

TCP/11/16(463)

Planning Application – 16/01801/IPL – Erection of a dwellinghouse (in principle) on land 30 metres West of Drumgarland, Crook of Devon

INDEX

- (a) Papers submitted by the Applicant (***Pages 57-96***)
- (b) Decision Notice (***Pages 69-70***)
 - Report of Handling (***Pages 71-80***)
 - Reference Documents (***Pages 99-100***)
- (c) Representations (***Pages 101-124***)

TCP/11/16(463)

Planning Application – 16/01801/IPL – Erection of a dwellinghouse (in principle) on land 30 metres West of Drumgarland, Crook of Devon

**PAPERS SUBMITTED
BY THE
APPLICANT**



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100028405-002

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.

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:	Houghton Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Paul	Building Name:	
Last Name: *	Houghton	Building Number:	102
Telephone Number: *	07780117708	Address 1 (Street): *	High Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Dunblane
Fax Number:		Country: *	United Kingdom
		Postcode: *	FK15 0ER
Email Address: *	paul@houghtonplanning.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="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr and Mrs"/>	Building Name:	<input type="text" value="Drumgarland"/>
First Name: *	<input type="text" value="E"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Cameron"/>	Address 1 (Street): *	<input type="text" value="Crook Of Devon"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Kinross"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KY13 0UL"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

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" value="Drumgarland"/>
Address 2:	<input type="text" value="Crook Of Devon"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="Kinross"/>
Post Code:	<input type="text" value="KY13 0UL"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="700697"/>	Easting	<input type="text" value="304078"/>
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Description of Proposal

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

Erection of a dwellinghouse (in principle)

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.

See attached 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)

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 as submitted Report of Handling Decision Notice Local review statement Applicant's statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

16/01801/IPL

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

18/10/2016

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

15/12/2016

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)

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Please select a further procedure *

Holding one or more hearing sessions on specific matters

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)

See Local Review Statement

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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Private property with high hedges.

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 Paul Houghton

Declaration Date: 14/03/2017

Local Review Statement

This review is being submitted on behalf of the applicant following the refusal of planning permission on 15th December 2016. The application was refused under delegated powers for a single reason as follows.

“The proposed development is contrary to Policy EP2 'New Development and Flooding' as the site is assessed as being unsuitable for development due to the existing flood risk. The applicant has also failed to provide sufficient evidence to assess the level of risk or demonstrate appropriate mitigation measures to resolve the issue.”

In relation to other issues raised by the immediate neighbour and others, we defer to the Report of Handling in relation to those. This site is suitable for a single dwelling of appropriate design and, provided the case on flooding can be made, planning permission can be granted.

Turning to flooding, then it is fair to say that this matter is largely a difference of opinion between two neighbours as to how the area drains, and what caused a part of the application site to flood in the past. The applicant considers that the reason for that is related to lack of maintenance off-site, which has now been largely resolved, the neighbour disputes that has happened.

The applicant's reflections on this situation are set out in the Covering Letter submitted with the application and the further Applicant's Statement being submitted with this Local Review. Councillors are asked to refer to both.

The Local Review Body will note that the applicant is adamant that any issues can be remedied by simple upstream maintenance, which he would commit to assisting with, although he doesn't see that as the real cause of the problem, which was, instead, downstream maintenance across the road.

In relation to that downstream maintenance, this appears to be a particular point of contention and, again, the applicant offers his views on this in his Applicant's Statement. He is clear that *“the repair of the field drains in the woodland opposite our property was carried out in August 2013, on the instruction of the Penney's Wood Community Woodland Committee”*. He concludes that *“by common consent these works have made a very significant impact on the [flooding] issues in question. The residual challenge can be easily remedied”*.

It is appreciated that the Local Review Body may be reluctant to see this issue between neighbours escalate, but, in view of the clear differences in recollection and opinion, it seems clear that a hearing would be the best procedure to follow in this case. In that way, both applicant and neighbour, if she decides to be involved, can clearly articulate their respective cases.

If councillors conclude that this issue would be best resolved by somebody with the right technical pedigree reviewing the situation and reporting, the applicant suggests that the Local Review Body ask the PKC Flood Prevention Team to provide further comment on the supposed problem and possible mitigation measures.

Applicant's Statement

The drainage and sewage full capacity issue:

The support of Councillors Cuthbert and Giocapazzi for the proposed development of approximately 50 units in the field adjacent to and east of the Village Hall suggests strongly that this issue is now resolved.

No satisfactory definition of "capacity" has ever to the best of my knowledge (or theirs!) been offered, but it would appear there has been an issue related to rain water ingress to the system and this is a problem that is easily remedied.

The flooding issue:

I understand from historical records that the Back Crook may have formed part of a flood plain – but this was remedied in the 16th century by the re-direction of the River Devon from Loch Leven to the Forth Estuary?

In recent times, the problem of excess water has been restricted to a pool which forms solely as a result of rain water run-off at the base of the field adjacent to and west of Braeriach – the property adjoining ours.

As with the sewage capacity issue, albeit on a much smaller scale, this can be easily remedied at the input end with the provision of adequate field drains and other appropriate measures. It is not for me to speculate (knowing the characters involved) but the failure to address this to date may turn on some dispute involving the landowner, the farmer, and the occupant of Braeriach – as to who should pay. We can cut through this by providing an open-ended commitment to resolve this by committing to institute whatever protective and sustainable measures are required at our cost – the modest two/three bed property is intended for our own down-sizing purposes. Why would we build a house destined to be at risk of flooding?

Regarding the output issue.

In clear conflict with the report of Mrs Renny's consultant, the repair of the field drains in the woodland opposite our property was carried out in August 2013, on the instruction of the Penney's Wood Community Woodland Committee (a little earlier in fact than I had I think recollected). The work was completed by a very well respected and well regarded local contractor (David Johnman). The open ditch was cleared in August 2015 also by Mr Johnman. A decision was taken by the committee not to clear this in 2016, but to instruct this in spring 2017. This has now been done and the work is scheduled for completion, again by Mr Johnman, in w.c. 24th April. This is not a contractual under-taking, but is under-taken on an as-needed and as ground conditions permit basis.

I don't know who the "several members of the committee" referred to in Mrs Renny's consultant's submission might be, but Mrs Renny certainly approached the two authoritative record-keepers, the Secretary and the Treasurer, both of whom are clear that they could not have advised Mrs Renny as described by her or her consultant.

Where I think a problem could have arisen is in the minutes of the Woodland Committee. The work was clearly instructed, but its completion was not well recorded. In any event, the invoice and receipts for the works are held on the general ledger and available for inspection as required.

By common consent these works have made a very significant impact on the issues in question. The residual challenge can be easily remedied.

PERTH AND KINROSS COUNCIL

Mr and Mrs E Cameron
c/o Houghton Planning
Paul Houghton
102 High Street
Dunblane
United Kingdom
FK15 0ER

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 15.12.2016

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **16/01801/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 18th October 2016 for permission for **Erection of a dwellinghouse (in principle) Land 30 Metres West Of Drumgarland Crook Of Devon** for the reasons undernoted.

Interim Head of Planning

Reasons for Refusal

1. The proposed development is contrary to Policy EP2 'New Development and Flooding' as the site is assessed as being unsuitable for development due to the existing flood risk. The applicant has also failed to provide sufficient evidence to assess the level of risk or demonstrate appropriate mitigation measures to resolve the issue.

Justification

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

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

16/01801/1

REPORT OF HANDLING

DELEGATED REPORT

Ref No	16/01801/IPL	
Ward No	N8- Kinross-shire	
Due Determination Date	17.12.2016	
Case Officer	David Niven	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a dwellinghouse (in principle)

LOCATION: Land 30 Metres West Of Drumgarland Crook Of Devon

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: 18 November 2016

SITE PHOTOGRAPHS





BACKGROUND AND DESCRIPTION OF PROPOSAL

This application relates plot of ground to the west of the detached property known as Drumgarland which is located on the northern edge of Crook of Devon. The proposed site extends to the approximately 548sqm is presently an area of landscaped garden grounds associated with the existing house at Drumgarland. The site is bound to the north by a mature hedge beyond which lies the neighbouring house at Braeriach, to the west by the access to Braeriach and to the south by the public road.

In late 2015 an application for planning permission in principle was submitted for the erection of a house within the site. During the assessment of the application it was noted that the surface water flooding maps indicated that the site was at high risk to flooding and the Flood Prevention Officer raised concerns about the suitability of the site for residential development given the level of risk. In light of these concerns the applicant withdrew the application.

Planning permission in principle is again being sought for the erection of a dwellinghouse within the same site. As per the previous submission there are no indicative plans for the proposals. However the applicant's agent has submitted an additional statement which seeks to address the concerns previously raised in relation to the surface water flooding.

SITE HISTORY

Erection of dwellinghouse (in principle) 16 November 2015 Application Withdrawn

PRE-APPLICATION CONSULTATION

None

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 PM1A - Placemaking

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

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy PM3 - Infrastructure Contributions

Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which

are reasonably related to the scale and nature of the proposed development are secured.

Policy RD1 - Residential Areas

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

Policy 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.

OTHER POLICIES

Developer Contributions and Affordable Housing Guide 2016

CONSULTATION RESPONSES

Internal:

Transport Planning

No objection subject to conditions

Local Flood Prevention Authority

Object to proposed development due to flood risk associated with surface water.

Contributions Officer

Apply conditions relating to education contributions.

External:

Scottish Water

No comments received

REPRESENTATIONS

The following points were raised in the 1 representation received:

- Flood Risk
- Lack of sewage/waste water infrastructure capacity
- Overdevelopment
- Overlooking and impact on privacy
- Loss of daylight and sunlight
- Visual Impact

The above points are addressed in the report.

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	Supporting statement submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Supporting statement refers to flooding but no FRA submitted

APPRAISAL

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

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

Policy Appraisal

The site is located within the settlement boundary of Crook of Devon where Policies RD1 'Residential Areas' and PM1A & PM1B 'Placemaking' of the Perth and Kinross Local Development Plan (LDP) are applicable. The site is also identified as being at risk to flooding from surface water; as such Policy EP2 'New Development and Flooding' is also an important consideration.

Policy RD1 states that residential amenity will be protected and, where possible, improved. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy PM1A and PM1B seeks to ensure that all developments contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

Policy EP2 state that 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.

As the site is located within a residential area it is considered that the principle of residential development is acceptable. However, in terms of flood risk, it is assessed that the applicant has not provided sufficient information to address the concerns relating to flooding and therefore fails to comply with Policy EP2 of the LDP. This is discussed in greater detail below.

Flooding

During the assessment of the 2015 application it was noted that SEPA's indicative flood maps identified that the site is at high risk to flooding from surface water. This matter was raised as a significant concern by the Council's Flood Prevention Officer and in light of these concerns the applicant decided to withdraw the application in order to address the matter.

The applicant has now re-submitted the proposals with a relatively brief supporting statement which outlines the flooding was caused by collapsed drains in the adjacent field and that recent improvement works have addressed this matter. It is therefore claimed that the drainage issues have been resolved as part of the new Community Woodland project within the adjacent field and the site now no longer floods. The statement further cited that on the 10th November 2015, 31st December 2015 and 5th February 2016 there were extreme rainfall events but the site was free of flooding.

However, the neighbouring occupant of the property at Braeriach which is located immediately to the north of the site has submitted a letter of objection which contains conflicting information in relation to flood events on the application site over the last year. This letter not only refutes the claims that the existing field drains have been repaired but also contains information and photographs which states that the site flooded on the 15th November 2015 and 27th January 2016. It also provides photographs which appear to indicate that there are still drainage issues within the adjacent field where the new Community Woodland has recently been established.

In this regard the Council's Flood Prevention Team has again been consulted and they have advised that the information submitted does not adequately address the concerns previously raised in relation to flood risk. The supporting statement indicates that the previous flooding incidences have been the result of a lack of maintenance of the watercourse/drain upstream of the site and that this has been rectified recently and the situation has improved. The provided images also show the site remaining dry during the last winter, which was particularly wet. However, as outlined above, conflicting information has

shown that the site has become inundated during wet weather in this period (most recently 27/01/16). Therefore this site appears unsuitable for development due to the existing flood risk. The information provided also does not enable the Council to quantify the risk at the site and to assess whether or not this is acceptable, in line with Scottish Planning Policy. Furthermore, as previous flooding has been attributed to a lack of maintenance upstream, even if this was resolved it could become an issue again during the future lifespan of the proposed dwelling.

It is therefore considered that the applicant has not provided sufficient information to address the concerns relating to flood risk and the conflicting information submitted by the neighbouring occupant also raises concerns in relation to the accuracy of the information provided. As such the proposals are considered to be contrary to Policy EP2 of the LDP.

Design and Layout

As this application is simply seeking to establish the principle of residential development within the site, there is no requirement for the submission of any detailed plans relating to the design or layout of the proposed house.

It is noted that concerns have been expressed regarding the size of the site and the potential lack of space to adequately accommodate a house. Whilst the proposed site is quite small at only 548sqm, it is similar in size to other plots in the area, most notably the houses to the east at Greendale and Ashbank which both have similarly sized plots. I am also satisfied that there would be sufficient space to accommodate a small single storey dwelling whilst still provide adequate space for private garden ground, parking and turning.

Residential Amenity

The neighbouring occupant of Braeriach has raised a number of concerns in relation the potential impact on their amenity, particularly in relation to privacy and loss of daylight.

In terms of the impact on the existing residential amenity of the area, as this is a planning in principle application the exact impact on existing amenity and also the proposed residential amenity of future occupiers of the house cannot be assessed in any significant detail at this (in principle) stage. However given the small size of the site any proposed house will undoubtedly be located in close proximity to the boundaries of the site.

The applicant's statement refers to the retention of the existing mature hedge and it was evident on my site visit that the hedge in its present condition provides effect screen which would limit overlooking. However it is noted the neighbours stated intention is to reduce the height of this hedge on their boundary. Nevertheless I am required to consider the merits of the application based on the current circumstances and I consider that the boundary treatment in its current form to be appropriate. If the hedge has been reduced

in height or removed on receipt of a detailed application, this would be considered during assessment of this application, which may involve the formation of a new boundary. In any case the current application is being refused for reasons statement elsewhere in this report.

In regards to overshadowing, I note that the neighbouring resident has made reference to the BRE guidelines on daylight levels. Given the lack of any detailed plans it is difficult to assess the affect that the development would have on daylight levels within the neighbouring garden and habitable rooms. It will only really be upon the submission of the detailed plans that such an assessment could be undertaken. However in my view it would be possible to develop a small single storey house within the plot which could designed so as to limit the impact on daylight levels within the neighbouring plot.

Visual Amenity

It is noted that concerns have been expressed in relation to the impact of the development on the visual amenity of the area. Having visited the site I do not necessarily consider that the development of this plot would have any significant detrimental impact on the character or visual amenity of the area. There are a number of examples of similarly small plots in the immediate area which take access directly from the narrow public road, such as the two existing properties immediately to the east at Greendale and Ashbank. Furthermore, if as proposed the existing boundary treatment is retained any house within the site will likely be well screened from public view.

It is therefore considered that, provided the house is of an appropriate scale and design, the development of this plot would not appear out of context or result in any significant adverse impact on the visual amenity of the area.

Roads and Access

The Council's Transport Planning Officer has been consulted and he has raised no concerns in relation to the proposed development subject to conditions.

Foul Water Drainage

The applicant proposes to dispose of foul effluent to the public sewer which is the preferred method of disposal and complies with the requirements of Policy EP3B 'Water, Environment and Drainage'.

Scottish Water has been consulted but no response has been received. However it is known that there is presently limited capacity at the Crook of Devon Wastewater Treatment Works. The lack of drainage capacity would obviously have a direct impact on the ability to develop the site but it is considered to be a separate matter that the applicant should discuss directly with Scottish Water.

Developer Contributions

- Primary Education

With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.

This proposal is within the catchment of Fossoway Primary School.

As this application is only “in principle” it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.

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 fails to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014, specifically in regards to *Policy EP2 ‘New Development and Flooding’*. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

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

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Conditions and Reasons for Recommendation

The proposed development is contrary to Policy EP2 'New Development and Flooding' as the site is assessed as being unsuitable for development due to the existing flood risk. The applicant has also failed to provide sufficient evidence to assess the level of risk or demonstrate appropriate mitigation measures to resolve the issue.

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

16/01801/1

Date of Report 15.12.2016



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100028405-001

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

Type of Application

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

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

Description of Proposal

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

Single dwelling in principle.

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Houghton Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Paul	Building Name:	
Last Name: *	Houghton	Building Number:	102
Telephone Number: *	07780117708	Address 1 (Street): *	High Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Dunblane
Fax Number:		Country: *	United Kingdom
		Postcode: *	FK15 0ER
Email Address: *	paul@houghtonplanning.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr and Mrs	Building Name:	Drumgarland
First Name: *	E	Building Number:	
Last Name: *	Cameron	Address 1 (Street): *	Crook of Devon
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Kinross
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	KY13 0UL
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:

Drumgarland

Address 2:

Crook Of Devon

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Kinross

Post Code:

KY13 0UL

Please identify/describe the location of the site or sites

Northing

700697

Easting

304078

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐

Meeting

☐

Telephone

☐

Letter

☒

Email

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

Title:

Mr

Other title:

First Name:

David

Last Name:

Niven

Correspondence Reference
Number:

Date (dd/mm/yyyy):

16/11/2015

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

Site Area

Please state the site area:

548.00

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)

Garden ground.

Access and Parking

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

☒

Yes

☐

No

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

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

☐

Yes

☒

No

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

Water Supply and Drainage Arrangements

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

☒

Yes

☐

No

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

☒

Yes – connecting to public drainage network

☐

No – proposing to make private drainage arrangements

☐

Not Applicable – only arrangements for water supply required

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

☒

Yes

☐

No

Note:-

Please include details of SUDS arrangements on your plans

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

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

☒

Yes

☐

No, using a private water supply

☐

No connection required

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

Assessment of Flood Risk

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

☒ Yes ☐ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

Trees

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

☒ Yes ☐ No

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

All Types of Non Housing Development – Proposed New Floorspace

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

☐ Yes ☒ No

Schedule 3 Development

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

☐ Yes ☒ No ☐ Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

Certificates and Notices

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

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

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

☒ Yes ☐ No

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

☐ Yes ☒ No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Paul Houghton

On behalf of: Mr and Mrs E Cameron

Date: 17/10/2016

☒ 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

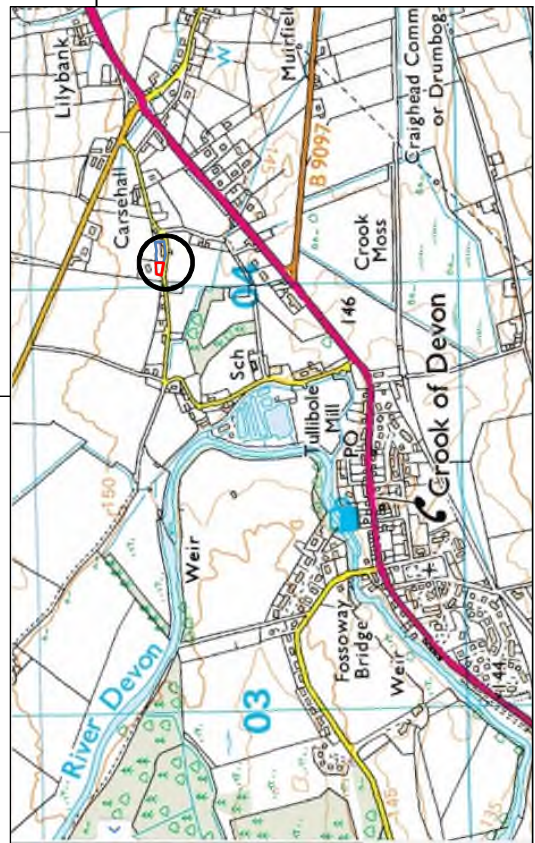
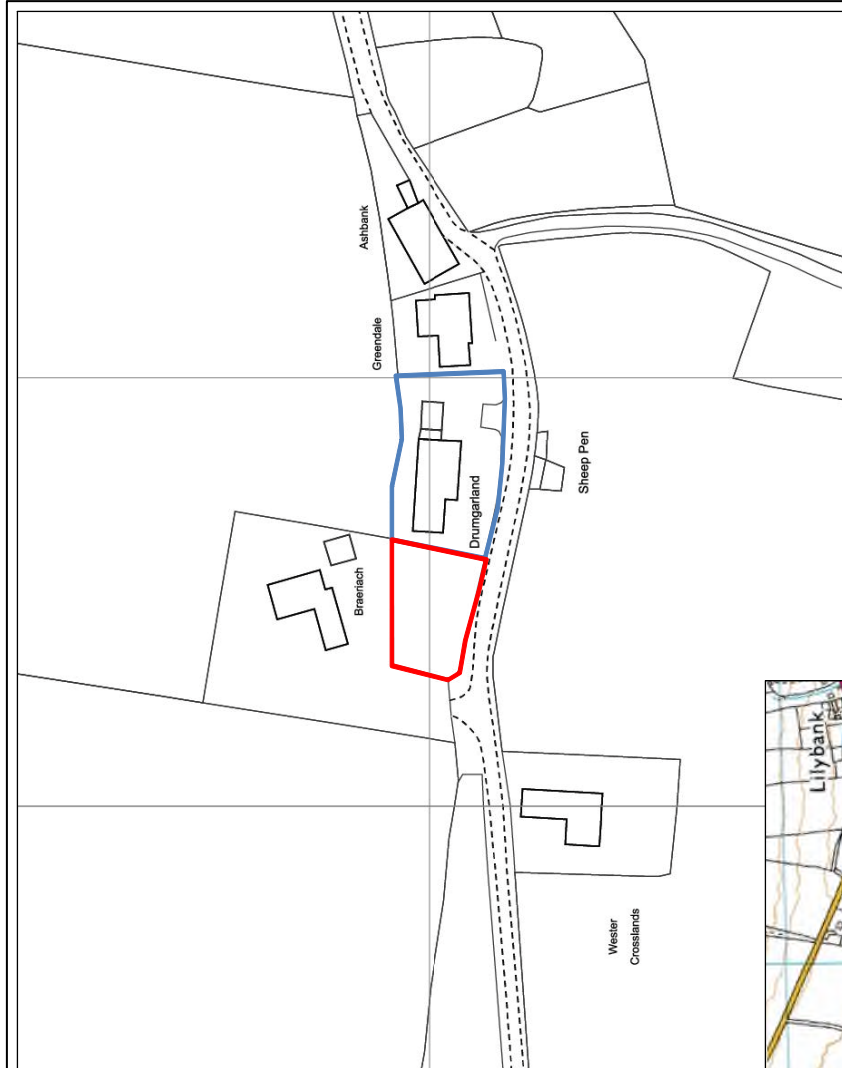
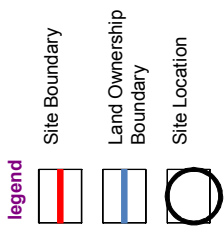
Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

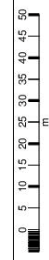
I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Paul Houghton

Declaration Date: 18/10/2016



Site Location - NTS



houghton
planning ltd

102 High Street
Dunblane
FK15 0ER
t: 01786 825575 m: 07780117708
email: paul@houghtonplanning.co.uk

project: **Drungarland, Crook
of Devon, Kimross, KY13
0UL**

client: **Mr & Mrs E Cameron**

drawing: **Site Plan**

Ref: **CAM 15021 / 01**

Scale: **1: 1250 @ A3**

Date: **August 2015**

Rev: **-**

Our Ref: CAM15021

Your ref:

18th October 2016

Perth and Kinross Council
Planning Department
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Email:
paul@houghtonplanning.co.uk

Dear Sir,

SITE WEST OF DRUMGARLAND, CROOK OF DEVEN, KY13 0UL

Houghton Planning is instructed by Mr and Mrs E Cameron of Drumgarland, Crook of Devon, to re-submit an application for planning permission in principle for a single dwelling at the above site.

A previous application for the same development, and by the same applicants (ref:15/01461/IPL), was registered on 2nd September 2015 and withdrawn on 16th November 2016. Therefore, as this application is being submitted within 12 months of the withdrawal of that application, it is being submitted as a free go.

The previous application was withdrawn to allow the applicants to prepare information for the Council's Flooding Officer, which is included below and in Appendix 1 (attached).

The application is accompanied by the following:

- (this) Covering Letter;
- Planning Application Form;
- Relevant Certificate;
- Location/Site Plan;
- Advertisement Fee, a cheque for this will be sent under separate cover.

Drumgarland is an elongated single storey dwelling, which lies on the northern side of an unclassified road that runs from Carsehall to Fossoway through Crook of Devon village.

The application site is presently part of the garden of Drumgarland, but is not actively use as such. It is c. 548 sqm in size.

Even with its development, Drumgarland will still have garden ground on all sides of the dwelling. Drumgarland is also in an advantageous position because land to the north and south is protected open space and so whilst Drumgarland, and other houses along this road,

do not have the most generous of front and rear gardens, this is not an issue in terms of their setting and outlook.

The boundaries of the application site are currently defined by hedges and trees, other than with Drumgarland, which is presently open, but will eventually be fenced. All hedgerows are mature and at least 2 metres in height. There is a particularly mature screen to Braeriach, which lies immediately north of the application site. It is intended to keep all hedges and trees, particularly that along the northern boundary. The only removal of any boundary screening will be along the roadside boundary, but only sufficient to create an access to prevailing roads standards.

The Perth and Kinross Local Development Plan settlement statement for Crook of Devon states that there are opportunities for further development in the village and that *“preference will be given to roadside development echoing the character of the original village”*.

Other relevant policies to this application are: Policy PM1A – Placemaking; Policy PM1B – Placemaking; Policy RD1 - Residential Areas; and Policy EP7: Drainage within the Loch Leven Catchment Area

Dealing with the eight placemaking criteria (Policy PM1B), the following comments can be made.

- (a) Roadside development of the type proposed is supported by the Local Development Plan, and continuing with this by developing the application site will help create a sense of identity and coherent street in this part of the village.
- (b) The site is generally flat and provided development is one, or one and half, storey it will not be that visible. No local landmarks, or views, will be impacted upon. There will be no impact on the character of the surrounding area.
- (c) The details of the development have not been decided upon yet, but provided any dwelling is one, or one and a half, storey, it will suit the height of development locally. Contrary to the view expressed in relation to the previous application by the Community Council, the site is large enough to allow for a new dwelling, access and parking area whilst still providing a generous garden area. There is no obvious vernacular design in Crook of Devon, with properties of many styles and ages, but a palette of materials does prevail and provided the development chooses from these, it will be in-keeping with the character of the local area. Density varies across the village, with properties set in both generous and smaller plots. In the immediate vicinity of the application site, plot size varies from c. 352 sqm (Ashbank) to 2036 sqm (Braeriach). Greendale, which lies immediately east of Drumgarland is c. 589 square metres. The application site at c. 548 sqm and Drumgarland (post-development) at c. 752 sqm, will sit comfortably within this range.
- (d) The existing building line, and as advocated in the Local Development Plan, is roadside development and this proposal respects that.
- (e) A safe access can be provided. The site is within walking distance of Fossoway Primary School and other village services and facilities.
- (f) The dwelling will be designed with future adaptability in mind.
- (g) There are no existing buildings/structures on the site. All hedges and trees, other than where access will be taken, can be kept.
- (h) The site is well located in terms of green networks.

In terms of Policy RD1, the only adjoining property is Braeriach, but with the retention of the northern boundary hedge the amenity of this property will be protected. The proposed dwelling will also be sited and designed to ensure that this property is not overlooked or overshadowed.

Policy EP7 is relevant to Crook of Devon, albeit that the village is on the western extremity of the Loch Leven catchment. The settlement statement comments that SUDs must be provided on site, which is understood. There is an existing culverted watercourse crossing the south western corner of the site and SUDs can connect with this. It is understood that a connection to the Public Waste Water Treatment Works will also be required, which the applicant is investigating at present.

The existence of the culverted watercourse, referred to above, led the Council's Flooding Officer to ask various questions at the time of the previous application and, in response to those, the following comments have been prepared.

1. *The broad dates when the site flooded and the reasons for this.*

There have been occasions in the last 23 years, since the applicants moved to the property, when this part of the garden has flooded, which are referenced in the various submissions from their neighbour in relation to the previous application. These were all caused, in the opinion of the applicants, by the drains being blocked on the other side of the road due to them not being maintained. Those drains have now been repaired and there have been no flooding events in the last 12 months, despite some severe storm events during that period. The photographs at Appendix 1 show events on 10th November 2015, 31st December 2015 and 5th February 2016 and indicate that, despite extremely heavy rain, the application site remained dry. Each set of photographs also includes a picture of the water level in the watercourse at that time.

2. *Any changes since the last flood event that has maybe stopped it from happening recently.*

As already stated, the applicants consider that the problem in the area was caused by the collapse of the drains in the field on the other side of the road from the application site.

This field was recently donated to a local charity by its previous, now sadly deceased, owner, Mr Duncan Penney.

Due to age and infirmity, the land had been badly neglected and blockages to the watercourses and field drains never remedied. The local charity has successfully established a community woodland, restoring all drainage within the site, fencing, gating, providing paths, and planting around 1800 trees in the 5.5 acre site. There has been no serious incursion of water since the drainage within this field has been fixed.

3. *The route of any field drain, with an estimation of the catchment it serves, including photographs.*

As you will see from the photograph below, the watercourse, as it appears on the application site, occupies a small corner of the western part of the garden. The pipe, which is cleaned annually by a contractor, is c. 55cm in diameter. It probably drains an area including the neighbours' garden and the field to the north of this, but is piped

until emerging in the corner of the garden (application site) and runs open for c. 3m before it goes under the road and evacuates the water into a network of field drains on the other side of the road, which then traverse the field on a diagonal route for a distance of approximately 300m into a main burn.



4. *The size of any culvert/pipe under the road, if one exists, that takes the field drain from one side of the road to the other, including photographs.*

The culvert under the garden and road is approximately 55 cm in diameter.

Overall, it is considered that the proposed dwelling complies with all policies in the Local Development Plan and, therefore, it is hoped that planning permission in principle will be forthcoming in due course.

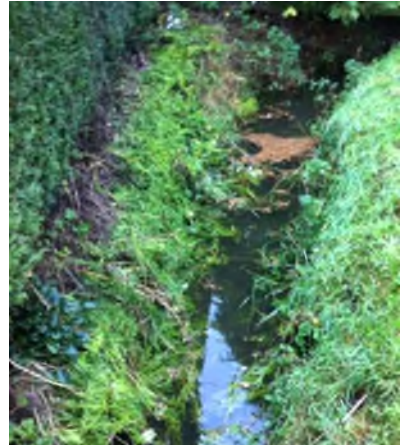
In the meantime, we look forward to the application being validated, but if you require any further information please contact Paul Houghton at paul@houghtonplanning.co.uk or call him on 01786 825575 or 07780 117708.

Yours faithfully

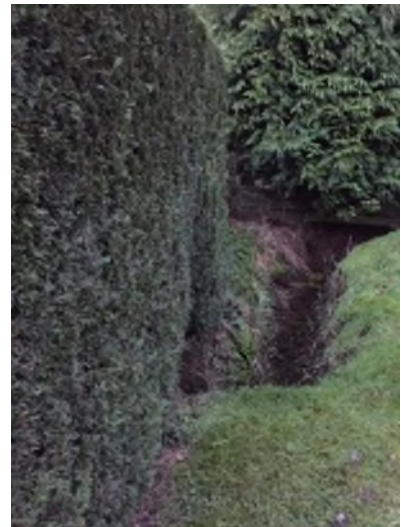
HOUGHTON PLANNING

APPENDIX 1

10th November 2015



31st December 2015



5th February 2016



TCP/11/16(463)

Planning Application – 16/01801/IPL – Erection of a dwellinghouse (in principle) on land 30 metres West of Drumgarland, Crook of Devon

PLANNING DECISION NOTICE *(included in applicants submission, see pages 69-70)*

REPORT OF HANDLING *(included in applicants submission, see pages 71-80)*

REFERENCE DOCUMENTS



TCP/11/16(463)

Planning Application – 16/01801/IPL – Erection of a dwellinghouse (in principle) on land 30 metres West of Drumgarland, Crook of Devon

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/01801/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 West Of Drumgarland Crook Of Devon		
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 Fossoway Primary School.</p>		
Recommended planning condition(s)	<p>Primary Education</p> <p>CO01 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, 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	02 November 2016		

Development Quality Manager
Perth & Kinross Council
Planning & Development
Pullar House
35 Kinoull House
Perth
PH1 5GB

RECEIVED

14 NOV 2016

5th November 2016

Dear Sir/Madam,

Planning Application Reference 16/01801/IPL

With reference to the above planning application (in principle), I wish to make the following objections/comments.

Sewage/waste water: The Drum waste water treatment plant has been at full capacity for some time. There is already a long waiting list for this service and until such time as the plant may be expanded at some future date, there will be no connection available to the proposed site.

Flooding: The Back Crook area, in which the proposed site lies, is partly a flood plain with small glacial folds and a very high water table. After spells of heavy rain excess water is channelled towards the lower grounds of the proposed site as well as parts of Braeriach garden and the field to the west. This causes serious flooding which extends for at least 10 metres into the proposed site. The water is very slow to drain due to minimal fall of the land downstream and ineffective drainage systems. (See photos 1 to 12, appendix)

The original planning application was withdrawn on November 2015 in order for the applicant to address these flooding issues with the Flood Officer. Regarding the applicant's response to these in their covering letter, I have the following comments to make;

Within the last 12 months there has been **no change** in either the frequency or severity of these flooding events. These occurred on 15/11/2015, 6/12/2015, and 27/01/2016 and took several days to subside. (See photos 5 to 12, appendix)

I have been advised by several members of the Community Woodland committee that there has been **no repair** done to the field drains in the northern section of the Community Woodland since the last planning application was lodged and flooding continues to be an issue. (See photos 6, 9, 10 and 11, appendix)

There is **no annual contractual cleaning** of any ditch, field drain or culvert in the vicinity of this site and to my knowledge, there never has been. Occasional minimal clearing of silt and debris has been attempted by neighbours.

The open ditch in the proposed site runs for a length of 7 metres and not 3 metres as stated and is **not** culverted as stated.

There are numerous inaccuracies in this section of the application. These are not true reflections of the facts as they presently stand and therefore should not be taken into consideration by the

Planning Officer.

Site size: There is no indication on the Location Plan of either the size or the location of the proposed dwelling. The lower areas of the grounds of the proposed site are unsuitable for building due to flooding issues and there is an LPG tank servicing Drumgarland for which allowance must be made. The usable area for development would therefore be very much reduced from the 548 sqm stated. In my view the site will be **much too small for** a 3 bedroom dwelling along with car parking and turning space, as well as garaging and garden ground.

It has to be noted that this proposal is for development in Drumgarland garden ground. As such it is known as 'backyard development'. I understand that there is a presumption against this type of development.

Material considerations.

Referring to Policy RD1 (Residential Areas); Overlooking and Privacy.

The application report states that 'the retention of the northern boundary hedge will protect the amenity' and give screening to the adjoining property of Braeriach. This beech hedge grows within Braeriach boundary fence, therefore any statements relating to this are not relevant and outwith the applicant's control. Therefore, academically, there is **no screening** along this northern boundary. There would be **overlooking** of all windows along the frontage of the house, loss of amenity, and lack of **privacy**, to which one has a right in this case.

NB: As this beech hedge has now overgrown to more than 2 metres in height, arrangements had already been made with a tree surgeon to reduce its height to approx 1 metre. This will allow more light and air to the property and make future maintenance less arduous. Planned for Spring 2017.

Loss of daylight and sunlight. Ref BRE guidelines.

As can be seen from the location plan, a development in the proposed site would necessarily be positioned directly in front of, and to the south of Braeriach house, and in very close proximity to it. Distance from Braeriach house to the boundary fence varies from 10 - 13 metres. There would be significant overshadowing and reduced daylight. In the winter months sun-shadow cast onto Braeriach grounds and house would be 3 or 4 times the height of the building and prevent sunshine reaching window apertures. This would not be acceptable under the above guidelines. Furthermore there would be loss of open aspect to the south resulting in an increase in cold and dampness.

Visual impact

The proposed site is situated in the northern part of the Crook of Devon Village, known locally as the Back Crook. This area is considered to be an Area of Great Landscape Value. It is a rural area of sporadic, ribbon-like development along a narrow road (UZ 238). Houses here have medium to large gardens, some of which are on the opposite side of the road. This was traditional in this type of setting. There are significant gaps between buildings giving a rural ambience and quietness away from the main road. It is very popular with walkers, cyclists, horseriders etc and has a 20 mph speed restriction in place. The new Community Woodland, which is opposite the proposed site, adds to the amenity.

Contrary to the statement under Policy PM1B, that the development would not be 'that visible', I argue that it would be seen from the surrounding area and from the viewpoints on Knockintinny

hill to the north where there is a core footpath. It will look very out of place and not in keeping with other developments, slotted as it would be between the narrow road and the established property of Braeriach to its north, which is already the 'roadside development'. It would adversely affect the characteristics of the open landscape of Back Crook. (See aerial view map – appendix)

Fossoway Community Council Committee have 'expressed concerns' regarding this application. Meeting on 1st November 2016.

I would urge a site visit by planners to better appreciate my objections to this proposal.

I trust the Head of Planning/ Committee will give this letter of objection full consideration and vote in favour of refusing this application.

Yours faithfully,

Nancy M Renny.



Photo 1. 04/09/09



Photo 2. 24/01/08



Photo 3 30/11/11



Photo 4 03/01/12



Photo 5 15/11/15



Photo 6 06/12/15 field drain exit from road culvert



Photo 7 27/01/16



Photo 8 27/01/16 Braeriach lower garden and field



Photo 9 27/01/16 Line of field drain



Photo 10 27/01/16 Community Woodland



Photo 11 27/01/16 Community Woodland. (Braeriach and Drumgarland)



Photo 12 27/01/16 Braeriach drive

Aerial view of proposed site Taken 2008



Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/01801/IPL	Comments provided by	Tony Maric Transport Planning Officer
Service/Section	Transport Planning	Contact Details	[REDACTED]
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 30 Metres West Of Drumgarland Crook Of Devon		
Comments on the proposal	Insofar as the roads matters are concerned, I have no objections to this proposal, provided the undernoted conditions are attached in the interests of pedestrian and traffic safety.		
Recommended planning condition(s)	<ul style="list-style-type: none"> • AR01 Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B, Figure 5.6 access detail. • AR04 Prior to the development hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained. • AR05 Prior to the development hereby approved being completed or brought into use, the car parking facilities shown on the approved drawings shall be implemented and thereafter maintained. 		
Recommended informative(s) for applicant	The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.		
Date comments returned	17 November 2016		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/01801/IPL	Comments provided by	G Bissett
Service/Section	TES - Flooding	Contact Details	
Description of Proposal	Erection of a dwellinghouse (in principle)		
Address of site	Land 30 Metres West Of Drumgarland Crook Of Devon for Mr and Mrs E Cameron		
Comments on the proposal	<p>We note the flooding information provided with this application. However we would object to this application on grounds of flood risk.</p> <p>This information indicates that the previous flooding incidences have been the result of a lack of maintenance of the watercourse/drain upstream of the site. The information suggests that this has been rectified recently and the situation has improved. The provided images show the site remaining dry during the last winter, which was particularly wet. However conflicting information has shown that the site has become inundated during wet weather in this period (most recently 27/01/16). Therefore this site appears unsuitable for development due to the existing flood risk.</p> <p>The information provided also does not enable us to quantify the risk at the site and to assess whether or not this is acceptable, in line with Scottish Planning Policy. As previous flooding has been attributed to a lack of maintenance upstream, and even if this was resolved it could become an issue again during the future lifespan of the proposed dwelling.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant	PKC Developers Guidance on Flooding and Flood Risk – June 2014		
Date comments returned	23/11/2016		

Local Review Body,
Council Building,
2, High Street,
PERTH
PH1 5PH

31st March 2017

Dear Sir/Madam,

Planning Application Ref 16/01081/IPL

With reference to the above application, I wish to make the following further comments to be considered along with my original objection letter of 5th November 2016, at the Local Review Body meeting.

Policy EP2 'New Development and Flooding'

Flooding and excess ground water continues to be an issue in proposed site, as well as Braeriach garden ground and field to the west. This can be seen in attached photograph taken on 25th February 2017. Due to climate change, experts predict that this type of extreme wet weather will continue to be the norm into the foreseeable future. Having lived here since 1974, I have become very aware of how, in the last ten/twelve years, these recent changes have affected mature trees and a hedge which have died off due to months of waterlogged soil along the western boundary of my property.

Any mitigation measures taken within the proposed site to alleviate flood issues would have serious consequences within Braeriach garden ground and driveway.

Policy RD1 Overlooking and Privacy.

With reference to my Objection letter of 5/11/16 regarding the beech hedge along the northern boundary: as indicated, the hedge has now been reduced in size for practical reasons, and as it stands at present, and if the site were developed, there would be overlooking, lack of privacy and reduced amenity.

In response to the **Local Review Statement** and **Applicant's Statement**, I would like to make the following comments.

Under 'Flooding' in my objection letter of Nov 5th 2016 you will note that I have stated that no repair work was done to the field drains downstream within the **last 12 months** when the original application was withdrawn to address flooding issues. The application letter gave the impression that repairs had been done within this timescale. However I can say that repairs **were** done at much earlier date, around Aug 2013, as applicant has stated. Indeed I watched David Johnman doing the work where he removed old clay drains and replaced with plastic for a distance of around 15 meters from the Back Crook Road. At a slightly later date he did other repairs to an open section of the drain where it was historically used for sheep to drink.

Having said that, I see no improvement in terms of flood water overflow since that work was carried out. In terms of the 'Open Ditch' referred to in the Applicant's statement, I have to make

the following clear to the Review Body; This ditch or stream has its origins several hundred yards to the west along the Back Crook Road where run-off water makes its way well to the South of the plot concerned and beyond a glacial fold before running under the A977. There is no connection with the field drains at issue until this point. And yes, I understand that D Johnman is to tidy up this stream shortly, but this is not relevant to the case.

The applicant's statement under 'The Flooding Issue', Paragraph 3 'As with the sewage capacity issue etc. I fail to understand the content of this paragraph. It needs clarification.

I trust the Review Body will take these comments into consideration when making their decision.

Yours sincerely,

Nancy M Renny.

Braeriach,
Crook of Devon
Kinross
KY130UL



CHX Planning Local Review Body - Generic Email Account

From: Paul Houghton <paul@houghtonplanning.co.uk>
Sent: 06 April 2017 10:53
To: CHX Planning Local Review Body - Generic Email Account
Subject: RE: TCP/11/16(463)

Dear Ms. Crighton,

There is not much more that the applicants can add to their case already made.

There will be no amenity impact on the neighbour and any new dwelling can be designed to prevent that.

As for the flooding issue, the neighbour has at least conceded in relation to some repairs, but not the changes across the road.

The applicants remain of the view that these issues of difference between them and their neighbour are best resolved through a site visit and hearing, so that the veracity of comments can be judged through appropriate questioning by councillors.

Regards Paul Houghton

Please note the following. My contact details have changed.

Paul Houghton
Director - Planning

WYG

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