

TCP/11/16(453)
Planning Application – 16/01532/IPL – Erection of a dwellinghouse (in principle) on land 30 metres North of Alltnashiel, Main Road, Woodside

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TCP/11/16(453)

Planning Application – 16/01532/IPL – Erection of a dwellinghouse (in principle) on land 30 metres North of Alltnashiel, Main Road, Woodside

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name Mr. DAVID and Mrs. MARGARET MYLES

Address 3, THE LEAS,
MUTTON LANE,
BRANDESTON,
WOODBIDGE, SUFFOLK

Postcode IP13 7AR

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

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

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

Yes ☒ No ☐

Planning authority

PERTH AND KINROSS COUNCIL

Planning authority's application reference number

16/01532/1PL

Site address

THE GREEN, WOODSIDE, BURRELTON, PERTHSHIRE PH13 9NL
(LAND 30 metres NORTH OF ALTNASHIEL, MAIN ROAD, WOODSIDE)

Description of proposed
development

ERECTION OF A DWELLINGHOUSE (IN PRINCIPLE)

Date of application

2/9/2016

Date of decision (if any)

4/10/2016

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

Nature of application

1. Application for planning permission (including householder application) ☐
2. Application for planning permission in principle ☒
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

Reasons for seeking review

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

Review procedure

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

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

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

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

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

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

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

Statement

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

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

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

PLEASE SEE ACCOMPANYING STATEMENT OF MATTERS FOR
CONSIDERATION.

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

Yes ☐ No ☒

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

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

1. STATEMENT OF MATTERS FOR CONSIDERATION
2. COPY OF THE SCOTTISH OFFICE INQUIRY REPORTERS' LETTER OF 3rd. JULY 1991.

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

Checklist

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

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

Declaration

~~We the applicant/s~~ **Agent** [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date



Planning Application Number 16/01532/IPL

Notice of Review of Refusal

Statement of Matters for consideration

1. The Reasons for Refusal states that “...The entire application site is located within a category 1, medium to high flood risk area (1 in 200 year) and serves as the functional flood plain for the Wellsies Burn”.

This statement is questioned as to its full accuracy for the whole of the application site.

The Indicative Flood Map from SEPA is not available at a sufficiently large magnification to provide complete clarity as to where the coloured flood risk area ends. It is submitted that a sufficient area of the development site to accommodate a suitably designed single dwelling is, at worst, affected by no more than medium flood risk. Policy EP2 provides that “low to medium flood risk are suitable for most forms of development”.

Surely an appropriately designed single dwelling could be accommodated on the part of the application site furthest from the Wellsies Burn and be outwith the flood plain and not within the general presumption against built development relied upon for refusal of the application.

2. Planning Consent under reference 07/01845/FUL has already been given for the erection of dwellings on the land immediately adjoining the application site to the north, the lowest part of which (including the site of one of the four proposed houses) lies at a barely discernibly higher level than the application site. This grant of Planning Consent reinforces the view that not all of the application site is within the high flood risk designation.

3. Clearly Planning Consent must have been given for the erection of the house named Altnashiel, which lies 30 metres to the south of the application site, on the opposite side of the Wellsies Burn, and at no higher level than the application site. It would be unjust and illogical for building to be permitted on one side of the Burn but not on the other side at similar level.

4. Under reference H17, the Local Development Plan for Burrelton/Woodside designates as an area for residential development land which is quite close to the application site, which also borders the Wellsies Burn, and part of which is no less affected than the application site by the flood risk area shown on the SEPA Indicative Flood Map. It is inequitable for erection of dwellings to be regarded as acceptable on H17 but not acceptable for a single dwelling on the application site.

5. Concerns about flood risk for a single dwelling on the application site could readily be met by conditions for a building to incorporate resilience measures, such as ensuring that only garaging and utility/storage areas would be sited on the ground floor, and by “wet proofing” design and construction requirements.

6. The SEPA Flood Risk Management Strategies website shows that “... the postcode [*for the application site*] is not within a Potentially Vulnerable Area...”

7. In 1990 we made an application for Outline Planning Permission for the erection of two dwellinghouses on the application site. This was refused and we appealed that refusal. A copy is attached of the decision letter dated 3rd July 1991 from the Scottish Office Inquiry Reporters, and it will be seen from this that although risk of flooding was amongst other matters considered (paragraph 6), permission for a single dwelling would have been granted had it not been for drainage constraints which had arisen between the date of the Planning Application and the date of the Appeal decision (see paragraph 13).



THE SCOTTISH OFFICE

Inquiry Reporters

Mr & Mrs D P Myles
Rookery Farm House
Hamerton
HUNTINGDON
PE17 5QU

2 Greenside Lane
EDINBURGH
EH1 3AH

Telephone 031-557 3883
Fax 031-557 3883

Our Ref: P/PPA/TC/332

Date: 3 July 1991

Dear Sir and Madam

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972: SECTION 33 AND SCHEDULE 7
PLANNING APPEAL: THE GREEN, WOODSIDE, COUPAR ANGUS

1. I refer to your appeal, which I have been appointed to determine, against the decision of Perth & Kinross District Council to refuse outline planning permission for the erection of 2 dwellinghouses at The Green, Woodside, Coupar Angus. I have considered the written submissions concerning the appeal, and made an accompanied inspection of the site and its surroundings on 15 April 1991.

2. The appeal site is an open strip of land, about 0.14ha in extent, with frontages on to Manse Road to the west and Main Road to the south-east. It is close to the angled intersection of the two roads; a triangular plot to the south of the appeal site is at the junction, and accommodates 2 recently-erected houses. Wellsies Burn runs along the southern site boundary, separating it from the housing site. To the north there are older dwellings with substantial gardens. Three gates in the northern boundary provide access to these garden areas.

3. The proposal is for 2 dwellinghouses side by side, with access from Manse Road along the burn on the southern boundary. You have, however, indicated in your grounds of appeal that you would be content if permission were to be granted for only a single dwelling.

4. The council refused permission because it was considered that "the site by virtue of its narrow shape and its close proximity adjacent to two new houses would result in overdevelopment which would be detrimental to amenity and to the character of the surrounding area".

5. Expanding on this reason the council refers to the site as providing a valuable buffer between existing houses and the new development to the south. The proposal was not assessed simply on a comparison of densities. The site is in a semi-rural area, and contributes a sense of rural quality and open aspect. The access to the second dwelling would be unacceptably narrow, and inappropriate in a semi-rural area. Although it was not known when the application was determined, Tayside Regional Council has since imposed a main drainage constraint until the existing sewerage system can be upgraded; this is not scheduled within the current drainage plan to 1996.

6. A number of local residents have objected to the proposals, particularly on grounds of loss of amenity. It is stated that site has for many years been common ground with access for grazing and a bleaching green. It provides a public right of way between the 2 roads. Other areas of concern are the responsibility for repair and upkeep of Manse Road, which falls on the frontagers, and risk of flooding.

7. You submit that on the basis of the density permitted on the triangular site to the south of the appeal site, there would be adequate room for 2 houses on the appeal site. The width would be sufficient to allow a driveway to be run to the second plot. The new houses would not need to be close to the existing dwellings, which are closer to each other than they would be to those on the appeal site. The character of the area is determined, in part, by the density of development already permitted; to prohibit other similar development would be grossly unfair.

8. The land has been in your family's ownership for more than 100 years. The development permitted on the adjoining land has reduced the usefulness of the site. If the council had wished to maintain a buffer this would have been more effectively achieved by refusing permission for the land to the south. The council has accepted that the site would be suitable for a single dwelling. Regarding the drainage objection, you submit that the drainage from 2 dwellings would be minuscule.

CONCLUSIONS

9. From my inspection of the site and its surroundings and from the representations made, I consider the principal issues in this case to be whether the proposal would constitute an unacceptable overdevelopment of the site, and whether it would be possible to adequately service the proposed housing.

10. On the first issue I find that the 2 dwellings proposed would have a restricted level of amenity, especially when compared with the general level of residential amenity found in Woodside. Both would have small garden areas, the slightly larger one to the west having to accommodate the driveway to its neighbour. Both would have a principal outlook to the south on to an adjoining property only a few metres away. In my opinion 2 houses in such close proximity to each other and to adjoining dwellings would constitute an unacceptably cramped layout which would be seen as overdevelopment of the site.

11. These criticisms would not apply to the siting of a single dwelling, which could be located to take advantage of the views to east and west within the site itself. I note that such a restriction would be acceptable to you.

12. However, turning to the second issue, it is clear from the Divisional Engineer's response to my request for information that the drainage problems of Woodside/Burrelton have reached a critical point. Although he accepts that an additional one or two houses would probably make very little difference to effluent quality, this is clearly an argument which could be applied to each additional house proposed within the area. He has therefore decided that a line must be drawn, and no further development permitted until upgrading works have been carried out. I defer to his professional judgement in this respect. I appreciate that

3 July 1991

this matter was not known by the planning authority at the time of their decision, but in determining the appeal I am empowered to consider the application as if it had been made to me in the first instance. The drainage constraint is therefore a material consideration, which it would be improper for me to ignore.

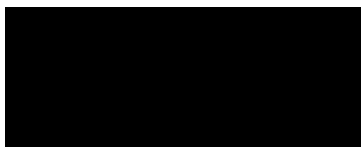
13. In view of the conclusion I reached in para 11, I have considered whether it would be appropriate to grant planning permission for a single dwelling subject to a suspensive condition relating to drainage. However, planning permissions are normally valid for 5 years, and I see no realistic prospect of the drainage problems being resolved within that period. A suspensive condition would effectively prevent the consent from being implemented, and would therefore be unreasonable. In the circumstances I find no alternative to refusal of permission.

14. The questions of title to the land and of any public rights of way are legal considerations which do not have a direct bearing in determining whether planning permission should be granted. I have taken account of all the other matters raised in the representations, but they do not outweigh the considerations which have led to my conclusion. Accordingly, in exercise of the powers delegated to me, I hereby dismiss this appeal.

15. The foregoing decision is final, subject to the right of any aggrieved person to apply to the Court of Session within 6 weeks from the date hereof, as conferred by sections 231 and 233 of the Town and Country Planning (Scotland) Act 1972; on any such application the Court may quash the decision if satisfied that it is not within the powers of the Act or that the applicant's interests have been substantially prejudiced by a failure to comply with any requirement of the Act or of the Tribunals and Inquiries Act 1971 or of any orders, regulations or rules made under these Acts.

16. A copy of this letter is being sent to Perth & Kinross District Council and interested persons will be notified of the outcome of the appeal.

Yours faithfully



J D GRAINGER
Principal Reporter

TCP/11/16(453)

Planning Application – 16/01532/IPL – Erection of a dwellinghouse (in principle) on land 30 metres North of Alltnashiel, Main Road, Woodside

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS

PERTH AND KINROSS COUNCIL

Mr And Mrs David And Margaret Myles
3 The Leas
Mutton Lane
Brandeston
Woodbridge
IP13 7AR

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 04.10.2016

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **16/01532/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 5th September 2016 for permission for **Erection of a dwellinghouse (in principle) Land 30 Metres North Of Altnashiel Main Road Woodside** for the reasons undernoted.

Interim Head of Planning

Reasons for Refusal

1. The proposal is contrary to Policy EP2 of the Perth and Kinross Local Development Plan 2014 which states that there is a general presumption against built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source. The entire application site is located within a category 1, medium to high risk flood risk area (1 in 200 year) and serves as the functional flood plain for the Wellsies Burn.

Justification

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

Notes

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

Plan Reference

REPORT OF HANDLING

DELEGATED REPORT

Ref No	16/01532/IPL	
Ward No	N2- Strathmore	
Due Determination Date	04.11.2016	
Case Officer	John Williamson	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a dwellinghouse (in principle)

LOCATION: Land 30 Metres North Of Altnashiel Main Road Woodside

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: 8 September 2016

SITE PHOTOGRAPHS





BACKGROUND AND DESCRIPTION OF PROPOSAL

Planning permission in principle is sought for residential development on a rectangular area of land which sits between the A94 and School Road in Woodside. The site is approximately 0.15 hectares in size and is currently unoccupied and surrounded by scrub like trees and rough planting. The application site is bound to the south by the Wellsies Burn, to the west by School Road and the east by the A94. To the north lies the garden ground of residential properties.

SITE HISTORY

None

PRE-APPLICATION CONSULTATION

Pre application Reference: 10/01189/PREAPP

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 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 RD1 - Residential Areas

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

Policy 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 EP3B - Water, Environment and Drainage

Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

Policy EP3C - Water, Environment and Drainage

All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

Policy TA1B - Transport Standards and Accessibility Requirements

Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public

transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy NE2B - Forestry, Woodland and Trees

Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

Policy NE3 - Biodiversity

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

OTHER POLICIES

None

CONSULTATION RESPONSES

INTERNAL

Environmental Health – Yet to be received but not awaited due to the recommendation of refusal

Transport Planning – no response within statutory period

Contributions Officer – condition recommended regarding transport and education infrastructure contributions

Local Flood Prevention Authority - objection on flood risk grounds

EXTERNAL

Scottish Water – no response within statutory period

REPRESENTATIONS

One letter of representation has been received which objects to the application. The comments raised may be summarised as follows:

- Impact on residential amenity
- Waste water drainage capacity

- Previous refusal due to “common land” designation

The issues above will be addressed within the appraisal section below.

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	Not Required

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.

Principle

The application site is located within the identified settlement of Woodside where policy RD1 of the Local Development Plan (LDP) applies. This states that residential development on infill sites will be generally encouraged where the proposed development relates to the established character of the area and respects its environs. In this instance the surrounding area is generally characterised by low density development of detached properties. Given the size of the site I consider the development of a single dwelling on this site would reflect the low density character of development in the locality and as such the principle of development meets the criteria outlined in policy RD1. The policy also requires new development to ensure that the residential amenity of the settlement is not detrimentally affected. As such the detailed design of a dwelling, its location on the plot and the position of windows would be a key consideration in any detailed application.

Flood Risk

Policy EP2 of the LDP states that there will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source or where the proposal would increase the risk of flooding elsewhere. The site is located to the immediate north of the Wellsies Burn and it was evident from my site visit given the topography of the area that the application site acts as a flood plain for the burn. Furthermore having examined SEPA's 2015 flood maps the entire site is identified as being at risk from low and medium risk flooding. The Council's Flood Prevention Officer has also been consulted and has objected to the application. They have indicated that if the applicant wished to contest this they would need to provide a full detailed flood risk assessment to demonstrate that the site is outwith the 1 in 200 year flood plain, finished floor levels of the house are above the 1 in 200 year (plus climate change) flood level and which demonstrates that no land raising will occur within the 1 in 200 year flood envelope. Given that it is clearly evident that the site is located entirely within the 1 in 200 year flood risk area I do not intend to request this information and consider the proposal contrary to Policy EP2 of the LDP.

Traffic/Access

It is not clear from the submitted plans where vehicular access is proposed. However it would be most logical for this to be taken from School Road to the west of the site. It would appear that this could be achieved in principle and the details could be secured through a condition to ensure compliance with Policy TA1B of the LDP which seeks to ensure the safety of pedestrians and vehicle users in new development.

Drainage

The application form indicates that the development is proposed to connect to the public drainage system and that surface water will be disposed of through a SUDS system. This is considered to be in accordance with policies EP3B and C of the LDP. A separate application to Scottish Water would be required to connect to their infrastructure and would be dependent on capacity available.

Developer Contributions

The Council's Supplementary Guidance relating to Developer Contributions, referred to in Policy PM3 of the LDP is relevant in this instance and indicates that a contribution toward education infrastructure and transportation infrastructure is required for this site. As such, given that this application is in principle a condition is recommended to secure the contribution should a detailed application be made.

Trees

It was evident during my site visit that there are trees occupying the site. To meet the requirements of policy NE2B a tree survey should be submitted as

part of any detailed submission to indicate what area of the site are appropriate for development. This could be secured by condition.

Bio Diversity

Given the proximity of the site to the watercourse and the presence of trees and shrubs on the site there is potential for the site to act as habitat for protected species and therefore in order to meet the requirements of Policy NE3 a bio diversity survey of the site should be secured through condition and submitted as part of a detailed proposal for the site.

Residential Amenity

Policy RD1 requires any new development to respect the amenity of residents in the local area. In this instance the application is only in principle, however there would appear to be scope to accommodate a building on the site, design dependant, without impacting on the amenity of neighbours. Nevertheless due to the reasons outlined above the application is recommended for refusal.

Common Land

A letter of representation has indicated that the site is designated as “common land”. I can find no reference to this and regardless of the ownership of the site I am required to determine the application under the Local Development Plan where the site is designated for residential or compatible uses in terms of land use zoning.

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 contrary to the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. 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 Refusal

The proposal is contrary to Policy EP2 of the Perth and Kinross Local Development Plan 2014 which states that there is a general presumption against built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source. The entire application site is located within a category 1, medium to high risk flood risk area (1 in 200 year) and serves as the functional flood plain for the Wellsies Burn.

Justification

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

Informatives

None

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

16/01532/1

16/01532/2

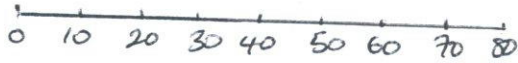
Date of Report 03.10.2016

16/01532/1

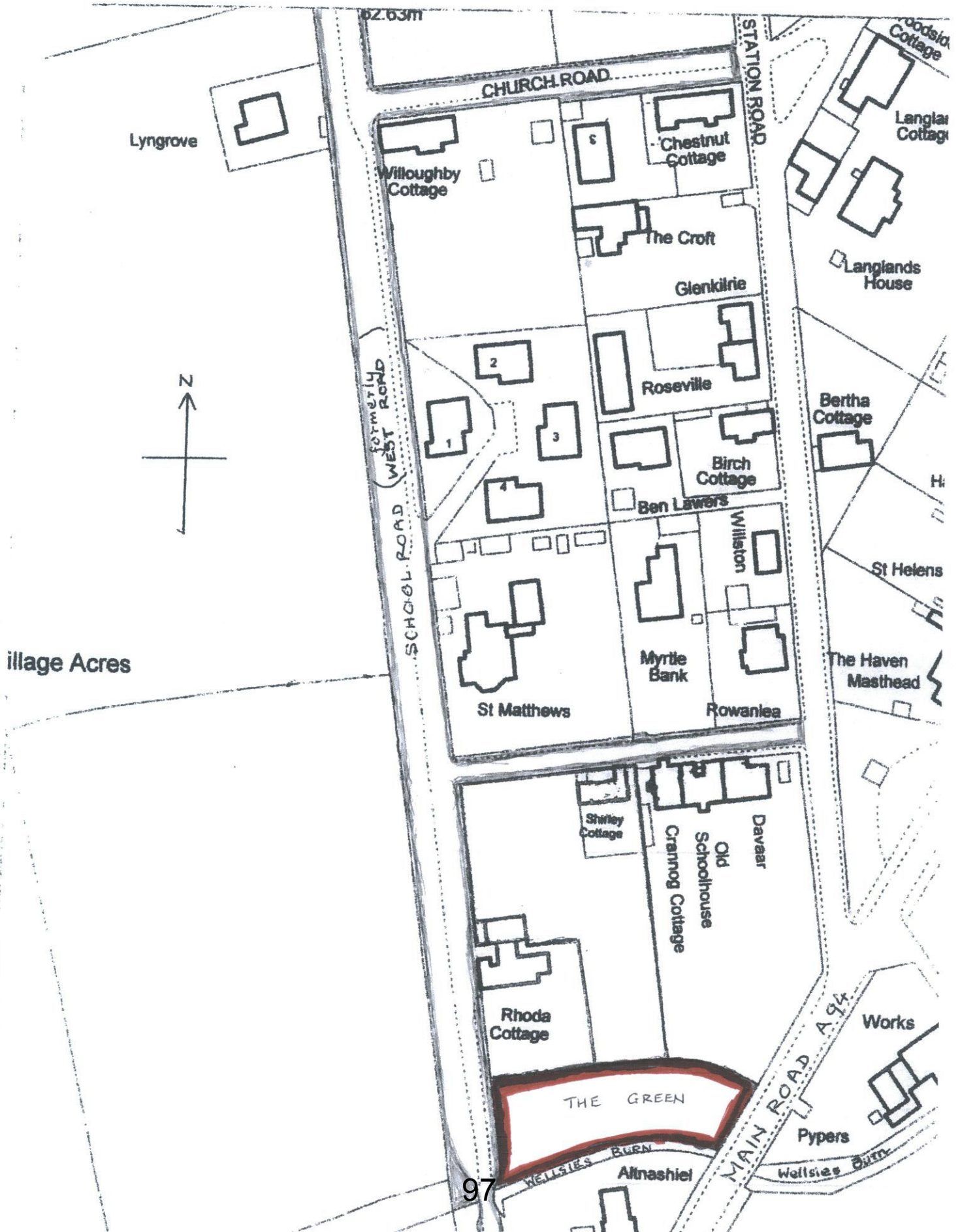
DRAWING REF:

LOCATION PLAN

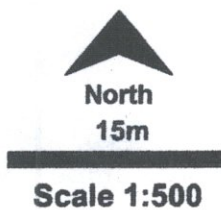
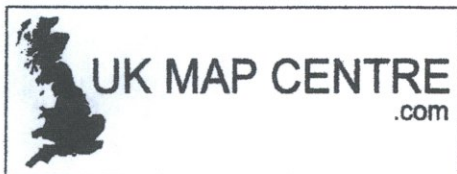
SCALE 1:1250



THE GREEN
WOODSIDE
BURRELTON
PH13 9NL



SITE PLAN



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 Production Date: 02/09/2016 12:58:31

The Green

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WOODSIDE
BURRELTON
PH13 9NL

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PERTH AND KINROSS COUNCIL

DRAWING REF: 16/01532/2

TCP/11/16(453)

Planning Application – 16/01532/IPL – Erection of a dwellinghouse (in principle) on land 30 metres North of Alltnashiel, Main Road, Woodside

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/01532/IPL	Comments provided by	Deniz McAndrew
Service/Section	TES – Flooding	Contact Details	
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 30 metres North of Altnashiel, Main Road, Woodside, Blairgowrie, PH13 9NL		
Comments on the proposal	<p>The proposed dwellinghouse would be located immediately adjacent to Wellsies Burn in Woodside. This area falls within the SEPA 1 in 200 year indicative flood envelope.</p> <p>Therefore, I object to this application on the grounds of flood risk.</p> <p>If the applicant wishes to contest this, a full flood risk assessment would need to be provided demonstrating that the site is out with the 1 in 200 year floodplain and finish floor levels are above the 1 in 200 year (plus climate change) flood level and also include a 600mm allowance for freeboard. No landraising would be permitted within the 1 in 200 year flood envelope.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant	Developer's Guidance note on flooding and drainage – June 2014.		
Date comments returned	09/09/2016		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/01532/IPL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin [REDACTED]
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 30 Metres North Of Altnashiel, Main Road, Woodside		
Comments on the proposal	<p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Burrelton Primary School.</p> <p>Transport Infrastructure</p> <p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p> <p>The application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.</p>		
Recommended planning condition(s)	<p>Primary Education</p> <p>CO01 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.</p> <p>RCO00 Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance</p>		

	<p>2016.</p> <p>Transport Infrastructure</p> <p>CO00 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to transport infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.</p> <p>RCO00 Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.</p>
Recommended informative(s) for applicant	N/A
Date comments returned	19 September 2016

RECEIVED

26 SEP 2016

DW

Alltnashiel
Woodside
Blairgowrie
Perthshire
PH13 9NL

September 22, 2016

Perth & Kinross Council
Planning Department
Pullar House
Perth
PH1 5GD



Dear Sir/Madam,

Planning Application Ref. 16/01532/IPL

We write with reference to the above planning application to build a dwelling house on the land 30 metres north of Alltnashiel, Main Road, Woodside and would lodge our objections for the following reasons.

- 1) We understand that planning permission has already been refused on this ground as it is designated "common land".
- 2) Concern has been expressed in the past about the waste water capacity in Woodside and a number of properties have been added in the last few years. As this proposed property is adjacent to our land and the waste water pipe runs within our site we are worried that the problem, which we have had on a number of occasions in the past, of raw sewage overflowing our garden will happen more frequently.
- 3) Any building on this land would overlook our property and therefore interfere with our privacy.

Yours faithfully

[Redacted signature]
William Service

[Redacted signature]
Sandra M Service

PS Please note the correct spelling of our house name is Alltnashiel and ensure it is correctly recorded in all Council records.

Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref PK16/01532/FLL

Our ref LJ

Date 3 October 2016

Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

PK16/01532/IPL RE: Erection of a dwellinghouse (in principle) land 30m north of Altnashiel Main Road Woodside for Mr and Mrs David and Margaret Myles

I refer to your letter dated 20 September 2016 in connection with the above application and have the following comments to make.

Contaminated Land (assessment date – 03/10/2016)

Recommendation

A search of the historic records did not raise any concerns regarding ground contamination and therefore I have no adverse comments to make on the application.

A handwritten signature in black ink, appearing to be 'HG' or similar, located below the recommendation text.

CHX Planning Local Review Body - Generic Email Account

From: Bill Service [REDACTED]
Sent: 17 January 2017 17:04
To: CHX Planning Local Review Body - Generic Email Account
Subject: Application ref 16/01532/IPL
Attachments: Planning application Sept 2016.wps

We would like to add to our comments made previously on the above application.
Noting the comments under the heading "Flood Risk" in the Delegated Report
we are concerned that should permission to build be granted, steps would be taken to reduce
the flood risk on the proposed site which would greatly increase the flood risk to our property.

Attached is a copy of our previous submission.
Yours Faithfully

William & Sandra Service

Alltnashiel
Woodside
Blairgowrie
Perthshire
PH13 9NL

17/01/2017

Perth & Kinross Council
Planning Department
Pullar House
Perth
PH1 5GDh

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Planning Application Ref. 16/01532/IPL

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- 3) Any building on this land would overlook our property and therefore interfere with our privacy.

Yours faithfully

William Service

Sandra M Service

PS Please note the correct spellings of our house name is Alltnashiel and ensure it is correctly recorded in all Council records.

