-FEH estimation of  $Q_{MED}$  from catchment descriptors is 9.495m<sup>3</sup>/s.

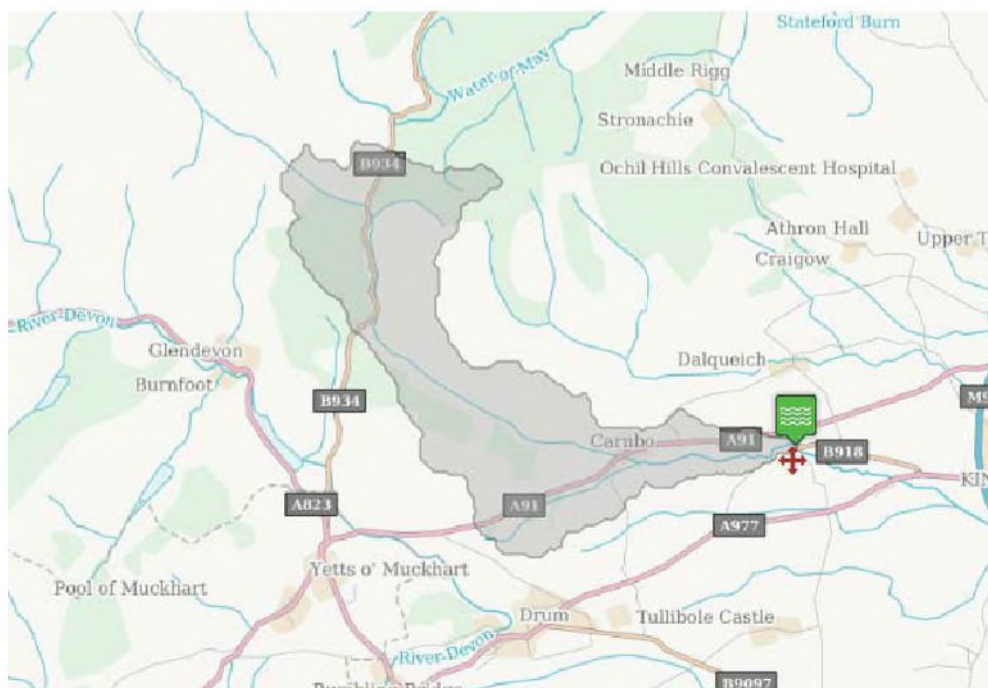


Figure 2 – Catchment of South Queich at Tillyochie (FEH Web Service, 2019)

AREA	16.825		
ALTBAR	275		
ASPBAR	141		
ASPVAR	0.21		
BFIHOST	0.517		
BFIHOST19	0.394		
DPLBAR	7.11		
DPSBAR	162.8		
FARL	1		
FPEXT	0.0506		
FPDBAR	0.549		
FPLOC	0.629		
LDP	12.63		
PROPWET	0.45		
RMED-1H	9.4		
RMED-1D	41.2		
RMED-2D	56.4		
SAAR	1296		
SAAR4170	1286		
SPRHOST	40.51		
URBCONC1990	-999999		
URBEXT1990	0.0007		
URBLOC1990	-999999		
URBCONC2000	-999999		
URBEXT2000	0.0008		
URBLOC2000	-999999		
C	-0.01531		
D1	0.48537		
D2	0.42746		
D3	0.36719		
E	0.24414		
F	2.2861		
C(1km)	-0.016		
D1(1km)	0.483		
D2(1 km)	0.423		
D3(1 km)	0.346		
E(1 km)	0.244		
F(1km)	2.219		

Figure 3 – Catchment Descriptors for South Queich at Tillyochie



#### 4.1.2 Adjustment to Q<sub>MED</sub> from a Donor Site

In order to make the estimation of Q<sub>MED</sub> more accurate, it is necessary to use flow data from donor sites with similar hydrological characteristics, where gauged information does exist for an adequate number of years. An appropriate local adjustment to the estimate of Q<sub>MED</sub> at the subject site is then made. The procedure uses several donor sites to estimate an adjusted Q<sub>MED</sub> value which is then applied to the subject site.

Using WINFAP software, the adjusted Q<sub>MED</sub> value for the South Queich at the site becomes 10.68m<sup>3</sup>/s.

#### 4.1.3 Flood Growth Curves

In order to estimate the magnitude of the range of possible statistical flood events which will occur in this catchment, for example the flood that will statistically occur once in 100 years (the flood flow which has a 1% chance of occurring in any one year) or the flood which will occur once in 200 years (the 0.5% flood) etc., it is necessary to determine a flood growth curve and a flood frequency curve. This is done by forming a "Pooling Group", i.e. by selecting a group of other catchments across the UK which have very similar characteristics to the subject site and which have existing gauged flow records covering a statistically adequate number of years, and subjecting this group to statistical analysis.

The catchment descriptors from the FEH Web Service are entered as a data file to the WINFAP software, which collates a pooling group of similar catchments, subjects these to a statistical analysis, and calculates a range of flows representing floods of different probabilities at the subject site.

The results can vary slightly, depending upon the chosen weighting of the statistical analysis, but adopting the recommended "Generalised Logistic" (GL) technique, the flow is estimated to be 37.4m<sup>3</sup>/s.

The data and results for the WINFAP growth curve derivations are shown in Appendix A.

## 4.2 Rainfall Runoff Method

The FEH Rainfall Runoff method was also used to estimate the 1 in 200 year flow rate. The Rainfall Runoff method relies on plentiful rainfall records rather than sometimes scarce river flow records. Hence, if catchment characteristics are known or estimated, the method converts the theoretical design rainfall event of a known return period into a design flood event, with a peak of a known return period.

By selecting the catchment on the FEH Web Service, the catchment descriptors unique to the catchment can be established. Also, by selecting the catchment the design rainfall for the catchment can be established as the software determines the depth-duration-frequency (DDF) relationships for the catchment.

The catchment descriptors are subsequently entered into the Flood Modeller routing software to produce a hydrograph showing the peak flow rate during a specified flood return period. A storm duration is also required, and involves trial and error to determine the duration of the peak flow.

The flood flow was estimated using the FEH Rainfall Runoff method to be 28.5m<sup>3</sup>/s (see Flood Modeller output, Appendix B).

## 4.3 Revitalised Flood Hydrograph Method (ReFH2) – Version 2

The third method utilised for the assessment of flood flows was the Revitalised Flood Hydrograph Method. This method is the second version of a method which was originally established as an update to the FEH Rainfall Runoff method.

The ReFH2 model is comprised of three components; a loss model, a routing model and a baseflow model. The total rainfall, less the losses is input into the routing model, with results from the routing and baseflow models combined to provide a prediction of flow. The ReFH2 model is used in conjunction with a depth-duration-frequency model, either the FEH99 model or FEH13 model. In this instance, the FEH13 model was used to provide the rainfall input.

Using the ReFH2 software, the flood flow for the South Queich was estimated to be 24.3m<sup>3</sup>/s.

Output from the ReFH2 analysis is enclosed within Appendix C.

## 4.4 Applicable Flowrates

To ensure adherence with the precautionary principle, the largest of the estimated flood flows will be applied in the hydraulic model. The applicable flood flows are therefore as follows:

<b>Q200</b>	<b>37.4m<sup>3</sup>/s</b>
<b>Q200 + 40%</b>	<b>52.4m<sup>3</sup>/s.</b>

*Table 4.1 Applicable Flowrates*

## 5.0 Predicted Flood Levels

### 5.1 Initial Model

Having estimated the flood flows in the watercourse adjacent to the site, it is necessary to analyse the watercourse channel to see what level the floodwater would reach during the critical 0.5% annual probability flood event.

The watercourse between the sections is analysed using the HEC-RAS river analysis software. The watercourse has been surveyed on site over the length adjacent to the site and for some distance upstream and downstream (see drawing 15634/21/001).

Manning's n coefficients were selected for the site based on inspection of existing conditions, and comparison with tabulated descriptors in tables of Manning's values. Hence the following were selected:

- Main channels: Clean, winding, some pools and shoals (normal value of  $n = 0.04$ )
- Flood plains: short grass (normal value of  $n = 0.03$ ); high grass (normal value of  $n = 0.035$ ), mature field crops (normal value of  $n = 0.04$ ), scattered brush, heavy weeds (normal value of  $n = 0.05$ ), light brush and trees, in summer (normal value of  $n = 0.06$ ), smooth asphalt (normal value of  $n = 0.013$ ), heavy stand of timber, few down trees, little undergrowth, flow below branches (normal value of  $n = 0.1$ )

Once appropriate Manning's values had been selected, boundary conditions at the downstream and upstream ends of the modelled length were modelled based on normal depth commensurate with the average channel gradient.

Results of the analysis are contained in Appendix D.

The initial analysis shows the level of the 0.5% (Q200) flood level using the flood flow derived above:

Location	Q200 Flood Level (m AOD)
Section 1	136.29
Section 2	137.6
Section 3	138.03
Section 4	138.11
Section 5	138.31
Section 6	138.98
Section 7	139.91
Section 8	140.88
Section 9	141.28
Section 10	141.81
Section 11	142.07
Section 12	142.94
Section 13	143.86
Section 14	144.33
Section 15	144.91

*Table 5.1 - Flood levels (0.5% (Q200) flow)*

The analysis shows that both site areas are outwith the functional floodplain of the South Queich.

It is acknowledged there are glass walls in the model. At cross sections 4 and 5, the glass wall on the right of the cross sections ensure no cross sections overlap. At cross section 8, flood water would flow over the road, and across the adjacent field in a south easterly direction. The cross section has been extended to the point where flood levels are shown just overtopping the road, as is expected to happen in reality.



Appendix D contains details of the HECRAS analysis, including plots of the watercourse cross-sections and the water surface levels appropriate to the values above.

## 5.2 Sensitivity Analysis

Sensitivity analyses were carried out to check the effect of a variation in flow rate, of variation in Manning's 'n' values, and of variation on downstream boundary conditions.

Location (River Station)	Level (m)		Variation in level (m)
	Flow = Q200	Flow = Q200 + 10%	
Section 1	136.29	136.32	0.03
Section 2	137.6	137.63	0.03
Section 3	138.03	138.18	0.15
Section 4	138.11	138.22	0.11
Section 5	138.31	138.33	0.02
Section 6	138.98	139	0.02
Section 7	139.91	139.93	0.02
Section 8	140.88	140.88	0
Section 9	141.28	141.29	0.01
Section 10	141.81	141.83	0.02
Section 11	142.07	142.09	0.02
Section 12	142.94	142.97	0.03
Section 13	143.86	143.88	0.02
Section 14	144.33	144.36	0.03
Section 15	144.91	144.94	0.03

Table 5.2 Sensitivity Analysis: Variation in Flowrate

The above indicates a limited variation in levels with flow variation, with the largest variation indicated immediately upstream of the bridge.

It should be noted that there are additional glass walls in the model with the application of the Q200+10% flood flow. These are just downstream of the bridge at cross section 2, and beyond the left bank of cross section 4. Beyond both of these location floodwater is predicted to flow across land as overland flow. The presence of the glass walls results in conservative results being stated.

As discussed above, sensitivity of the model to changes in Manning's n were tested, by increasing the initial (normal) values by 0.01. This was carried out for all cross sections.

Location	Level (m)		Variation in level (m)
	Q200	Q200 with n + 0.01	
Section 1	136.29	136.35	0.06
Section 2	137.6	137.60	0
Section 3	138.03	138.08	0.05
Section 4	138.11	138.17	0.06
Section 5	138.31	138.34	0.03
Section 6	138.98	138.98	0
Section 7	139.91	140	0.09
Section 8	140.88	140.88	0
Section 9	141.28	141.27	0.01
Section 10	141.81	141.88	0.07
Section 11	142.07	142.11	0.04
Section 12	142.94	142.93	0.01
Section 13	143.86	143.95	0.09
Section 14	144.33	144.39	0.06
Section 15	144.91	144.91	0

Table 5.3 Sensitivity Analysis: Variation in Manning's n

The above indicates a limited variation in levels with variation in Manning's n, with a maximum variation adjacent to the site of 0.09m indicated.

As discussed above, sensitivity of the model to changes in the downstream boundary conditions were tested, by increasing the initial value by 0.010. This was carried out for all cross sections, and the results of this analysis are shown in Table 5.4 below.

Location	Level (m)		Variation in level (m)
	Initial Gradient (Q200)	Initial Gradient + 0.010	
Section 1	136.29	136.29	0
Section 2	137.6	137.6	0
Section 3	138.03	138.03	0
Section 4	138.11	138.11	0
Section 5	138.31	138.31	0
Section 6	138.98	138.98	0
Section 7	139.91	139.91	0
Section 8	140.88	140.88	0
Section 9	141.28	141.28	0
Section 10	141.81	141.81	0
Section 11	142.07	142.07	0
Section 12	142.94	142.94	0
Section 13	143.86	143.86	0
Section 14	144.33	144.33	0
Section 15	144.91	144.91	0

Table 5.4 Sensitivity Analysis: Variation in Downstream Boundary Conditions

### 5.3 Flood Levels including Climate Change

The potential for climate change to impact flood risk in the vicinity of the site has been assessed in line with latest guidance, which requires an uplift to the Q200 flood flow of 40%.

The flood levels predicted by the hydraulic model including the potential impact of climate change are outlined in the table below.

Location	Level (m)		Variation in level (m)
	Q200 Flood Level	Q200 + 40% Flood Level	
Section 1	136.29	136.39	0.1
Section 2	137.6	137.7	0.1
Section 3	138.03	138.35	0.33
Section 4	138.11	138.37	0.26
Section 5	138.31	138.46	0.15
Section 6	138.98	139.06	0.08
Section 7	139.91	139.99	0.08
Section 8	140.88	140.88	0
Section 9	141.28	141.35	0.07
Section 10	141.81	141.88	0.07
Section 11	142.07	142.14	0.07
Section 12	142.94	143.02	0.08
Section 13	143.86	143.97	0.11
Section 14	144.33	144.45	0.12
Section 15	144.91	145.06	0.15

Table 5.6 Comparison between predicted Q200 and Q200 + 40% Flood Levels

The above table compares the Q200 flood level, with Q200 + climate change flood levels. As can be seen, the predicted increase in flood levels with the impact of climate change is limited.



Glass walls are present in the Q200+40% model run at the same locations as for the Q200+10% model run. The results stated are therefore conservative. HECRAS output for the Q200+40% model run is enclosed within Appendix D.

#### 5.4 Flood Levels including Bridge Blockage

The potential for blockage of the bridge downstream of the site has been considered in the assessment and therefore the effect of a large blockage of 50% of the span has been modelled. To ensure adherence with the precautionary principle, the bridge blockage has been modelled with the Q200 + 40% flood flow.

The flood levels predicted by the hydraulic model for the above noted blockage are outlined in the table below.

Location	Level (m)		Variation in level (m)
	Q200 + 40% Flood Level	Q200 + 40% Flood Level with 50% Bridge Blockage	
Section 1	136.39	136.39	0
Section 2	137.7	137.7	0
Section 3	138.35	138.4	0.05
Section 4	138.37	138.43	0.06
Section 5	138.46	138.5	0.04
Section 6	139.06	139.06	0
Section 7	139.99	139.99	0
Section 8	140.88	140.88	0
Section 9	141.35	141.35	0
Section 10	141.88	141.88	0
Section 11	142.14	142.14	0
Section 12	143.02	143.02	0
Section 13	143.97	143.97	0
Section 14	144.45	144.45	0
Section 15	145.06	145.06	0

Table 5.5 Predicted Q200+40% Flood Levels with 50% Bridge Blockage

The results above show the model prediction that a 50% blockage of the bridge would only result in a limited increase in predicted Q200 + 40% flood levels, while there was no measurable impact on predicted Q200 + 40% flood levels adjacent to the site.

## 6.0 Proposed Mitigation and Management of Flood Risk

The results of the flow modelling exercise discussed in Section 5 are summarised on drawing 15634/21/001.

The analysis shows that the banks of the South Queich would be overtopped during a 1 in 200 year flood event, while floodwater is also predicted to overtop the road between the site and the downstream bridge, and flow overland in a south easterly direction. Both areas of the site however are outwith the 1 in 200 year flood extent of the South Queich. The site areas are also outwith the 1 in 200 year flood extent, including climate change.

The new houses proposed on both site areas should be constructed with a finished floor level a minimum of 0.6m above the adjacent 1 in 200 year flood level, including an allowance for climate change (i.e. 0.6m above the adjacent Q200 + 40% flood level).

For the higher (western) site area, the flood levels of all new houses should be constructed with a finished floor level at, or above a level of 144.57mAOD. In reality it is likely any new houses in this area will be constructed with finished floor levels higher than this, given the current lowest level within this area is approximately 148.35mAOD.

The eastern area of the site is lower than the western area. The western extent of this area is located between cross section 11 and 12 in the hydraulic model. Interpolating between the predicted Q200 + 40% flood levels at these cross sections, an applicable Q200 + 40% flood level of 142.64mAOD has been calculated. As such, the finished floor level of the new house proposed for the eastern site area should be set at, or above a level of 143.24mAOD.

Flood free vehicular access/egress to and from both site areas can be maintained during a 1 in 200 year flood event (including climate change uplift). The public road which runs between the site areas is predicted to be flood free at the location of the site(s), and although flooding is expected on the road to the north east, access is available in a south westerly direction where the road joins the A977.

Surface water drainage for the site should be designed in accordance with latest recommended sustainable drainage practices.

## 7.0 Conclusions

The results of the flow modelling exercise undertaken as part of this report show that both areas of the proposed development site are outwith the 1 in 200 year flood extent of the South Queich. They are also outwith the 1 in 200 year flood extent with a climate change allowance of 40% applied. It is concluded that the site is developable with respect to flood risk.

The new houses proposed on the western site area should be constructed with finished floor levels at, or above a level of 144.57mAOD. In reality it is likely any new houses in this area will be constructed with finished floor levels higher than this, given the current lowest level within this area is approximately 148.35mAOD.

The proposed house on the eastern site area should be constructed with a finished floor level at, or above a level of 143.24mAOD.

Flood free vehicular access to and from both site areas can be maintained during a 1 in 200 year flood event.

Drainage of the site should be designed in line with good practice, and in accordance with the principles of SUDs.

We have used our best engineering judgement in this Assessment, and our calculations have been carried out using the Flood Estimation Handbook, WINFAP, HEC-RAS and other standard hydrological methods. We note that as with all such Flood Risk Assessments the accuracy of the results is only as good as the data and statistical techniques used.

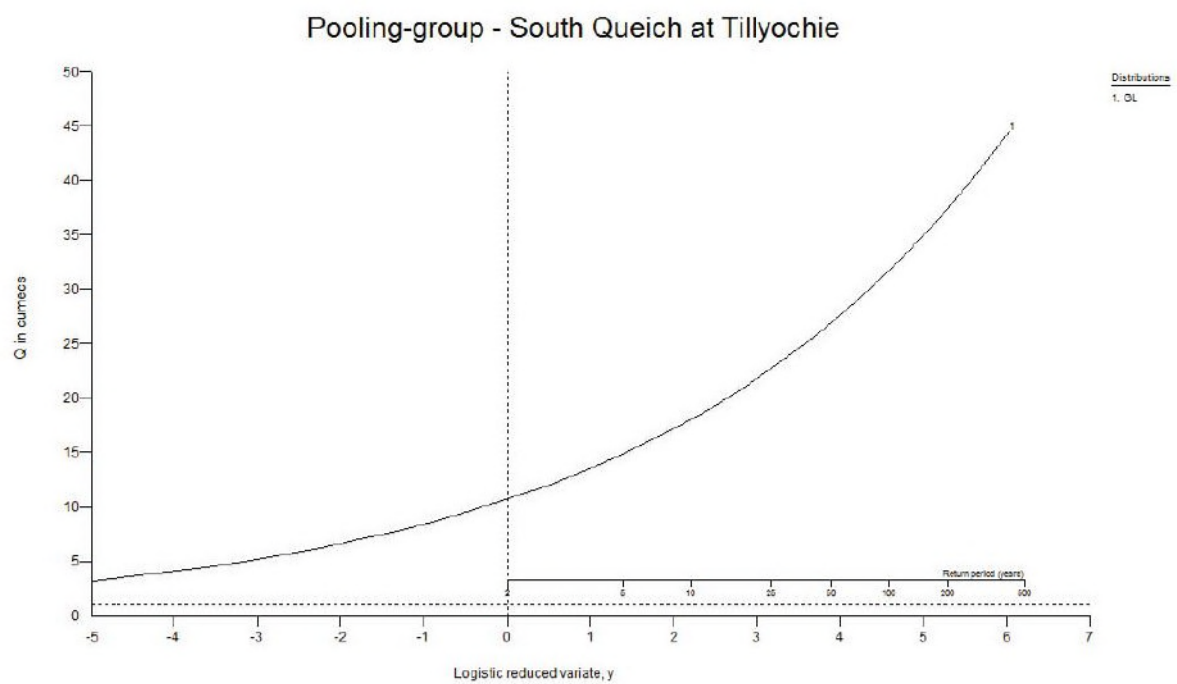


## 8.0 References

- i. Flood Estimation Handbook, Duncan Reed, CEH Institute of Hydrology, Wallingford, 1999.
- ii. WINFAP-FEH, Version 4, Wallingford Hydrosolutions and NERC
- iii. HEC-RAS, Version 5.0.3, September 2016, US Army Corps of Engineers Hydrologic Engineering Centre.
- iv. Flood Modeller, CH2M
- v. Guidance on Climate Change Allowances for Flood Risk Assessment in Land Use Planning, SEPA, 2019
- vi. Scottish Planning Policy, Scottish Government, Crown Copyright, June 2014

**Appendix A:  
WINFAP OUTPUT**

Return periods	
GL	
2	10.680
5	14.846
10	17.991
25	22.690
50	26.858
100	31.708
200	37.385
500	46.432



## **Appendix B: Flood Modeller Output**

Q200 Data.txt

FILE=7514.dat Flood Modeller VER= 4.0.0.156

\*\*\*\*\*  
Flood Modeller  
\*\*\*\*\*

HYDROLOGICAL DATA

Catchment: SouthQueich

\*\*\*\*\*

Catchment Characteristics

\*\*\*\*\*

Easting	:	308050	Northing	:	703200
Area	:	16.825	km2		
DPLBAR	:	7.110	km		
DPSBAR	:	162.800	m/km		
PROPWET	:	0.450			
SAAR	:	1296.000	mm		
Urban Extent	:	0.001			
c	:	-0.015			
d1	:	0.485			
d2	:	0.427			
d3	:	0.367			
e	:	0.244			
f	:	2.286			
SPR	:	40.510	%		

\*\*\*\*\*

Summary of estimate using Flood Estimation Handbook rainfall-runoff method

\*\*\*\*\*

Estimation of T-year flood

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Unit hydrograph time to peak	:	3.959	hours
Instantaneous UH time to peak	:	3.909	hours
Data interval	:	0.100	hours
Design storm duration	:	9.100	hours
Critical storm duration	:	9.089	hours
Return period for design flood	:	200.000	years
requires rain return period	:	246.667	years
ARF	:	0.955	
Design storm depth	:	87.315	mm
CWI	:	124.643	
Standard Percentage Runoff	:	40.510	%
Percentage runoff	:	47.125	%
Snowmelt rate	:	0.000	mm/day
Unit hydrograph peak	:	0.935	(m3/s/mm)
Quick response hydrograph peak	:	27.871	m3/s
Baseflow	:	0.653	m3/s
Baseflow adjustment	:	0.000	m3/s
Hydrograph peak	:	28.524	m3/s
Hydrograph adjustment factor	:	1.000	

Flags

=====

Unit hydrograph flag	:	FSRUH
Tp flag	:	FEHTP
Event rainfall flag	:	FEHER
Rainfall profile flag	:	WINRP
Percentage Runoff flag	:	FEHPR
Baseflow flag	:	F16BF
CWI flag	:	FSRCW

\*\*\*\*\*

# Q200 Hydrograph Data.txt

FILE=7514.dat Flood Modeller VER= 4.0.0.156

\*\*\*\*\*

Flood Modeller

\*\*\*\*\*

Catchment: SouthQueich

\*\*\*\*\*

Rainfall Profile - Unit and Flow Hydrograph Using

FEH rainfall-runoff method

\*\*\*\*\*

Hydrograph adjustment factor = 1.000

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## TABULAR RESULTS

time	areal	net	unit	flow
(hours)	rainfall	rainfall	hydrograph	hydrograph
	(mm)	(mm)	(m3/s/mm)	(m3/s )
0.000	0.182	0.086	0.000	0.653
0.100	0.194	0.091	0.024	0.655
0.200	0.206	0.097	0.047	0.659
0.300	0.219	0.103	0.071	0.666
0.400	0.234	0.110	0.094	0.675
0.500	0.249	0.117	0.118	0.686
0.600	0.264	0.125	0.142	0.701
0.700	0.282	0.133	0.165	0.718
0.800	0.299	0.141	0.189	0.738
0.900	0.318	0.150	0.213	0.762
1.000	0.341	0.160	0.236	0.789
1.100	0.362	0.171	0.260	0.820
1.200	0.385	0.182	0.283	0.855
1.300	0.410	0.193	0.307	0.894
1.400	0.436	0.205	0.331	0.938
1.500	0.463	0.218	0.354	0.987
1.600	0.493	0.232	0.378	1.041
1.700	0.524	0.247	0.402	1.100
1.800	0.557	0.262	0.425	1.166
1.900	0.592	0.279	0.449	1.237
2.000	0.632	0.298	0.472	1.315
2.100	0.672	0.317	0.496	1.400
2.200	0.714	0.337	0.520	1.493
2.300	0.759	0.358	0.543	1.593
2.400	0.806	0.380	0.567	1.702
2.500	0.857	0.404	0.590	1.820
2.600	0.910	0.429	0.614	1.947
2.700	0.966	0.455	0.638	2.085
2.800	1.026	0.484	0.661	2.233
2.900	1.089	0.513	0.685	2.393
3.000	1.160	0.547	0.709	2.565
3.100	1.233	0.581	0.732	2.750
3.200	1.308	0.617	0.756	2.948
3.300	1.388	0.654	0.779	3.161
3.400	1.471	0.693	0.803	3.390
3.500	1.560	0.735	0.827	3.635
3.600	1.653	0.779	0.850	3.897
3.700	1.751	0.825	0.874	4.177
3.800	1.853	0.873	0.898	4.478
3.900	1.960	0.924	0.921	4.798
4.000	2.077	0.979	0.929	5.140
4.100	2.198	1.036	0.913	5.500
4.200	2.317	1.092	0.898	5.882
4.300	2.443	1.151	0.882	6.286
4.400	2.552	1.203	0.866	6.712
4.500	2.587	1.219	0.851	7.163
4.600	2.552	1.203	0.835	7.637
4.700	2.443	1.151	0.820	8.135
4.800	2.317	1.092	0.804	8.655
4.900	2.198	1.036	0.789	9.195



Q200 Hydrograph Data.txt				
5.000	2.077	0.979	0.773	9.754
5.100	1.960	0.924	0.758	10.329
5.200	1.853	0.873	0.742	10.919
5.300	1.751	0.825	0.727	11.522
5.400	1.653	0.779	0.711	12.137
5.500	1.560	0.735	0.696	12.763
5.600	1.471	0.693	0.680	13.397
5.700	1.388	0.654	0.664	14.037
5.800	1.308	0.617	0.649	14.684
5.900	1.233	0.581	0.633	15.334
6.000	1.160	0.547	0.618	15.987
6.100	1.089	0.513	0.602	16.641
6.200	1.026	0.484	0.587	17.294
6.300	0.966	0.455	0.571	17.946
6.400	0.910	0.429	0.556	18.593
6.500	0.857	0.404	0.540	19.236
6.600	0.806	0.380	0.525	19.871
6.700	0.759	0.358	0.509	20.499
6.800	0.714	0.337	0.494	21.117
6.900	0.672	0.317	0.478	21.723
7.000	0.632	0.298	0.462	22.316
7.100	0.592	0.279	0.447	22.894
7.200	0.557	0.262	0.431	23.455
7.300	0.524	0.247	0.416	23.998
7.400	0.493	0.232	0.400	24.521
7.500	0.463	0.218	0.385	25.021
7.600	0.436	0.205	0.369	25.497
7.700	0.410	0.193	0.354	25.946
7.800	0.385	0.182	0.338	26.367
7.900	0.362	0.171	0.323	26.757
8.000	0.341	0.160	0.307	27.114
8.100	0.318	0.150	0.292	27.436
8.200	0.299	0.141	0.276	27.719
8.300	0.282	0.133	0.260	27.963
8.400	0.264	0.125	0.245	28.163
8.500	0.249	0.117	0.229	28.319
8.600	0.234	0.110	0.214	28.431
8.700	0.219	0.103	0.198	28.498
8.800	0.206	0.097	0.183	28.524
8.900	0.194	0.091	0.167	28.511
9.000	0.182	0.086	0.152	28.460
9.100			0.136	28.374
9.200			0.121	28.252
9.300			0.105	28.097
9.400			0.090	27.910
9.500			0.074	27.694
9.600			0.058	27.449
9.700			0.043	27.178
9.800			0.027	26.882
9.900			0.012	26.562
10.000			0.000	26.220
10.100				25.859
10.200				25.480
10.300				25.084
10.400				24.672
10.500				24.245
10.600				23.805
10.700				23.352
10.800				22.888
10.900				22.413
11.000				21.928
11.100				21.435
11.200				20.933
11.300				20.425
11.400				19.910
11.500				19.389
11.600				18.864
11.700				18.334



Q200 Hydrograph Data.txt

11.800	17.801
11.900	17.265
12.000	16.726
12.100	16.187
12.200	15.647
12.300	15.106
12.400	14.567
12.500	14.028
12.600	13.491
12.700	12.957
12.800	12.427
12.900	11.900
13.000	11.377
13.100	10.862
13.200	10.355
13.300	9.858
13.400	9.372
13.500	8.896
13.600	8.432
13.700	7.981
13.800	7.542
13.900	7.117
14.000	6.707
14.100	6.312
14.200	5.933
14.300	5.572
14.400	5.228
14.500	4.904
14.600	4.598
14.700	4.311
14.800	4.041
14.900	3.788
15.000	3.551
15.100	3.330
15.200	3.122
15.300	2.927
15.400	2.746
15.500	2.576
15.600	2.417
15.700	2.270
15.800	2.132
15.900	2.003
16.000	1.884
16.100	1.773
16.200	1.669
16.300	1.573
16.400	1.484
16.500	1.402
16.600	1.326
16.700	1.256
16.800	1.191
16.900	1.131
17.000	1.076
17.100	1.026
17.200	0.980
17.300	0.938
17.400	0.900
17.500	0.865
17.600	0.834
17.700	0.806
17.800	0.780
17.900	0.758
18.000	0.738
18.100	0.721
18.200	0.706
18.300	0.693
18.400	0.682
18.500	0.673

# Q200 Hydrograph Data.txt

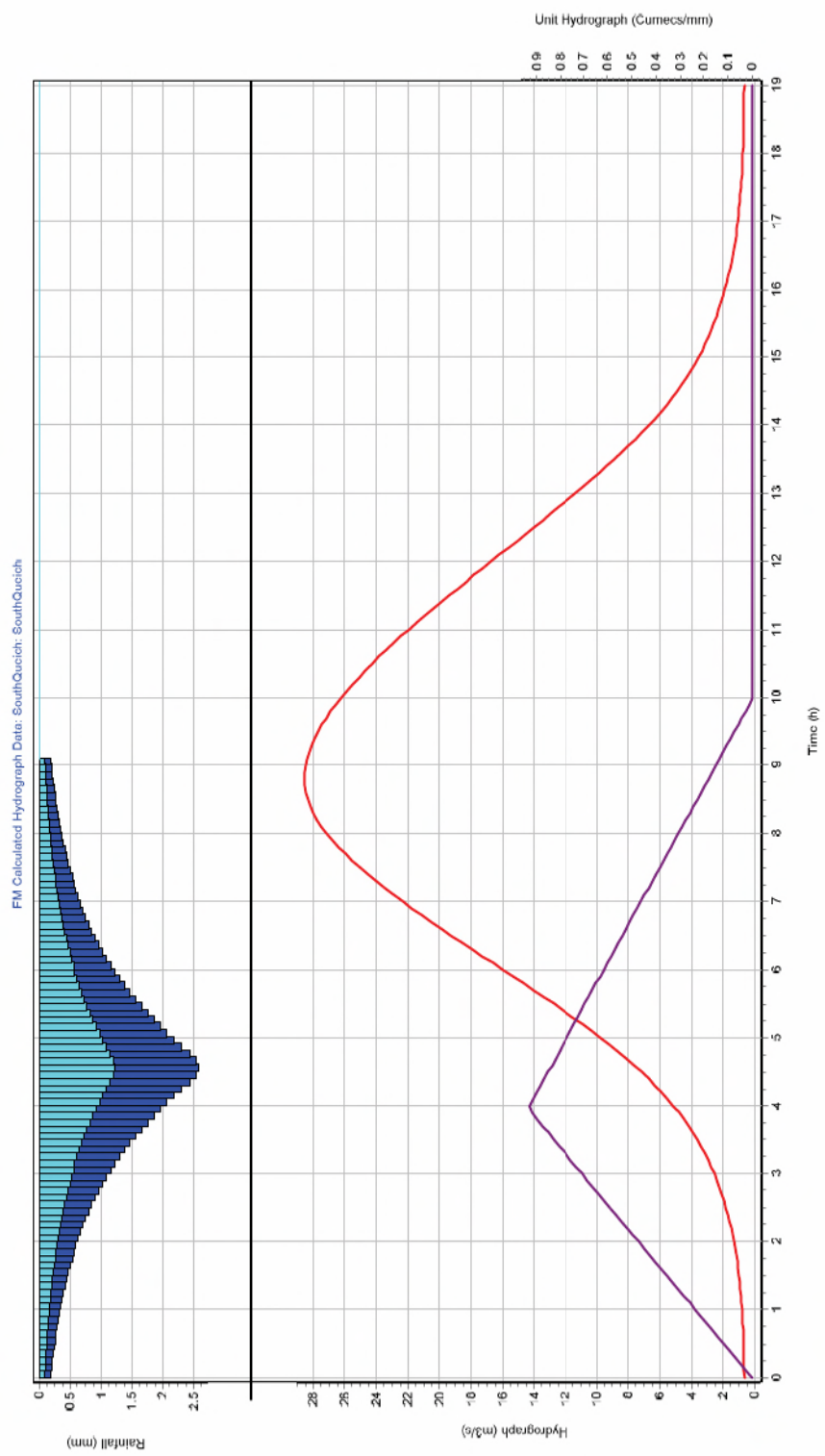
18.600	0.666
18.700	0.660
18.800	0.657
18.900	0.654
19.000	0.653

\*\*\*\*\*

## volumetric analysis of results

\*\*\*\*\*

Total volume of rainfall	:	1469073.6	m3
Total volume of net rainfall	:	692302.6	m3
Total volume of rain loss	:	776771.0	m3
Total volume of baseflow	:	44672.2	m3
Total volume of quick runoff	:	690813.2	m3
Total volume of runoff	:	735485.4	m3



**Appendix C:  
Results from ReFH2 Flow  
Analysis (Revitalised Flood  
Hydrograph Method –  
Version 2)**

# UK Design Flood Estimation

Generated on Monday, January 06, 2020 9:57:30 AM by abraida  
Printed from the ReFH2 Flood Modelling software package, version 3.0.7275.28566

## Summary of estimate using the Flood Estimation Handbook revitalised flood hydrograph method (ReFH2)

### Site details

Checksum: CCB0-68A7

Site name: South Queich at Tillyochie

Easting: 308050

Northing: 703200

Country: Scotland

Catchment Area (km<sup>2</sup>): 16.83

Using plot scale calculations: No

Model: ReFH2.3

Site description: None

## Model run: 200 year

### Summary of results

Rainfall - FEH 2013 model (mm):	72.99	Total runoff (ML):	443.65
Total Rainfall (mm):	58.19	Total flow (ML):	978.76
Peak Rainfall (mm):	3.93	Peak flow (m <sup>3</sup> /s):	24.28

### Parameters

Where the user has overridden a system-generated value, this original value is shown in square brackets after the value used.

\* Indicates that the user locked the duration/timestep

#### Rainfall parameters (Rainfall - FEH 2013 model)

Name	Value	User-defined?
Duration (hh:mm:ss)	06:30:00	No
Timestep (hh:mm:ss)	00:10:00 [00:30:00]	Yes
SCF (Seasonal correction factor)	0.84	No
ARF (Areal reduction factor)	0.95	No
Seasonality	Winter	No

#### Loss model parameters

Name	Value	User-defined?
Cini (mm)	125.16	No
Cmax (mm)	340.46	No
Use alpha correction factor	No	No
Alpha correction factor	n/a	No

#### Routing model parameters



Name	Value	User-defined?
Tp (hr)	2.63	No
Up	0.65	No
Uk	0.8	No

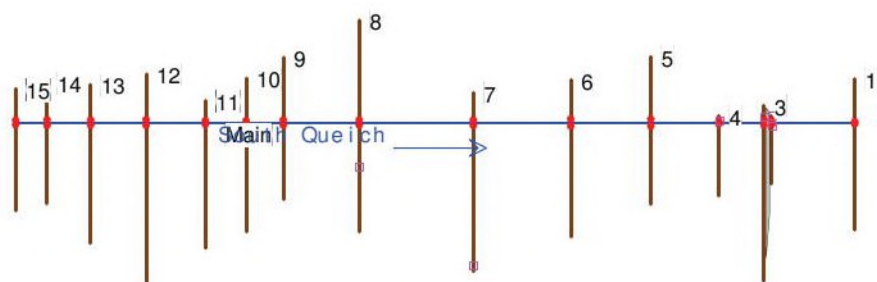
#### Baseflow model parameters

Name	Value	User-defined?
BF0 (m <sup>3</sup> /s)	0.89	No
BL (hr)	40.72	No
BR	1.21	No

#### Urbanisation parameters

Name	Value	User-defined?
Urban area (km <sup>2</sup> )	0.02	No
Urbext 2000	0	No
Impervious runoff factor	0.7	No
Imperviousness factor	0.4	No
Tp scaling factor	0.75	No
Depression storage depth (mm)	0.5	No
Exporting drained area (km <sup>2</sup> )	0.00	Yes
Sewer capacity (m <sup>3</sup> /s)	0.00	Yes

**Appendix D: Output from  
HECRAS Model**



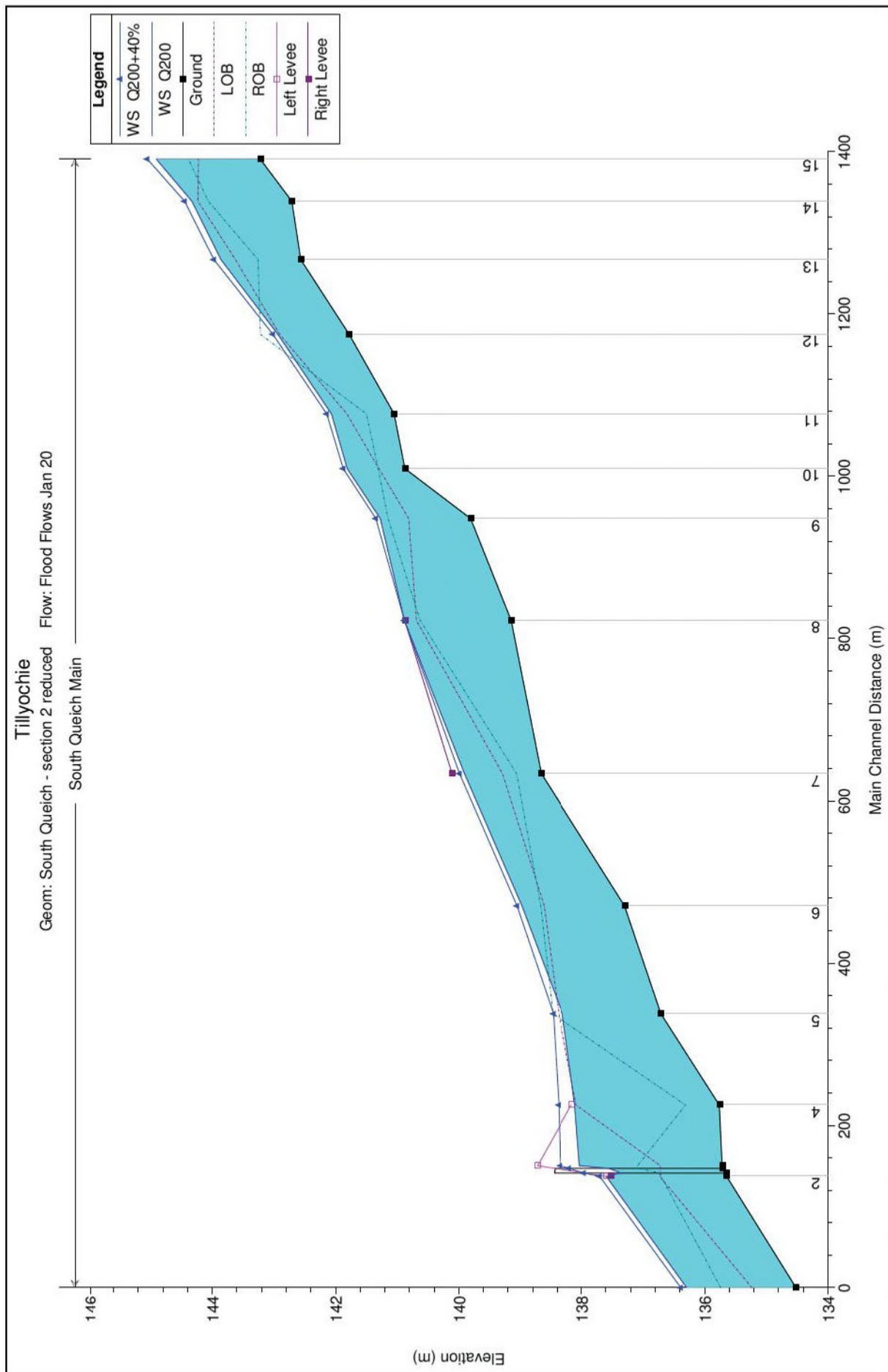
Some schematic data outside default extents (see View/Set Schematic Plot Extents...)

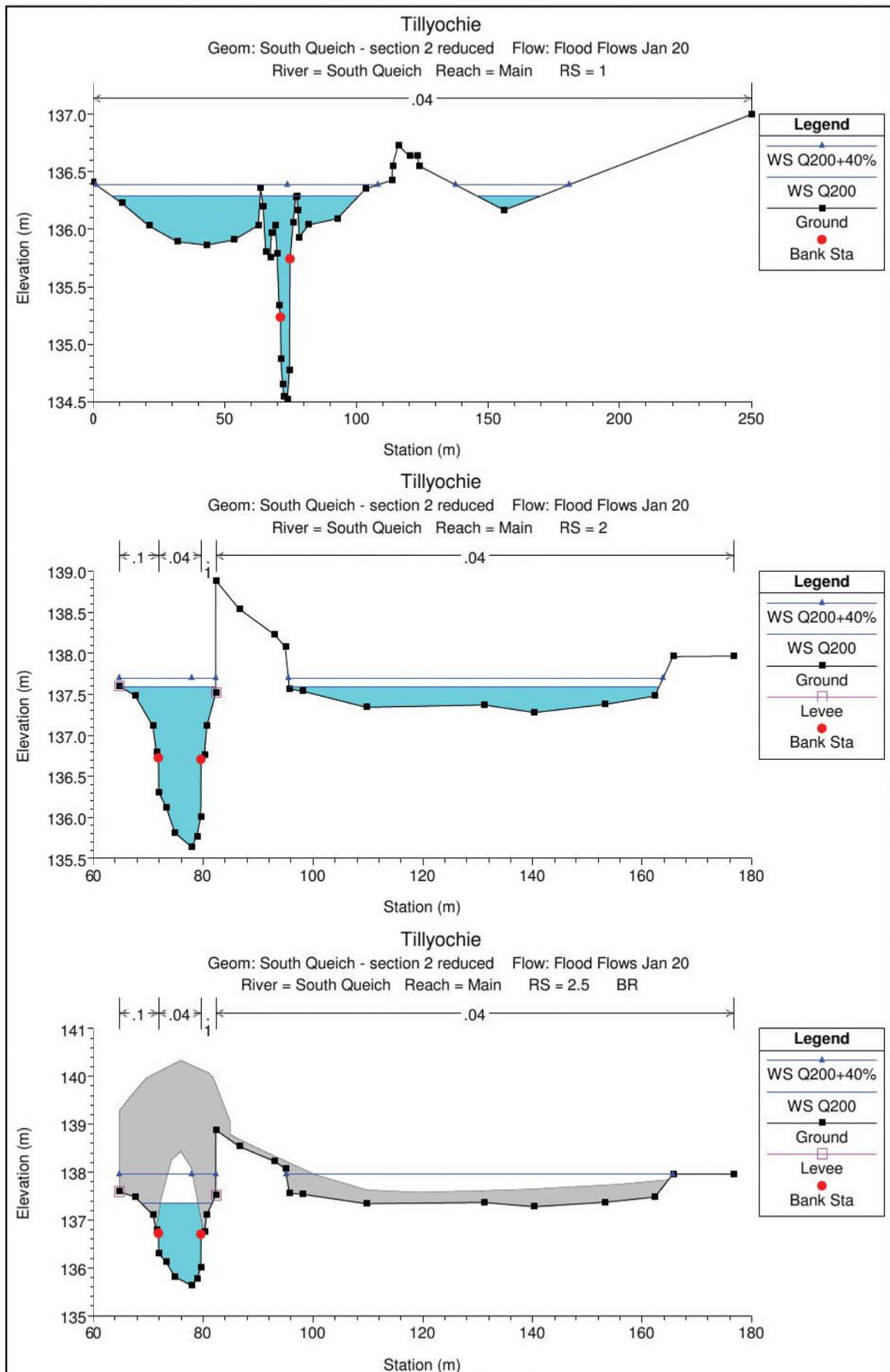
Reach	River Sta	Profile	Q Total (m3/s)	Min Ch El (m)	W.S. Elev (m)	Crit W.S. (m)	E.G. Elev (m)	E.G. Slope (m/m)	Vel Chnl (m/s)	Flow Area (m2)	Top Width (m)	Froude # Chl
Main	15	Q200	37.40	143.22	144.91	144.91	145.15	0.006612	2.46	20.94	43.72	0.65
Main	15	Q200+40%	52.40	143.22	145.06	145.06	145.32	0.006918	2.68	27.76	50.20	0.68
Main	14	Q200	37.40	142.71	144.33	144.26	144.51	0.007189	2.19	25.49	79.10	0.65
Main	14	Q200+40%	52.40	142.71	144.45	144.45	144.62	0.006784	2.28	36.30	98.45	0.65
Main	13	Q200	37.40	142.57	143.86	143.53	144.00	0.006598	2.08	28.87	91.57	0.63
Main	13	Q200+40%	52.40	142.57	143.97	143.94	144.10	0.006698	2.06	39.61	96.27	0.60
Main	12	Q200	37.40	141.78	142.94	142.94	143.12	0.014970	2.46	26.94	72.59	0.89
Main	12	Q200+40%	52.40	141.78	143.02	143.02	143.24	0.017626	2.83	33.03	77.83	0.98
Main	11	Q200	37.40	141.05	142.07		142.09	0.002096	0.97	53.42	142.54	0.33
Main	11	Q200+40%	52.40	141.05	142.14		142.18	0.002369	1.09	64.51	151.79	0.36
Main	10	Q200	37.40	140.88	141.81	141.79	141.88	0.005802	1.68	39.19	170.37	0.58
Main	10	Q200+40%	52.40	140.88	141.88	141.82	141.94	0.005467	1.71	50.17	174.64	0.57
Main	9	Q200	37.40	139.81	141.28	141.28	141.40	0.010356	1.97	25.23	111.81	0.73
Main	9	Q200+40%	52.40	139.81	141.35	141.35	141.49	0.010024	2.06	33.85	122.48	0.73
Main	8	Q200	37.40	139.15	140.88	140.88	140.89	0.000127	0.26	145.80	288.09	0.08
Main	8	Q200+40%	52.40	139.15	140.88	140.88	140.89	0.000249	0.36	145.80	288.09	0.12
Main	7	Q200	37.40	138.66	139.91	139.91	140.03	0.006045	2.02	31.29	107.85	0.62
Main	7	Q200+40%	52.40	138.66	139.99	139.99	140.12	0.006380	2.18	40.69	122.34	0.65
Main	6	Q200	37.40	137.30	138.98	138.98	139.10	0.004742	1.87	34.54	154.99	0.55
Main	6	Q200+40%	52.40	137.30	139.06	139.06	139.19	0.005226	2.05	50.00	230.55	0.58
Main	5	Q200	37.40	136.71	138.31		138.35	0.002384	1.16	56.86	174.15	0.37
Main	5	Q200+40%	52.40	136.71	138.46		138.49	0.001563	1.00	83.58	181.71	0.31
Main	4	Q200	37.40	135.76	138.11	137.61	138.14	0.001459	1.09	60.05	123.75	0.26
Main	4	Q200+40%	52.40	135.76	138.37	137.86	138.40	0.000439	0.65	101.90	133.10	0.15

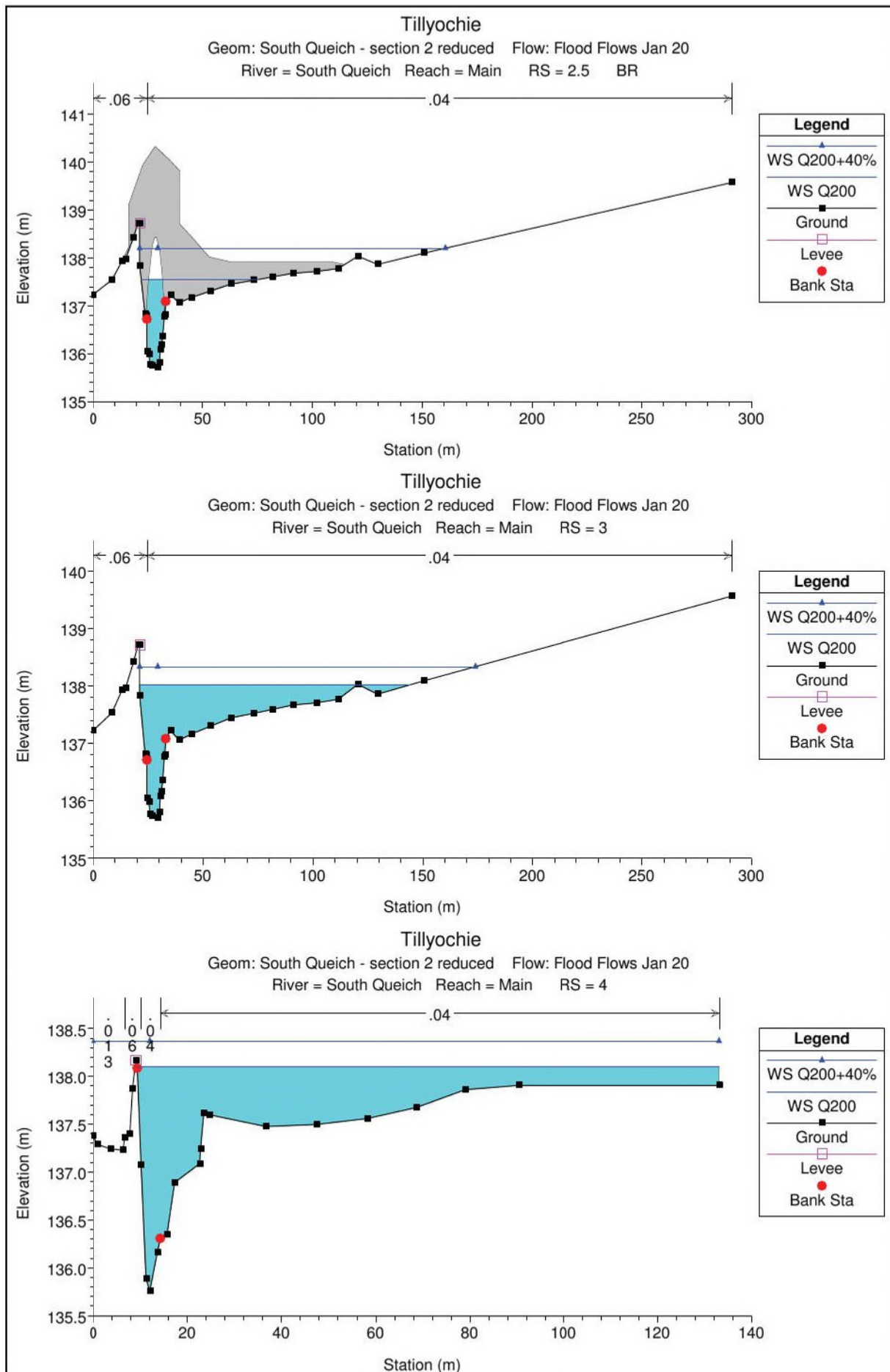
HEC-RAS Plan: Plan 04 River: South Queich Reach: Main (Continued)

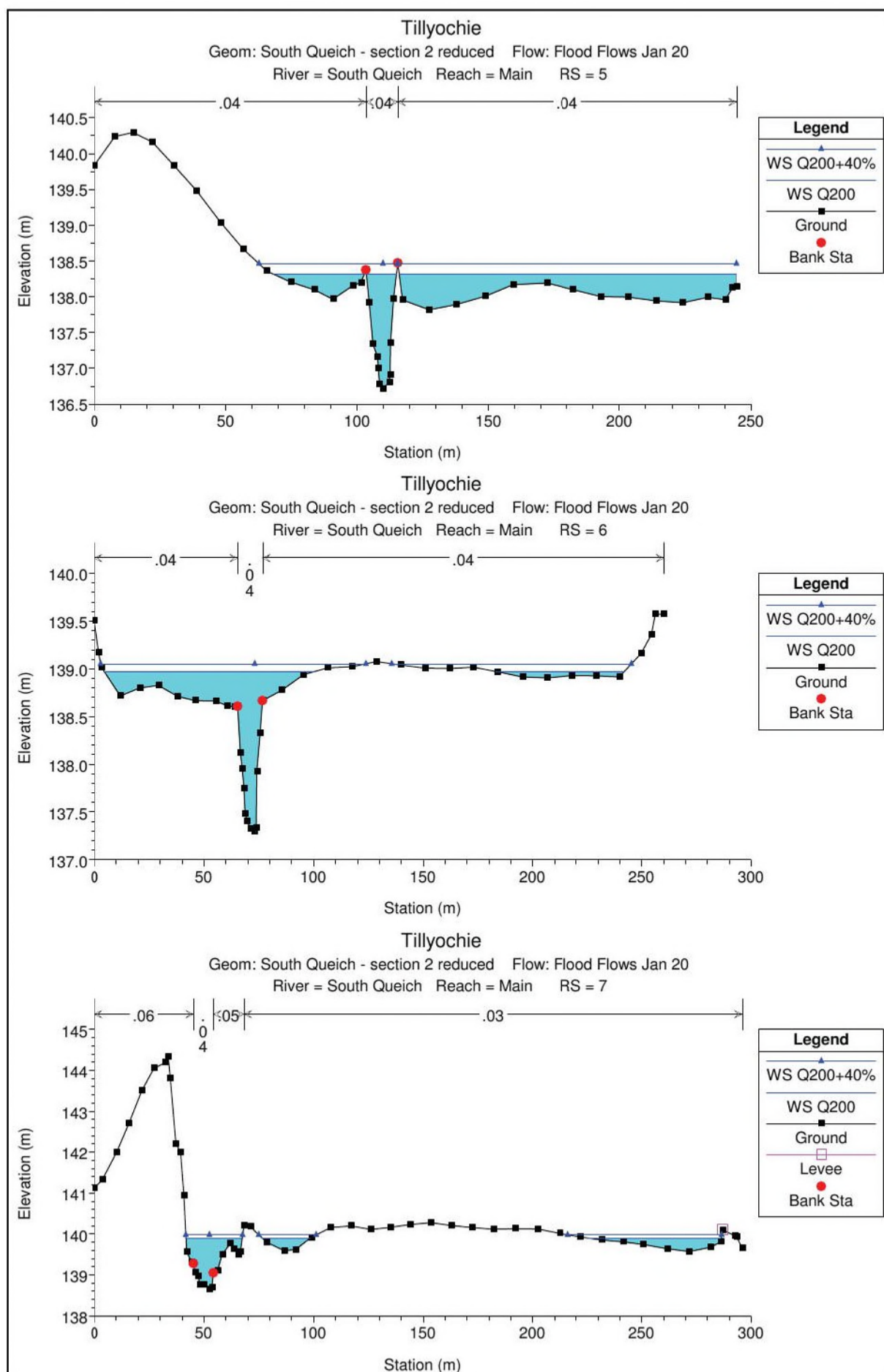
Reach	River Sta	Profile	Q Total (m3/s)	Min Ch El (m)	W.S. Elev (m)	Crit W.S. (m)	E.G. Elev (m)	E.G. Slope (m/m)	Vel Chnl (m/s)	Flow Area (m2)	Top Width (m)	Froude # Chl
Main	3	Q200	37.40	135.72	138.03	137.45	138.06	0.000715	0.99	66.60	123.19	0.22
Main	3	Q200+40%	52.40	135.72	138.35	137.68	138.36	0.000470	0.88	109.61	152.84	0.18
Main	2.5		Bridge									
Main	2	Q200	37.40	135.64	137.60	137.60	137.77	0.004268	2.13	30.60	84.90	0.52
Main	2	Q200+40%	52.40	135.64	137.70	137.70	137.90	0.004887	2.37	39.77	85.93	0.56
Main	1	Q200	37.40	134.52	136.29	136.29	136.42	0.006574	2.36	32.83	117.28	0.59
Main	1	Q200+40%	52.40	134.52	136.39	136.37	136.51	0.006580	2.46	45.72	150.27	0.60

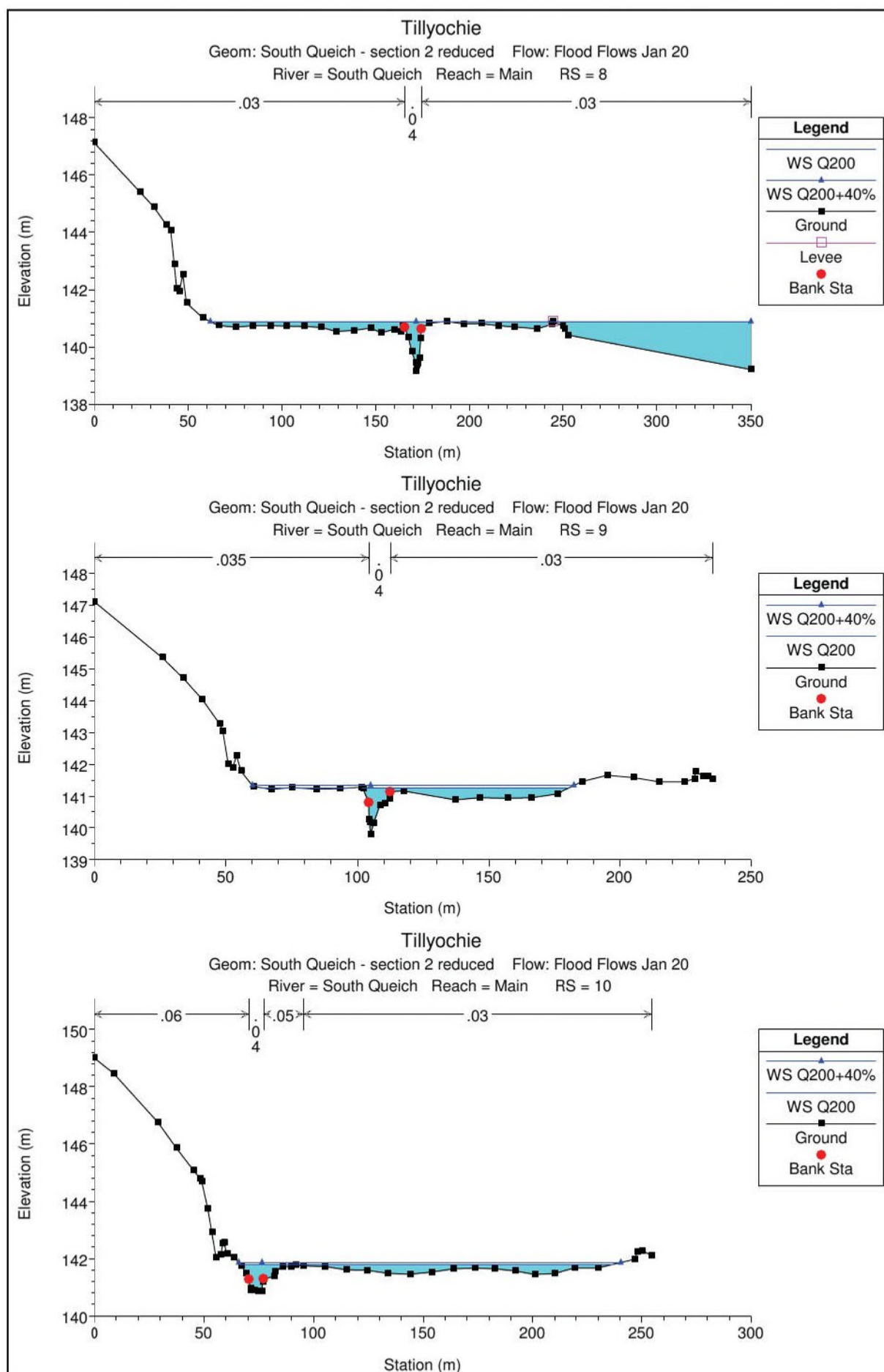




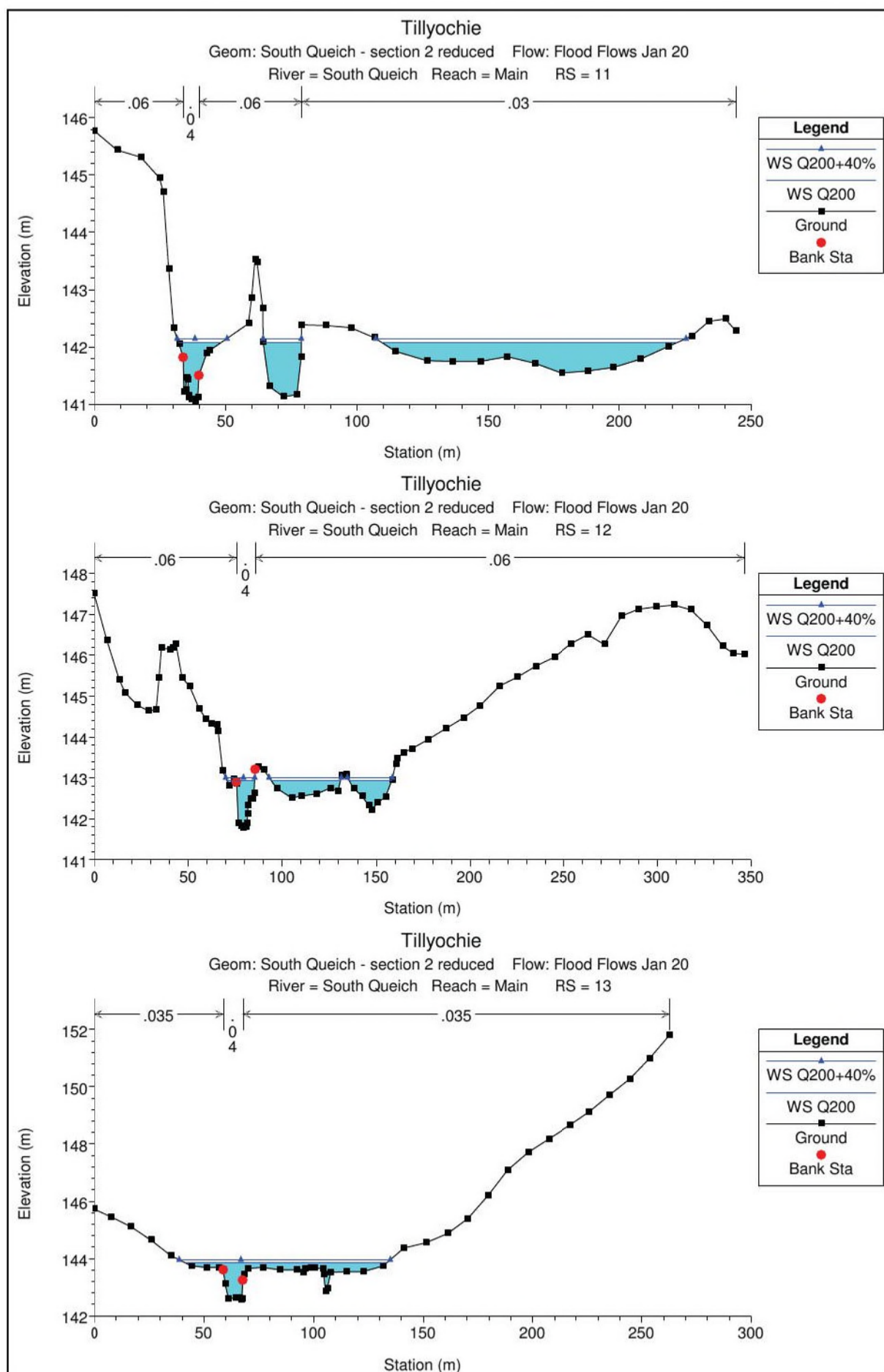


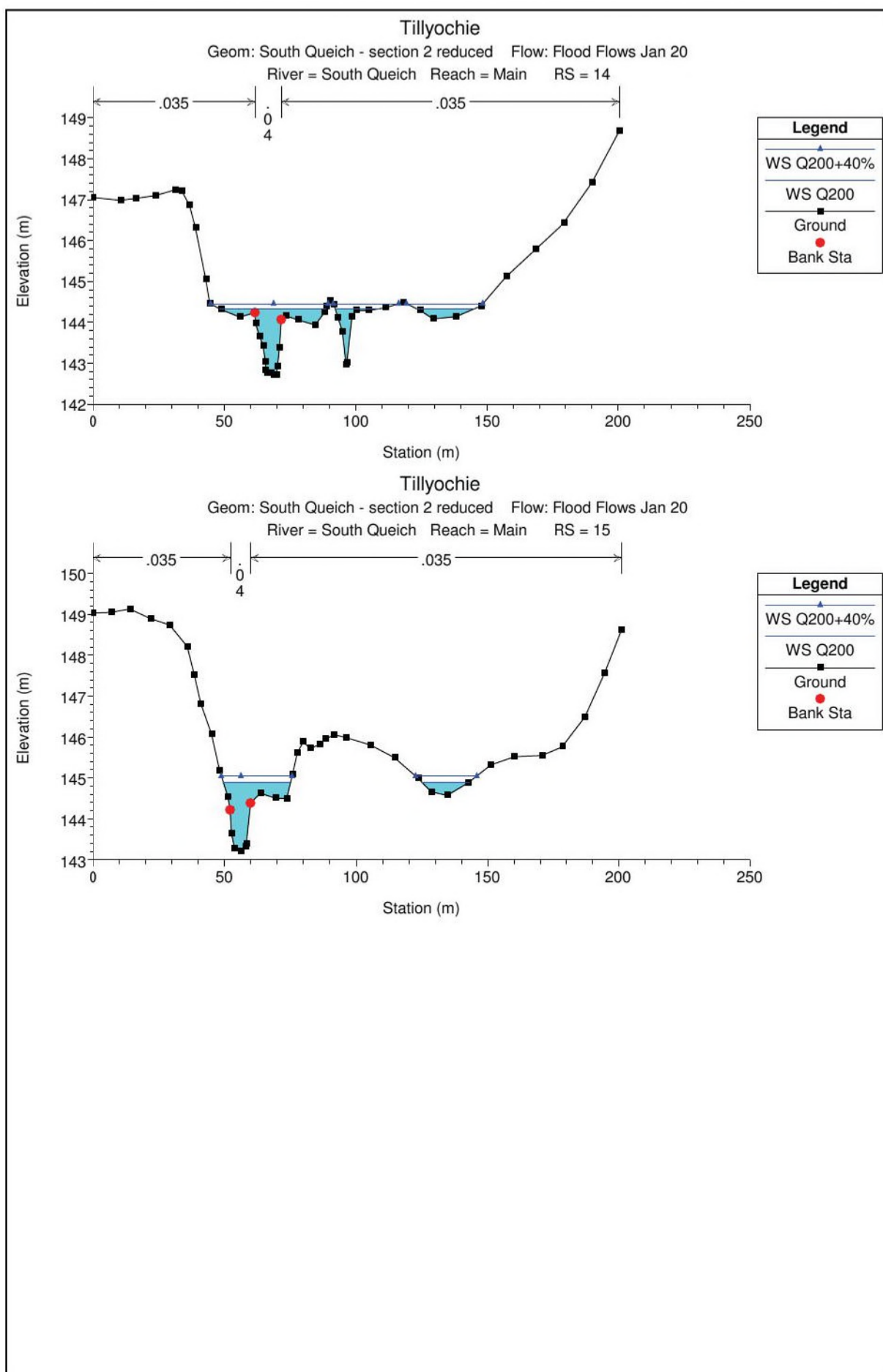












## **Appendix E: FRA Checklist**

# Flood Risk Assessment (FRA) Checklist

(SS-NFR-F-001 - Version 1.3 - Last updated 15/04/2015)

This document should be attached within the front cover of any flood risk assessments issued to Local Planning Authorities (LPA) in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist SEPA in reviewing FRAs, when consulted by LPAs. This document should not be a substitute for a FRA.

## Development Proposal

Site Name	Tillyochie, Perth and Kinross		
Grid Reference	Easting: 307470	Northing: 702867	
Local Authority	Perth and Kinross Council		
Planning Reference number (if known)			
Nature of the development	Residential	If residential, state type:	Houses
Size of the development site		Ha	
Identified Flood Risk	Fluvial	Source name:	South Quelch

## Supporting Information

Have clear maps / plans been provided within the FRA (including topographic and flood inundation plans)

Has a historic flood search been undertaken?

Is a formal flood prevention scheme present?

Current / historical site use

Yes	
No	
No	If known, state the standard of protection offered
Greenfield	

## Hydrology

Area of catchment

Qmed estimate

Estimate of 200 year design flood flow

Estimation method(s) used \*

16.825 km <sup>2</sup>	
9.495 m <sup>3</sup> /s	Method: Select from List
37.4 m <sup>3</sup> /s	
Pooled analysis	If other (please specify methodology used):
	If Pooled analysis have group details been included
	No

## Hydraulics

Hydraulic modelling method

If other please specify

Modelled reach length

Any structures within the modelled length?

Brief summary of sensitivity tests, and range:

variation on flow (%)

variation on channel roughness

blockage of structure (range of % blocked)

boundary conditions:

(1) type

(2) does it influence water levels at the site?

Has model been calibrated (gauge data / flood records)?

Is the hydraulic model available to SEPA?

Design flood levels

1D steady	Software used:	HEC-RAS
Approx. 1400		
Bridges	Specify, if combination	
10 %		
0.01		
50 %		
Upstream	Downstream	
Flow	Normal depth	
Specify if other	Specify if other	No
Normal Depth		
Select from List		
No		
No		
200 year	200 year plus climate change	Varies m AOD



## Flood Risk Assessment (FRA) Checklist

(SS-NFR-F-001 - Version 1.3 - Last updated 15/04/2015)

<b>Coastal</b>		m AOD	
Estimate of 200 year design flood level	Select from List	If other (please specify methodology used):	
Estimation method(s) used			
Allowance for climate change (m)		m	
Allowance for wave action etc (m)		m	
Overall design flood level		m AOD	
<b>Development</b>			
Is any of the site within the functional floodplain? (refer to SPP para 255)	No	If yes, what is the net loss of storage	
Is the site brownfield or greenfield	Greenfield	m <sup>3</sup>	
Freeboard on design water level (m)	0.6		
Is the development for essential civil infrastructure or vulnerable groups?	No	If yes, has consideration been given to 1000 year design flood?	
Is safe / dry access and egress available?	Vehicle and Pedestrian	Min access/egress level	
If there is no dry access, what return period is dry access available?		years	
If there is no dry access, what is the impact on the access routes?		Max Flood Depth @ 200 year event:	
Design levels		m AOD	
<b>Mitigation</b>			
Can development be designed to avoid all areas at risk of flooding?	Yes	Max Flood Velocity:	
Is mitigation proposed?	No	m/s	
If yes, is compensatory storage necessary?	No	Min FFL:	
Demonstration of compensatory storage on a "like for like" basis?	Select from List	Varies	
Should water resistant materials and forms of construction be used?	Select from List	m AOD	
<b>Comments</b>			
Any additional comments:			
<div></div>			
Approved by: Andrew Braid		Date: 23.1.20	
Organisation: Millard Consulting			

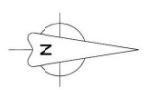
Note: Further details and guidance is provided in 'Technical Flood Risk Guidance for Stakeholders' which can be accessed here: [CLICK HERE](#)

\* ReFH2 is now accepted by SEPA for flow estimates in Scotland. Any use of this method should be compared with other accepted methods.



## PLANS

[illegible]



**NOTES**

1. Continents at vertical features are indicative.
2. Leaves far round are taken (strong contrast) than the other.
3. Every effort for round are taken to locate all features, but it should be noted that growth over or local deformation may hinder the ability to locate corners.
4. All corner vertices coordinates should be checked and verified prior to use.
5. All data contain station coordinates (from *Beachwatch Land Survey*) and *Landfall*.
6. All features to OS DataBank (OSDB) undergo manual observation.
7. All features to OS DataBank (OSDB) undergo manual observation.
8. North relates to OS Grid North unless noted otherwise.
9. All coordinates relate to OSGB36 (OSNTV5).

## Benchmark Land Surveys

21 Pietermpton Road  
Dundee DD3 9SZ  
T: 07427 622650  
E: [info@benchmarklandsurveys.com](mailto:info@benchmarklandsurveys.com)  
[www.benchmarklandsurveys.com](http://www.benchmarklandsurveys.com)

Project		
Tillyochine - near Kinross		
Title		
Site 1		

Topographic Survey - 2d		_____
Drawn by MN	Checked MN	File

Drawing Number  570/1	Revision	Scale
		Date 20





Rev. C - Title box, FFL, Rev. C - Change layout  
Rev. A - Change layout  
REV. DATE

Greenfields Design Ltd.  
28 Bank Street, Abingdon, Oxfordshire OX10 1HF  
email: gdesign@greenfieldsdesign.co.uk

Site Plan  
Project: Development  
at Tipton  
near Abingdon

Scale	1:500	GP
Date	24-Dec-19	AT
Sheet		Page 1

DO NOT SCALE FOR CONSTRUCTION PURPOSES - IF IN DOUBT ASK - DRAWING NOT FOR CONSTRUCTION PURPOSES





Dundee | Perth | Aberdeen

Registered in Scotland No: SC220557

Registered Office: Seabraes, 18 Greenmarket, Dundee DD1 4OB

TA Millard Scotland Ltd trading as Millard Consulting



# PERTH AND KINROSS COUNCIL

Richard Paterson  
Strathearn Design  
3 Laurel Avenue  
Crieff  
PH7 3EN

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 6 December 2011

Town and Country Planning (Scotland) Acts.

Application Number **09/00848/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 28th May 2009 for planning permission for Erection of 3 dwellinghouses and garages Tillyochie Farm Kinross KY13 0NL subject to the undernoted conditions.

Development Quality Manager

## **Conditions Referred to Above**

1. The development shall be begun within a period of three years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
3. Samples of all external finishing materials for the houses and garages; shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The finishes; as approved shall be implemented prior to the occupation and or use of the development.
4. Prior to the commencement of work, full details shall be provided of the hard and soft landscaping of the site, to include the planting of a native hedgerow as boundary enclosures. The scheme as subsequently approved shall be implemented as part of the site development programme and thereafter maintained to the satisfaction of the Council as Planning Authority.
5. Prior to the occupation and use of the approved development all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.

6. Prior to the occupation or use of the approved development the vehicular access to house 3 shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.
7. The gradient of the access shall not exceed 3% for the first 5.00 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public road.
8. Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
9. Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces per dwelling shall be provided within the site.
10. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by Perth and Kinross Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

### **Reasons for Conditions**

1. In accordance with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning etc (Scotland) Act 2006.
2. To ensure that the development is carried out in accordance with the plans approved.
- 3-4. In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
- 5-9. In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
10. The site lies adjacent to an area of archaeological interest.

### **Justification**

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

### **Notes**

- 1 The applicant is advised that the Executive Director of Education & Children's Services can give no guarantee that any school age children arising from this development application can be accommodated at Fossoway Primary School. This will result in such children being placed in the nearest school with capacity to accommodate them.
- 2 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
- 3 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The applicant is advised that in terms of Sections 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.
- 6 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 7 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

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

**Plan Reference**

09/00848/1	09/00848/12
09/00848/2	09/00848/13
09/00848/3	09/00848/14
09/00848/4	09/00848/15
09/00848/5	09/00848/16
09/00848/6	09/00848/17
09/00848/7	09/00848/18
09/00848/8	09/00848/19
09/00848/9	09/00848/20
09/00848/10	09/00848/21
09/00848/11	09/00848/22





## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	09/00848/FLL
Ward No	N8

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

**LOCATION:** Tillyochie Farm Kinross KY13 0NL

**APPLICANT:** Richard Paterson

**RECOMMENDATION:** Approve the application

**SITE INSPECTION:** 30 June 2009

**OFFICERS REPORT:**



This is a longstanding planning application relating to the erection of 3 new dwelling units and detached garages within the small settlement of Tillyochie, situated within the confines of the Loch Leven Catchment Area, in rural countryside to the southwest of Kinross.

The site and surrounding environs have a longstanding history, relating primarily to the erection of new build residential units for farm workers (occupancy condition now removed), and adjacent minor infill sites. As a result of detailed and favourably minded pre-application discussions, two previous applications were submitted for housing in the area outlined (07/01127/FUL & 08/00980/FUL refers). Both proposals however failed, due to concerns over the servicing of the plots and potential flood risk.

This latest submission is an attempt to resolve all outstanding difficulties, and consists of two plots on the north side of the minor public road (near the existing ruin), with the remaining plot and combined soakaway area on the other (south) side of the road (to the rear of the existing farmhouse). As before, the design, scale and finishes of the houses and garages are compatible with, and sympathetic to the rural surroundings and traditional architectural character of the area. A detailed flood risk assessment has been prepared by Allen Gordon & Co, which has satisfied the outstanding concerns over finished floor levels and surface water disposal.

Repeated comments and observations, objecting to the plans have been forwarded on behalf of nearby local resident. The views expressed, essentially state the development should not be allowed to proceed as it would be contrary to national and local policy on houses in the countryside.

I remain however of the opinion (as do sustainable planning colleagues) that this settlement is an ideal location for some further small scale development proposals, and as such is in accordance with rural housing policy. There are now no outstanding technical reason why the plans cannot be supported, subject to securing a Section 75 Agreement of drainage and education contribution. The contribution amount will be £6105 per unit – as was the relevant figure in force at the time of submission last year.

Additional native hard and soft landscaping will form a crucial and integral part of the scheme – to assist in providing a contained setting for each individual plot, and also to limit further expansion opportunities.

Accordingly, I am content to support conditional approval of the application as submitted.



## DEVELOPMENT PLAN

### ***K\_001 Kinross Sustainable Development***

The Council will seek to ensure, where possible that development within the Plan area is carried out in a manner in keeping with the goal of sustainable development. Where development is considered to be incompatible with the pursuit of sustainable development, but has other benefits to the area which outweigh this issue, the developer will be required to take whatever mitigation measures are deemed both practical and necessary to minimise any adverse impact. The following principles will be used as guidelines in assessing whether projects pursue a commitment to sustainable development:

- a) The consumption of non-renewable resources should be at levels that do not restrict the options for future generations.
- b) Renewable resources should be used at rates that allow their natural replenishment.
- c) The quality of the natural environment should be maintained or improved.
- d) Where there is great complexity, or there are unclear effects of development on the environment, the Precautionary Principle should be applied.
- e) The costs and benefits (material and non-material) of any development should be equitably distributed.
- f) Biodiversity is conserved.
- g) The production of all types of waste should be minimised, thereby minimising levels of pollution.

- h) New development should meet local needs and enhance access to land, employment, facilities, services and goods.

#### ***K\_002 Kinross Development Criteria***

All developments within the Plan area will be judged against the following criteria:

- A The site should have a landscape framework capable of absorbing, and if necessary, screening the development, and where appropriate opportunities for landscape enhancement will be sought.
- B In the case of building development, regard should be had to the scale, form colour and density of development within the locality.
- C The development should be compatible with it's surroundings in land use terms and should not result in a significant loss of amenity to the local community.
- D The local road and public transport network should be capable of absorbing the additional traffic generated by the development and a satisfactory access onto that network provided.
- E Where applicable, there should be sufficient spare capacity in drainage, water and education services to cater for the new development.
- F The site should be large enough to accommodate the impact of the development satisfactorily in site planning terms.
- G Buildings and layouts for new development should be designed so as to be energy efficient.
- H Built development should, where possible, be located in those settlements which are the subject of inset maps.

#### ***K\_004 Kinross Flood Risk***

Development in areas liable to flood, or where remedial measures would adversely affect flood risk elsewhere, will not normally be permitted. For the purposes of this policy flood risk sites will be those which are judged to lie within:-

- a) Areas of known flooding.
- b) Sites which lie within a flood plain.
- c) Low lying sites adjacent to rivers, or to watercourses which lead to categories a and b.

#### ***K\_006 Kinross Design and Landscaping***

The Council will require high standards of design for all development in the Plan Area. In particular encouragement will be given to:-

- a) The use of appropriate high quality materials.
- b) Innovative modern design incorporating energy efficient technology and materials, subject to compliance with d) and e) below
- c) Avoidance of the use of extensive underbuilding on steeply sloping sites.
- d) Ensuring that the proportions of any building are in keeping with its surroundings.
- e) Ensuring that the development fits its location.

The design principles set out in the Council's Guidance on the Design of Houses in Rural Areas will be used as a guide for rural housing applications and where appropriate for other forms of built development.

#### ***K\_010 Kinross Drainage within Loch Leven Catch***

Total phosphorus from built development should not exceed the current level permitted by the discharge consents for the Kinross and Milnathort waste water treatment works together with the current contribution from built development within the rural area of the catchment. Where improvements reduce the phosphorus total from built development, there will be a presumption in favour of retaining such gains to the benefit of the ecological recovery of Loch Leven.

All applicants will be required to submit details of the proposed method of drainage before their application is determined and adopt the principles of best available technology not entailing excessive costs to the satisfaction of the Planning Authority in conjunction with SEPA.

#### ***K\_011 Kinross Drainage within Loch Leven Catch***

All developments within the Loch Leven catchment area will require to connect to a publicly maintained drainage system incorporating phosphate reduction measures. Exceptions will only be permitted where one of the following criteria can be met:

- a) Where drainage can be diverted outwith the catchment.
- b) Where, for non-residential development, it is not economic to connect to the public system and where the developer is able to implement acceptable mitigation measures.
- c) In the case of residential developments of 5 or less houses the best available technology, not entailing excessive costs, is employed to minimise phosphorus output.

All applications for planning consent not connecting to the Kinross or Milnathort waste water treatment works will be required to provide an assessment of phosphorus input for the development. Evidence of phosphorus impact of the development will be required from a suitably qualified person. In cases of great complexity or uncertainty the Precautionary Principle will be adopted.

#### ***K\_012 Kinross Drainage within Loch Leven***

Where a development is likely to breach drainage Policies 10 or 11, it will be refused. However, there may be exceptions to this policy where, if the developer can show that mitigation measures capable of removing from the catchment area 125% of the phosphorus likely to be generated by the development can be implemented and the proposed development is otherwise acceptable in terms of Council policy, a separate planning agreement in terms of Section 75 may be considered.

Mitigation measures should not include measures which are already committed in a spending programme and likely to be implemented by a statutory body within three years of the determination of the application.

#### ***K\_064 Kinross Housing in the Countryside***

The Council will normally only support proposals for the erection of individual houses in the countryside which fall into at least one of the categories 1-4. Within the Loch Leven Catchment Area Policy 11 also applies.

#### **1. Building Groups (applicable criteria)**

- i) Development within existing small groups where sites are contained by housing or other buildings, and where further development would not significantly detract from the character or amenity of existing housing or lead to an extension of the group.
- ii) Development within or adjacent to established building groups which have compact nucleated shapes creating an identifiable "sense of place". Where an application reveals that there may be a number of opportunities relating to the group, the Council will defer consideration of the application until an Advisory Plan has been produced. Consent will be granted for houses within such groups provided they do not detract from the amenity of the group and for houses which extend the group into definable sites created by surrounding topography, landscape features or field boundaries which will constrain the continued spread of the group.



## For All Proposals

- i) Satisfactory access and services should be available or capable of being provided.
- ii) Proposals should comply with the design advice contained in the Council's Guidance on the Siting and Design of Houses in Rural Areas.
- iii) The quality of the design and materials of the house should be reflected in the design and finish of outbuildings, means of enclosure, access etc. The Planning Authority will consider whether permitted development rights in respect of extensions, outbuildings and means of enclosure etc should be removed to protect the rural character of the curtilage of a new house in the countryside.
- iv) There will be a strong presumption against the replacement of Listed Buildings, or their restoration in a way which is detrimental to the essential character of the original building.
- v) Full applications should be submitted for all proposals, but where an outline application is made this must be accompanied by sketch plans indicating the size of the proposed new building or extension and proposed elevational treatments and materials.

In all applications for houses in the countryside high standards of siting, design and finish will be required, in accordance with the Council's Siting and Design Guide.

## OTHER POLICIES – Education Contribution

### SITE HISTORY

90/00683/FULERECTION OF A GRAIN BUILDING AT22.06.1990  
95/01015/FULERECTION OF A NEW HOUSE (IN OUTLINE) AT08.01.1996  
96/00506/FULERECTION of a house and garage at18.07.1996  
05/00680/FULERECTION of a dwellinghouse and garage01.06.2005  
07/01127/FULERECTION of two houses and garages02.06.2007  
07/02147/FULERECTION of garage/workshop21.01.2008  
08/00980/FULERECTION of 3 houses and garages29.10.2008  
09/00203/MODModification of existing consent (07/02147/FUL) Change of building type14.05.2009  
09/00848/FLLERECTION of 3 dwellinghouses and garages  
09/01869/FLLAlterations and extension to house13.01.2010

### CONSULTATIONS/COMMENTS

Head Of Environmental And Consumer Services	No Objection
Scottish Water	Initial objection to flood risk/drainage
Scottish Natural Heritage	Objects – Subject to Sect 75 Agreement
Scottish Environment Protection A	Initial objection to flood risk/drainage, withdrawn
Transport Planning	Conditional Approval
Perth And Kinross Area Archaeologist	Conditional Approval
Education And Children's Services	Policy Trigger
Local Flood Prevention Authority	Initial Objection withdrawn

**TARGET DATE:** 28 July 2009

## REPRESENTATIONS RECEIVED: Two

**Summary of issues raised by objectors:** Concern that development is not in accordance with national and local policies. The number of houses proposed would destroy historic setting of Tillyochie and not sit well within landscape. No justification to support proposals or overcome earlier servicing issues.

**Response to issues raised by objectors:** Internal assessment of development and policy interpretation is more relaxed in the opinion that this organic settlement can accommodate new houses in principle. The design and layout is deemed compatible with the rural area and should not erode character or setting of the hamlet. Adequate open space and undeveloped land surrounds the plots and affords an opportunity to suitably landscape the units into the established area. Main consultee responses are now supportive, subject to binding legal agreement over drainage and education. Therefore there are no further valid reasons as to why the development could not be supported.

Representations Received	Two
Additional Statements Received	Flood Risk /Drainage
Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement or Design and Access Statement	Not required
Report on Impact/Potential Impact i.e. Flood Risk Assessment	Included
Legal Agreement Required	Yes – Sect 75
Direction by Scottish Ministers	None

### Conditions:-

- 1 The development shall be begun within a period of three years from the date of this consent.
- 2 The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
- 3 Samples of all external finishing materials for the houses and garages; shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The finishes; as approved shall be implemented prior to the occupation and or use of the development.
- 4 Prior to the commencement of work, full details shall be provided of the hard and soft landscaping of the site, to include the planting of a native hedgerow as boundary enclosures. The scheme as subsequently approved shall be implemented as part of the site development programme and thereafter maintained to the satisfaction of the Council as Planning Authority.
- 5 Prior to the occupation and use of the approved development all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.

- 6 Prior to the occupation or use of the approved development the vehicular access to house 3 shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.
- 7 The gradient of the access shall not exceed 3% for the first 5.00 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public road.
- 8 Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
- 9 Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces per dwelling shall be provided within the site.
- 10 No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by Perth and Kinross Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

**Reasons:-**

- 1 In accordance with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning etc (Scotland) Act 2006.
- 2 To ensure that the development is carried out in accordance with the plans approved.
- 3 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
- 4 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
- 5 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 6 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 7 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 8 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 9 In the interests of pedestrian and traffic safety and in the interests of free traffic flow.
- 10 The site lies adjacent to an area of archaeological interest.

**Justification:**

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

**Notes**

- 1 The applicant is advised that the Executive Director of Education & Children's Services can give no guarantee that any school age children arising from this development application can be accommodated at Fossoway Primary School. This will result in such children being placed in the nearest school with capacity to accommodate them.
- 2 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth regarding a new postal address.
- 3 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The applicant is advised that in terms of Sections 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.



# PERTH AND KINROSS COUNCIL

Mr Richard Paterson  
c/o Greenfields Design Ltd  
2B Bank Street  
Alloa  
Clackmanshire  
FK10 1HP

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 11 February 2016

Town and Country Planning (Scotland) Acts.

Application Number **14/02062/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 27th November 2014 for planning permission for **Renewal of permission (09/00848/FLL) erection of 3 dwellinghouses** at Tillyochie Farm Balado Kinross KY13 0NL subject to the undernoted conditions.

## Development Quality Manager

Conditions referred to above

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning permission.

Reason - To ensure that the development is carried out in accordance with the plans approved.

- 2 Samples of all external finishing materials for the houses and garages; shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The finishes; as approved shall be implemented prior to the occupation and or use of the development.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.



- 3 Prior to the commencement of work, full details shall be provided of the hard and soft landscaping of the site, which shall include the planting of native species hedgerow's as boundary enclosures. The scheme as subsequently approved shall be implemented as part of the site development programme and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

- 4 The gradient of each principal access identified shall not exceed 3% for the first 5.00 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public road.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 5 No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by Perth and Kinross Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

Reason - The site lies adjacent to an area of archaeological interest.

- 6 The foul drainage infrastructure capable of achieving not less than 125% phosphorus mitigation associated with this development shall be undertaken in a phased manner:-
- a) No development shall commence on the approved development site until the mitigating foul drainage infrastructure has been installed at the following property:

Tillyochie Farm, Tillyochie, Kinross, KY13 0NL

For the avoidance of any doubt the installed drainage infrastructure at the remote property/properties as approved shall be retained all to the reasonable satisfaction of the Planning Authority.

- b) Following the installation of the foul drainage infrastructure at the remote property/properties the development site shall only be occupied once the foul drainage infrastructure for the development site has been installed and the existing Tillyochie Farm house drainage infrastructure decommissioned. For the avoidance of any doubt, the installed drainage infrastructure at Tillyochie Farm as approved shall be retained in perpetuity unless otherwise agreed in writing (in consultation with SEPA).

Reason - To ensure appropriate drainage arrangements are in place to remove phosphorus from the Loch Leven Catchment Area thereby ensuring compliance with Policy EP7 of the Perth and Kinross Local Development Plan 2014.

- 7 No development shall commence until the applicant has submitted approved CAR licence(s) under the Water Environment (Controlled Activities)(Scotland) Regulations 2005 for the drainage infrastructure associated with this project to the Planning Authority and the Planning Authority has confirmed receipt of the documentation in writing.

Reason - To ensure appropriate drainage arrangements are in place to remove phosphorus from the Loch Leven Catchment Area thereby ensuring compliance with Policy EP7 of the Perth and Kinross Local Development Plan 2014.

## **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 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
- 5 No work shall be commenced until an application for building warrant has been submitted and approved.
- 6 The applicant is advised that the Executive Director of Education & Children's Services can give no guarantee that any school age children arising from this development application can be accommodated at Fossoway Primary School. This will result in such children being placed in the nearest school with capacity to accommodate them.
- 7 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

- 8 The applicant is advised that in terms of Sections 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.
- 9 The applicant is advised to take full account of Perth and Kinross Council Waste Services Memo (dated 11/12/2014) consultation response.

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

**Plan and Document Reference**

09/00848/FLL/1	09/00848/FLL/9	09/00848/FLL/17
09/00848/FLL/2	09/00848/FLL/10	09/00848/FLL/18
09/00848/FLL/3	09/00848/FLL/11	09/00848/FLL/19
09/00848/FLL/4	09/00848/FLL/12	09/00848/FLL/20
09/00848/FLL/5	09/00848/FLL/13	09/00848/FLL/21
09/00848/FLL/6	09/00848/FLL/14	09/00848/FLL/22
09/00848/FLL/7	09/00848/FLL/15	14/02062/1
09/00848/FLL/8	09/00848/FLL/16	14/02062/2

## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	14/02062/FLL	
Ward No	N8- Kinross-shire	
Due Determination Date	26.01.2015	
Case Officer	Callum Petrie	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Renewal of permission (09/00848/FLL) erection of 3 dwellinghouses

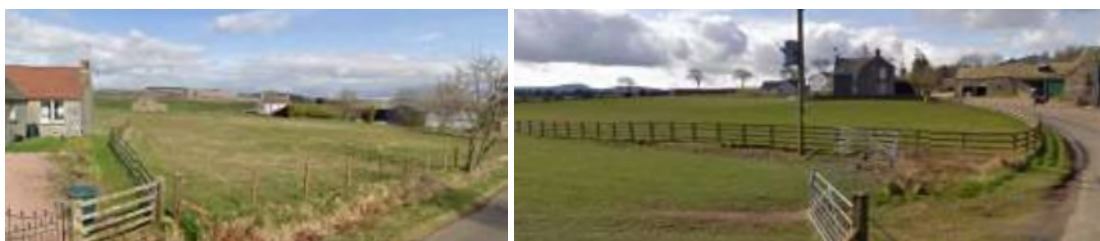
**LOCATION:** Tillyochie Farm Balado Kinross KY13 0NL

#### SUMMARY:

This report recommends **approval** of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

**DATE OF SITE VISIT:** 15 January 2015

#### SITE PHOTOGRAPHS



#### BACKGROUND AND DESCRIPTION OF PROPOSAL

This application relates to a site extending to 0.752 Ha, relating to the proposed renewal of consent for 3 new dwellinghouses and associated detached garages within the building group referred to as Tillyochie, on farmland to the South West of Kinross.

The wider site and surrounding environs have a longstanding history, relating primarily to the erection of new build residential units for farm workers. Two previous applications were submitted for housing in the area outlined

(07/01127/FUL & 08/00980/FUL refers). Historical proposals failed due to unaddressed concerns over the servicing of the plots and potential flood risk.

The submission of planning application 09/00848/FLL addressed all outstanding conflicting policy items; with the proposals consisting of two detached plots on the north side of the minor public road (adjacent to an existing field ruin), with the remaining detached plot and combined soakaway area on the south side of the road (to the rear of the existing farmhouse).

## **SITE HISTORY**

08/00980/FUL Erection of 3 houses and garages 29 October 2008 Application Refused.

09/00848/FLL Erection of 3 dwellinghouses and garages 8 December 2011 Application Permitted.

15/00819/MPO Modification of planning obligation (09/00848/FLL - Erection of 3 dwellinghouses and garages) relating to section 75 agreement 8 July 2015 Application Permitted.

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: Nothing formal in relation to the renewal.

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

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

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

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

### **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**



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

The principal policies are, in summary:

#### Policy 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 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 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 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 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 EP7A - Drainage within the Loch Leven Catchment

Total phosphorus from development must not exceed the current level permitted by the discharge consents for Kinross and Milnathort waste water treatment works together with the current contribution from built development within the rural area of the catchment.

#### Policy EP7B - Drainage within the Loch Leven Catchment

Developments within the Loch Leven Catchment Area will be required to connect to a publicly maintained drainage system incorporating phosphorus reduction measures. Exceptions will only be permitted where they are in accordance with criteria set out.

#### **Policy EP7C - Drainage within the Loch Leven Catchment**

Where EP7A and EP7B cannot be satisfied, proposals will be refused unless they are capable of removing 125% of the phosphorus likely to be generated by the development from the catchment.

### **OTHER POLICIES**

#### **Housing in the Countryside Guide 2014**

The current Housing in the Countryside Guide was approved by the Council in October 2014. The Guide supports policy RD3, which applies over the whole local authority area of Perth and Kinross. The policy 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.

#### **Development Contributions 2014**

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

### **CONSULTATION RESPONSES**

Contributions Officer – As per original agreed S.75

Community Waste Advisor - Environment Service – Advised of minimum requirements.

Scottish Environment Protection Agency – Original review identified no drainage details pertaining to original 2009 consent. Submission of details in July 2015 allowed SEPA to review position and advise no objection, subject to conditions.

Scottish Natural Heritage – No objection, subject to conditions to secure Loch Leven drainage improvements.

Education and Children's Services – Continue to apply.

Transport Planning Internal Discussions – No objection, consistent with position of 2009 assessment and decision.

Scottish Water – No objection.

## **REPRESENTATIONS**

No representation(s) received.

## **ADDITIONAL STATEMENTS RECEIVED:**

Environment Statement	Not Required.
Screening Opinion	Not Required.
Environmental Impact Assessment	Not Required.
Appropriate Assessment	Not Required.
Design Statement or Design and Access Statement	Not Required.
Report on Impact or Potential Impact eg Flood Risk Assessment	Submitted, follow up (missing) drainage information submitted in relation to LLC.

## **APPRAISAL**

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

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

### **Policy Appraisal**

Original assessment of development and policy interpretation agreed that this organic rural building group could accommodate new houses in principle. The design and layout was deemed compatible with the rural area and necessarily erode character or setting of the building group. Adequate open space and undeveloped land surrounds the plots and affords an opportunity to suitably landscape the units into the established area. Remaining policy areas to address surround the private drainage proposals in the context of Loch Leven

and continued application of developer contributions through an updated legal agreement.

### **Design and Layout**

Original assessment deemed the design, scale and finishes of the houses and garages to be compatible with, and sympathetic to the rural surroundings and traditional architectural character of the area.

Consistent with original officer assessment, the house types, scales, finishes and layout are considered appropriate in this context with no adverse impact calculated.

### **Landscape**

No adverse impact calculated on landscape in this context. Consistent with original assessment and recommendations, it is considered appropriate to condition for strong boundary landscape features in the form of native species hedging.

### **Residential Amenity**

No adverse impact calculated on existing or proposed residential amenity in this case, consistent with original appraisal.

### **Visual Amenity**

Consistent with extant consent, no adverse impact calculated on visual amenity, with the proposals relating to the original building group of Tillyochie.

### **Roads and Access**

Consistent with historic assessment, the transport colleague reviewing the position was comfortable to not object on the basis the original conditions were re-applied. The case officer discussed the original conditions further with transport colleague and it was agreed some of the original conditions were not surplus to requirements or would require further re-wording in order to apply across all three plots. The roads and access conditions now proposed reflect this updated position.

### **Drainage and Flooding**

Loch Leven catchment. Although this was an application for renewal, the drainage policy position and protocol has now been amended from that of the original application. The planning authority can now look to control drainage matters via condition, as opposed to legal agreement. Unfortunately, the required drainage information was established to be 'missing' from the original file. Given this anomaly, the officer applied 'stop the clock' to allow for the required drainage information to be re-produced and presented to SEPA. With these matters fully addressed, both SEPA and SNH were comfortable to allow

for the new consent to adopt the conditional route as agreed in the protocol and remaining consistent with policies EP7A and EP7B.

A detailed flood risk assessment was historically prepared in support of the 09 application, which satisfied original outstanding concerns over finished floor levels and surface water disposal. This remains the position as part of the current re-submission.

### **Developer Contributions**

A legal agreement relates to the original planning consent 09/00848/FLL. 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 Fossoway Primary School.

This proposal is a renewal of existing consent 09/00848/FLL. The requirements of the agreed S.75 Legal Agreement should continue with any renewal of consent, which is set at a lower contribution level of £6105 per dwelling.

### **Economic Impact**

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

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to 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 approval subject to conditions.

### **APPLICATION PROCESSING TIME**

The recommendation for this application has not been made within the statutory determination period. A period of time passed to allow for 'missing' drainage information relating to Loch Leven catchment to be completed, submitted and reviewed. In addition to stop the clock, the application is also subject to a further stop the clock to cover the revised legal agreement 15/00819/MPO to account for futureproofing and amended loch leven catchment process, and is also accounted for through a planning processing



agreement to give certainty to both the applicant and council of a final determination date.

## **LEGAL AGREEMENTS**

A modified legal agreement is required to account for the revised planning reference (including futureproofing) and removal of loch leven catchment obligations which shall now be covered by condition (in line with agreed protocol).

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

**Approve the application**

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

1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning permission.

Reason - To ensure that the development is carried out in accordance with the plans approved.

2 Samples of all external finishing materials for the houses and garages; shall be submitted for the approval of the Planning Authority prior to the commencement of the development. The finishes; as approved shall be implemented prior to the occupation and or use of the development.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

3 Prior to the commencement of work, full details shall be provided of the hard and soft landscaping of the site, which shall include the planting of native species hedgerow's as boundary enclosures. The scheme as subsequently approved shall be implemented as part of the site development programme and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

4 The gradient of each principal access identified shall not exceed 3% for the first 5.00 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public road.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

5 No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by Perth and Kinross Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

Reason - The site lies adjacent to an area of archaeological interest.

6 The foul drainage infrastructure capable of achieving not less than 125% phosphorus mitigation associated with this development shall be undertaken in a phased manner:-

- a) No development shall commence on the approved development site until the mitigating foul drainage infrastructure has been installed at the following property:
- o Tillyochie Farm, Tillyochie, Kinross, KY13 0NL

For the avoidance of any doubt the installed drainage infrastructure at the remote property/properties as approved shall be retained all to the reasonable satisfaction of the Planning Authority.

- b) Following the installation of the foul drainage infrastructure at the remote property/properties the development site shall only be occupied once the foul drainage infrastructure for the development site has been installed and the existing Tillyochie Farm house drainage infrastructure decommissioned. For the avoidance of any doubt, the installed drainage infrastructure at Tillyochie Farm as approved shall be retained in perpetuity unless otherwise agreed in writing (in consultation with SEPA).

Reason - To ensure appropriate drainage arrangements are in place to remove phosphorus from the Loch Leven Catchment Area thereby

ensuring compliance with Policy EP7 of the Perth and Kinross Local Development Plan 2014.

- 7 No development shall commence until the applicant has submitted approved CAR licence(s) under the Water Environment (Controlled Activities)(Scotland) Regulations 2005 for the drainage infrastructure associated with this project to the Planning Authority and the Planning Authority has confirmed receipt of the documentation in writing.

Reason - To ensure appropriate drainage arrangements are in place to remove phosphorus from the Loch Leven Catchment Area thereby ensuring compliance with Policy EP7 of the Perth and Kinross Local Development Plan 2014.

### **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 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
- 5 No work shall be commenced until an application for building warrant has been submitted and approved.

- 6 The applicant is advised that the Executive Director of Education & Children's Services can give no guarantee that any school age children arising from this development application can be accommodated at Fossoway Primary School. This will result in such children being placed in the nearest school with capacity to accommodate them.
- 7 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.
- 8 The applicant is advised that in terms of Sections 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.
- 9 The applicant is advised to take full account of Perth and Kinross Council Waste Services Memo (dated 11/12/2014) consultation response.

### **Procedural Notes**

The application decision notice cannot be issued until a revised legal agreement is registered.

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

09/00848/FLL/1

09/00848/FLL/2

09/00848/FLL/3

09/00848/FLL/4

09/00848/FLL/5

09/00848/FLL/6

09/00848/FLL/7

09/00848/FLL/8

09/00848/FLL/9

09/00848/FLL/10

09/00848/FLL/11

09/00848/FLL/12

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09/00848/FLL/14

09/00848/FLL/15

09/00848/FLL/16

09/00848/FLL/17

09/00848/FLL/18

09/00848/FLL/19

09/00848/FLL/20

09/00848/FLL/21

09/00848/FLL/22

14/02062/1

14/02062/2

**Date of Report 15.09.2015**



**LRB-2020-12 – 19/02087/FLL – Erection of 3 dwellinghouses, land 30 metres south west of Leiland House and 50 metres south east of Tillyochie Farmhouse, Balado**

**PLANNING DECISION NOTICE** *(included in applicant's submission, pages 161-162)*

**REPORT OF HANDLING** *(included in applicant's submission, pages 163-173)*

**REFERENCE DOCUMENTS** *(included in applicant's submission, pages 183-205 and 221-275)*



**LRB-2020-12 – 19/02087/FLL – Erection of 3 dwellinghouses, land 30 metres south west of Leiland House and 50 metres south east of Tillyochie Farmhouse, Balado**

## **REPRESENTATIONS**



24<sup>th</sup> December 2019

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](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Local Planner

**KY13 Balado Leiland House Land 30M South West**  
**PLANNING APPLICATION NUMBER: 19/02087/FLL**  
**OUR REFERENCE: 786738**  
**PROPOSAL: Erection of 3 dwellinghouses**

**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**

- Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

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



## **Surface Water**

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

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, 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](mailto:sw@sisplan.co.uk)**

**[www.sisplan.co.uk](http://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-and-Developers/Connecting-to-Our-Network>

#### **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](http://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](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found 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](http://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](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

**Angela Allison**



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

<b>Planning Application ref.</b>	19/02087/FLL	<b>Comments provided by</b>	Richard Hamilton
<b>Service/Section</b>	TES/Flooding	<b>Contact Details</b>	Ex. 75529 rthamilton@pkc.gov.uk
<b>Description of Proposal</b>	Erection of 3 dwellinghouses		
<b>Address of site</b>	Land 30 Metres South West Of Leiland House And 50 Metres South East Of Tillyochie Farmhouse Balado		
<b>Comments on the proposal</b>	<p>No objection subject to a condition to show that the soakaways are designed suitably. Recommended condition: -</p> <p>Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.</p>		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>	<a href="#">PKC Flooding and Flood Risk Guidance Document (June 2014)</a>		
<b>Date comments returned</b>	06/01/2020		



# Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	19/02087/FLL	Our ref	NK
Date	6 January 2020	Tel No	01738 476444

Housing & Environment

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## **Consultation on an Application for Planning Permission**

### **RE: Erection of 3 dwellinghouses Land 30 Metres South West Of Leiland House And 50 Metres South East Of Tillyochie Farmhouse Balado for Mr R Paterson**

I refer to your letter dated the 20 December 2019 in connection with the above application and have the following comments to make.

#### **Recommendation**

I have no objection in principle to the application provided that the under noted condition be included on any given consent.

#### **Comments**

This application contains the provision of a wood burning stove within the living room and lounge of each of the 3 proposed two storey dwellinghouses. The proposed dwellinghouses will be situated on vacant agricultural land and will be approximately 20 metres from the nearest residential property. I am concerned that smoke/odour from the stove could impact on the residential amenity of surrounding properties if not properly controlled.

Perth and Kinross Council have a duty to assess biomass boilers for capacity within the range of 50kW to 20MW in terms of nitrogen dioxide and particulate matter based on their effect on air quality in the area. However, as this application is for the introduction of two domestic sized stoves into each of the 3 proposed dwellinghouses this will not be necessary, and I therefore have no adverse comments to make with regards to air quality.

As to the potential for smoke or odour nuisance, this Service has seen an increase in complaints with regards to smoke and odour due to the installation of biomass appliances within domestic properties. This can be caused due to poor installation and maintenance of the biomass appliances and inadequate dispersion of emissions due to the inappropriate location and height of a flue with regards to surrounding buildings.

I note from the submitted plans that the proposed flues will terminate above roof ridge height and the proposed dwellinghouses sit in a reasonably open site and therefore this will help to aid dispersion of emissions. I would advise that smoke/odour could be further minimised by using fuel recommended by the manufacturer.

Considering the above, I would have no objections in principle to the application provided that the under noted condition be included on any given consent.



## **Conditions**

**EH50** The stove shall be installed, operated and maintained in full accordance with the manufacturer's instructions and shall not be used to burn fuel other than that approved for use by the manufacturer of the appliance.

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

<b>Planning Application ref.</b>	19/02087/FLL	<b>Comments provided by</b>	Euan McLaughlin
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Negotiations Officer:</b> Euan McLaughlin [REDACTED] [REDACTED]
<b>Description of Proposal</b>	Erection of 3 dwellinghouses		
<b>Address of site</b>	Land 30 Metres South West Of Leiland House And 50 Metres South East Of Tillyochie Farmhouse, Balado		
<b>Comments on the proposal</b>	<p><b>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</b></p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of Fossoway Primary School.</p> <p>Education &amp; Children's Services have no capacity concerns in this catchment area at this time.</p>		
<b>Recommended planning condition(s)</b>	<p><b>Summary of Requirements</b></p> <p>Education: £0</p> <p><b><u>Total:</u> £0</b></p>		
<b>Recommended informative(s) for applicant</b>			

<b>Date comments returned</b>	09 January 2020

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

<b>Planning Application ref.</b>	19/02087/FLL	<b>Comments provided by</b>	Lachlan MacLean Project Officer – Transport Planning
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	TransportPlanning@pkc.gov.uk
<b>Description of Proposal</b>	Erection of 3 dwellinghouses		
<b>Address of site</b>	Land 30 Metres South West Of Leiland House And 50 Metres South East Of Tillyochie Farmhouse, Balado		
<b>Comments on the proposal</b>	<p>The applicant has demonstrated that there is a sufficient visibility splay for this location, at this time of assessing this application. Road Safety have confirmed that the 85%ile speed in this location was approximately 40mph when last assessed, so the visibility splay can be relaxed from the full visibility splay.</p> <p>Insofar as the Roads matters are concerned I have no objections to this proposal on the following conditions.</p>		
<b>Recommended planning condition(s)</b>	<p>The gradient of each principal accesses identified shall not exceed 3% for the first 5.00 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public road.</p> <p>Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.</p> <p>Prior to the Plot 3, detailed in Drawing Number <i>11595-S-11'c'</i>, hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth &amp; Kinross Council's Road Development Guide Type B Figure 5.6 access detail with 3 metre radius kerbing, of Type B Road construction detail. The type B Road construction detail shall continue for a minimum distance of 3 metres back from the carriageway edge.</p> <p>Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.</p>		
<b>Recommended informative(s) for applicant</b>	<p>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.</p>		
<b>Date comments returned</b>	20 January 2020		



# KINROSS-SHIRE CIVIC TRUST

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

Chairman: Alistair Smith, Ashtrees, Wester Balgedie, Kinross, KY13 9HE

Secretary: Eileen Thomas, 50 Muirs, Kinross, KY13 8AU

Email: KinrossshireCivicTrustSecy@gmail.com

Development Management

Perth & Kinross Council

by email to : developmentmanagement@pkc.gov.uk

24 January 2020

Dear Sir/Madam

**19/02087/FLL Erection of 3 dwelling houses, land 30m SW of Leiland House and 50m SE of Tillyochie Farmhouse, Balado**

Kinross-shire Civic Trust wishes to object to the above application.

The applicant states on the application form that he is proposing to make private drainage arrangements ("Sewage Treatment Plant for foul water with discharge to land via soakaway. Surface water to soakaway.") Although the locations of these are shown on the plans, there are no technical details of the methods available to view on Public Access. As the proposed development is located within the Loch Leven Catchment Area, such details must be provided and the methods and mitigation must satisfy the local authority to comply with Policy 46 of Perth & Kinross Local Development Plan 2 (LDP2). Our understanding is that SEPA must be consulted but SEPA does not appear on the list of consultees on the planning record on Public Access for this application.

The proposals appears to attempt to create a building group where none exists at present and is therefore contrary to Policy 19 (Housing in the Countryside) of LDP2.

The proposed houses are very large, urban, executive style compared with the existing dwellings in the vicinity. The design and scale of the proposed dwellings would not complement their surroundings and would not respect the character of the area. The proposal is therefore contrary to Placemaking policies in LDP2.

Yours faithfully

Kinross-shire Civic Trust

cc Kinross-shire Ward Councillors  
Kinross Community Council

President – Professor David Munro MBE, Chairman – Mr Alistair Smith,  
Secretary – Mrs Eileen Thomas, Treasurer – Mr Ken Miles



