

TCP/11/16(198)

Planning Application 12/00406/FLL – Erection of a dwellinghouse on land 70 metres south east of Stockmuir, Abernyte

**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 2008

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 MS DOROTHY GIBB

Address STOCKMUIR
BY ABERNYTE

Postcode PH14 9RF

Contact Telephone 1 [REDACTED]

Contact Telephone 2 [REDACTED]

Fax No [REDACTED]

E-mail* [REDACTED]

Agent (if any)

Name MR ANDREW RETTIE

Address 24 FLORENCE PLACE
PERTH

Postcode PH1 5BW

Contact Telephone 1 01738 627782

Contact Telephone 2 07710 678400

Fax No [REDACTED]

E-mail* andrew@aretties.co.uk

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 & KINROSS COUNCIL

Planning authority's application reference number

12/00406/FLL

Site address

LAND 70 METRES SOUTH EAST
OF STOCKMUIR ABERNYTE

Description of proposed
development

REARCTION OF DWELLING HOUSE

Date of application 6.3.12

Date of decision (if any) 22.5.12

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:

*REFUSAL BY APPOINTED OFFICER
TO DISCUSS APPLICATION WITH CLIENT AND
PRIOR TO AURAL NOTICE OF REFUSAL*

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.

THE SITE EXTENDS TO 6500SQM AND IS TRIANGULAR IN SHAPE
 BOUND ON ALL THREE SIDES BY STEEL WIRE FENCE AND
 IS OF AN AREA UNSUITABLE FOR ANY OTHER DEVELOPMENT.
 MAY I SUGGEST THE GROUND BE DIVIDED BY PLANTING
 HEDGES MID WAY TO FORM SMALLER PLOTS.
 THIS LAND IS NOT SUITABLE FOR ANY OTHER USE AND
 WOULD NOT BE DETRIMENTAL TO THIS AREA.
 MY CLIENT INTENDS TO CONVERT THE PROPERTY KNOWN
 AS STOCKWATER BACK TO 2 INDIVIDUAL HOUSES FOR SALE,
 THE PROPOSED HOUSES WOULD THEN BE FOURTH FLOOR IN THIS
 GROUPING.

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.

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

Checklist

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

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

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

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date

6-7-12

TCP/11/16(198)

Planning Application 12/00406/FLL – Erection of a dwellinghouse on land 70 metres south east of Stockmuir, Abernyte

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS

PERTH AND KINROSS COUNCIL

Ms D Gibb
c/o John Brien Architect
The Coach House
Bowerswell Road
Perth
PH2 7DF

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 22nd May 2012

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **12/00406/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 23rd March 2012 for permission for **Erection of a dwellinghouse Land 70 Metres South East Of Stockmuir Abernyte** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to Policy 32 of the Perth Area Local Plan 1995 as it does not fall within or meet the criteria associated with any of the excepted categories of development.
2. The proposal is contrary to the Council's Policy on Housing in the Countryside 2009 as it does not satisfy any of the accepted categories (1) Building Groups, (2) Infill sites (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Non-Domestic Buildings, and (6) Brownfield Sites.

Justification

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

Notes

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

Plan Reference

12/00406/1

12/00406/2

12/00406/3

12/00406/4

12/00406/5

12/00406/6

12/00406/7

12/00406/8

12/00406/9

REPORT OF HANDLING

DELEGATED REPORT

Ref No	12/00406/FLL
Ward No	N1- Carse of Gowrie

PROPOSAL: Erection of a dwellinghouse

LOCATION: Land 70 Metres South East Of Stockmuir Abernyte

APPLICANT: Ms D Gibb

RECOMMENDATION: REFUSE THE APPLICATION

SITE INSPECTION: 20 April 2012



OFFICERS REPORT:

Description & Background

The application relates to a site close to an existing house known as Stockmuir in the Abernyte area and adjacent to a recent planning approval on a previously approved plot (10/01777/FLL). Planning consent at the neighbouring site was previously granted under 06/02727/FUL for a house on two levels with the first floor accommodation contained within the roofspace. The house was originally approved

on the basis of a 'brownfield site', in line with the then December 2005 policy on Housing in the Countryside, involving the demolition of former kennel buildings.

The site is set well back from the nearest public road and loosely relates to the two adjacent residential properties. Stockmuir, the original dwelling retains a stable block, which is considered ancillary to the principal dwellinghouse and would not add to the overall building group in relation to the salient criteria of the HICP.

It is worth noting within the assessment of the adjacent planning application 10/01777/FLL involved the proposed change to the site boundaries, which at the time was not considered to pose a problem and *“would not set a precedent for any further development beyond the immediate group which is tightly defined in any case”*.

Proposal

The site, which extends to 6500 sqm, is loosely triangular in shape, fronting established landscaping, including mature deciduous trees identifiable solely by a post and wire fence, currently characterised as an unmanaged paddock. The proposal involves the development of a single house (footprint approximately 100sqm) of single storey appearance, including living accommodation in the roof space, with traditional proportions (12.5 x 7.5m) and finishes (slate roof, larch boarding and timber windows and doors).

Assessment

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 adopted development plans that are applicable to this area are the Perth and Kinross Structure Plan 2003 and the Perth Area Local Plan 1995.

The determining issues for this application are 1) whether the proposal complies with the relevant provisions in the development plan, 2) whether the proposal complies with the relevant provisions of the 2009 HICP 3) whether there is any material reason for approving the application contrary to the development plan.

1. The proposal is considered to directly conflict with policy 1 and 32 of the PALP. Whilst the proposed development benefits from an established landscaped backdrop, the wider site definition is weak with a post and wire fence and in this instance is not considered to comprise a reasonable landscape fit. Policy 32 allows for development within or adjacent to 'established building groups which have compact nucleated shapes which create an identifiable "sense of place"'. This proposal is not considered to build within an established building group as the stable block in itself (ancillary to stockmuir) is not deemed to add to the building group and would compromise rather than add to the identifiable sense of place in extending beyond the mature landscape framework which currently exists.

2. Revised Housing in the Countryside Policy 2009

As identified earlier this proposal must also be considered in context to the Council's revised Housing in the Countryside Policy 2009. The relevant category to consider this proposal is Category 1 'Building Groups'. Under this section of the policy a 'building group' is defined as three or more buildings of a size at least equivalent to a traditional cottage, whether they are of a residential and/or business/agricultural

nature. In this instance it is considered that the proposals cannot satisfy this criterion as there are only two existing houses, which does not constitute a building group under the policy and the stable block is considered an ancillary element to Stockmuir.

The proposal is not considered to relate to the extension of a group into a definable site, formed by existing topography and or well established landscape features, providing a suitable setting. It is therefore considered that the proposals are contrary to the revised Housing in the Countryside Policy 2009.

3. Other Material Considerations

Design

Generally the proposed dwellinghouse is considered appropriate in scale and materials. The proposed supplementary planting would be welcomed if the proposals were looking to be supported. The overall setting of the adjacent plot which is currently under construction would be partly compromised through the relative orientation of the existing, established plot.

Education

Abernyte Primary School is currently considered to be at 43% capacity by Education and Children's Services; Therefore the Council's recently approved Planning Guidance Note on Primary Education and New Housing Development will not apply if consent was granted.

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plans unless material considerations indicate otherwise. In this respect, it is clear that the proposal does not comply with the adopted Perth Area Local Plan, in particular Policy 32. The proposal also fails to comply with the Council's revised Housing in the Countryside Policy 2009. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommend for refusal. I agree with the case officer of the recent neighbouring planning application who stated the immediate group which is tightly defined.

DEVELOPMENT PLAN

The Development Plan for the area comprises the Approved Perth & Kinross Structure Plan 2003 and the Perth Area Local Plan 1995.

There is no specific policy in relation to the Perth and Kinross Structure Plan 2003.

Perth Area Local Plan 1995

Policy 1 is a general location policy which applies throughout the Landward Area requires all new development should have a good landscape fit.

Policy 32 relates to Housing in the Countryside and does allow for development opportunities for single houses where certain criteria can be met and includes infill and extensions to building groups.

OTHER POLICIES

Perth and Kinross Council Local Development Plan – Proposed Plan January 2012

The Council's Development Plan Scheme sets out the timescale and stages leading up to adoption. Currently undergoing a period of representation, the Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. This means that it is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. It is however a material consideration in the determination of this application.

SITE HISTORY

Nothing specific – various on neighbouring site.

CONSULTATIONS/COMMENTS

Transport Planning	No objection subject to condition.
Education And Children's Services	No capacity issues at this time.
Dave Stubbs - Access Officer	No objection subject to condition.
Environmental Health	No objection.

TARGET DATE: 23 May 2012

REPRESENTATIONS RECEIVED:

Number Received: 0

Summary of issues raised by objectors:

None.

Response to issues raised by objectors:

n/a

Additional Statements Received:

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	None
Report on Impact or Potential Impact	Not required

Legal Agreement Required:

Summary of terms N/A

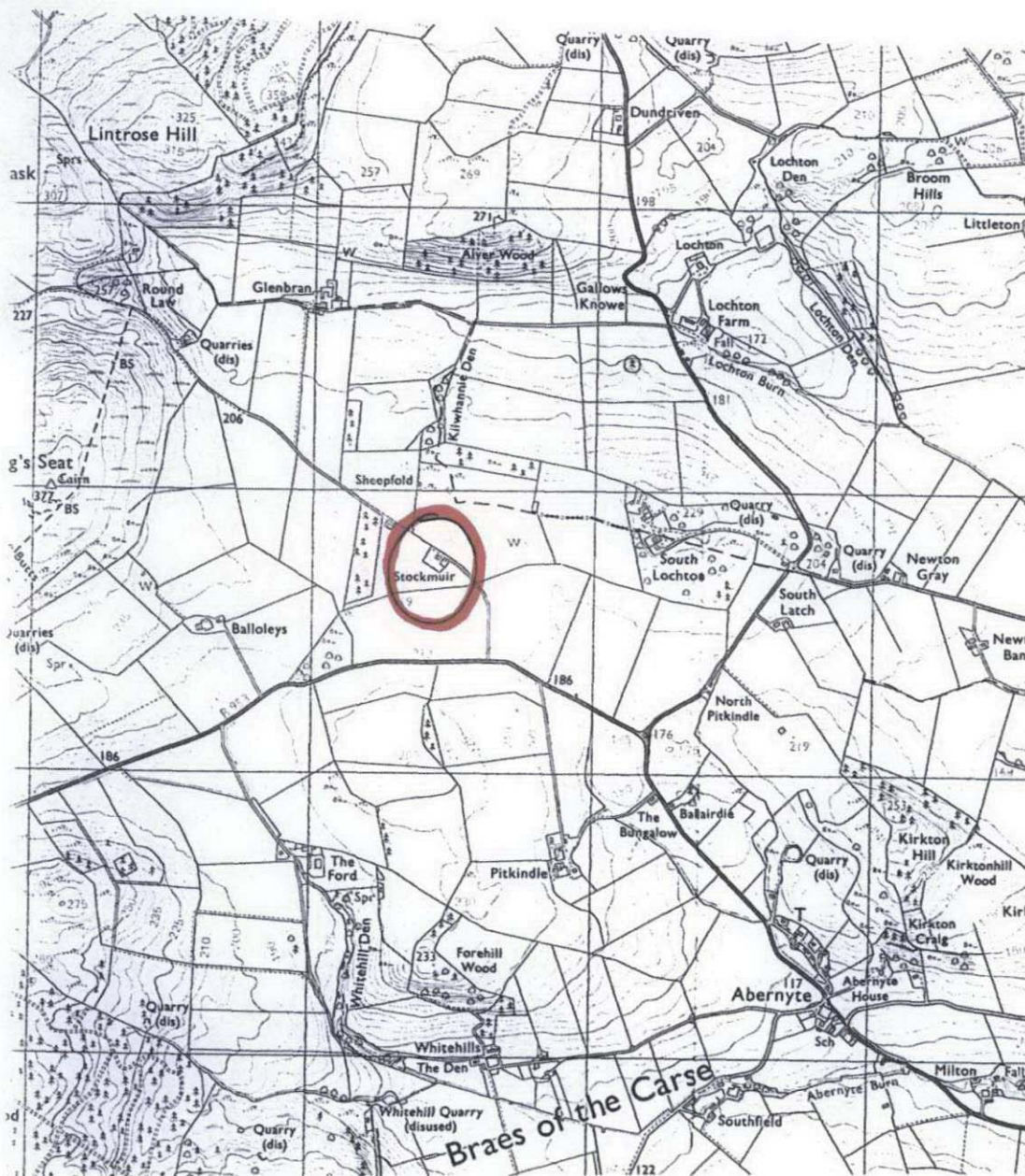
Direction by Scottish Ministers N/A

Reasons:-

- 1 The proposal is contrary to Policy 32 of the Perth Area Local Plan 1995 as it does not fall within or satisfactorily meet the criteria associated with any of the excepted categories of development.
- 2 The proposal is contrary to the Council's Policy on Housing in the Countryside 2009 as it does not satisfy any of the accepted categories (1) Building Groups, (2) Infill sites (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Non-Domestic Buildings, and (6) Brownfield Sites.

Justification

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



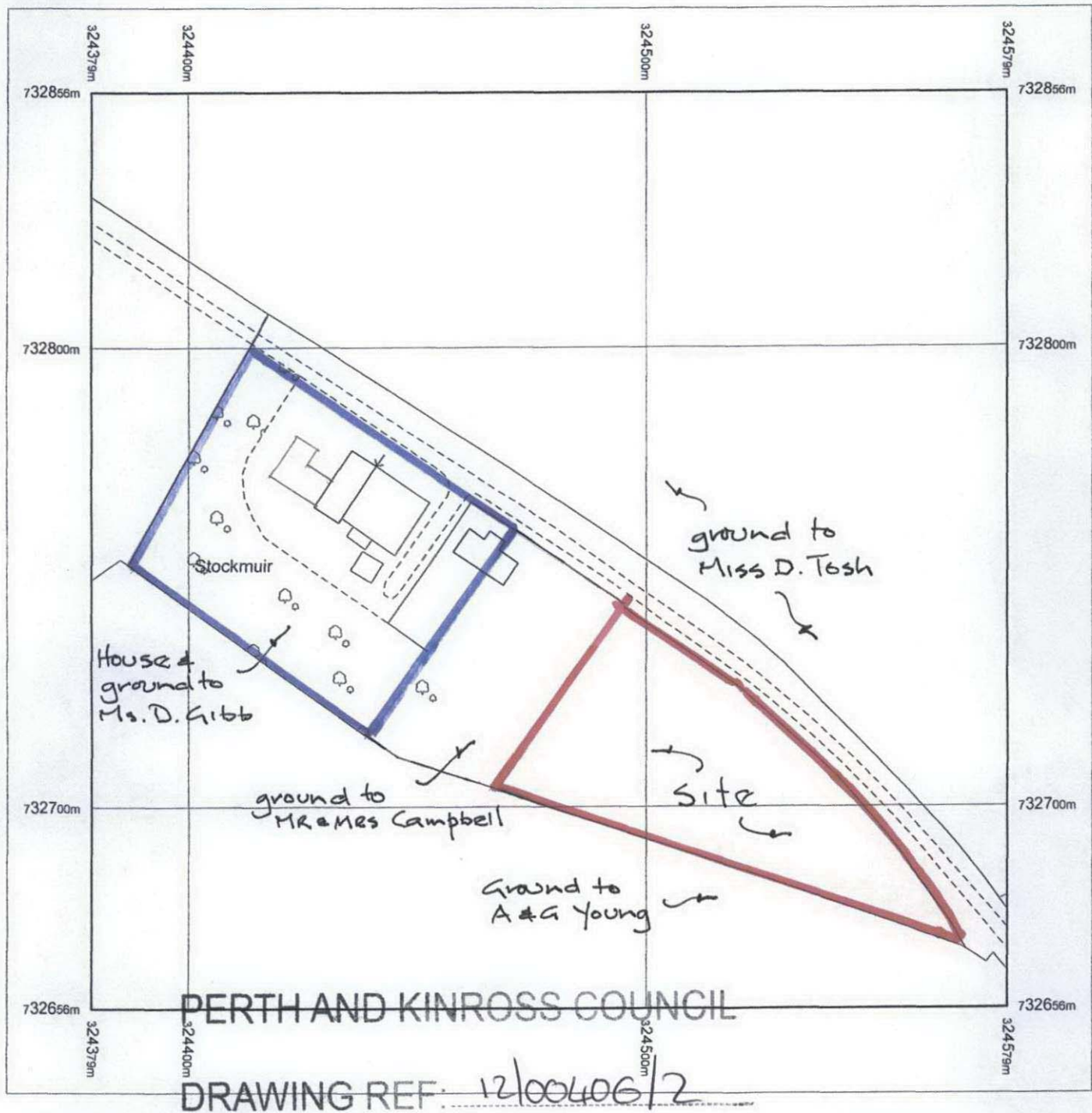
Location plan 1:25000
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PERTH AND KINROSS COUNCIL

DRAWING REF: 12/00406/1

Proposed New House
at Stockmuir by Abernyte
for Dorothy Gibb

John F. Brien architect
The Coach House, Bowerswell Road, Perth
Tel. 01738 623304
E-mail john_brien@tiscali.co.uk



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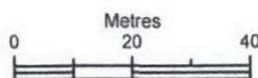
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Scale 1:1250

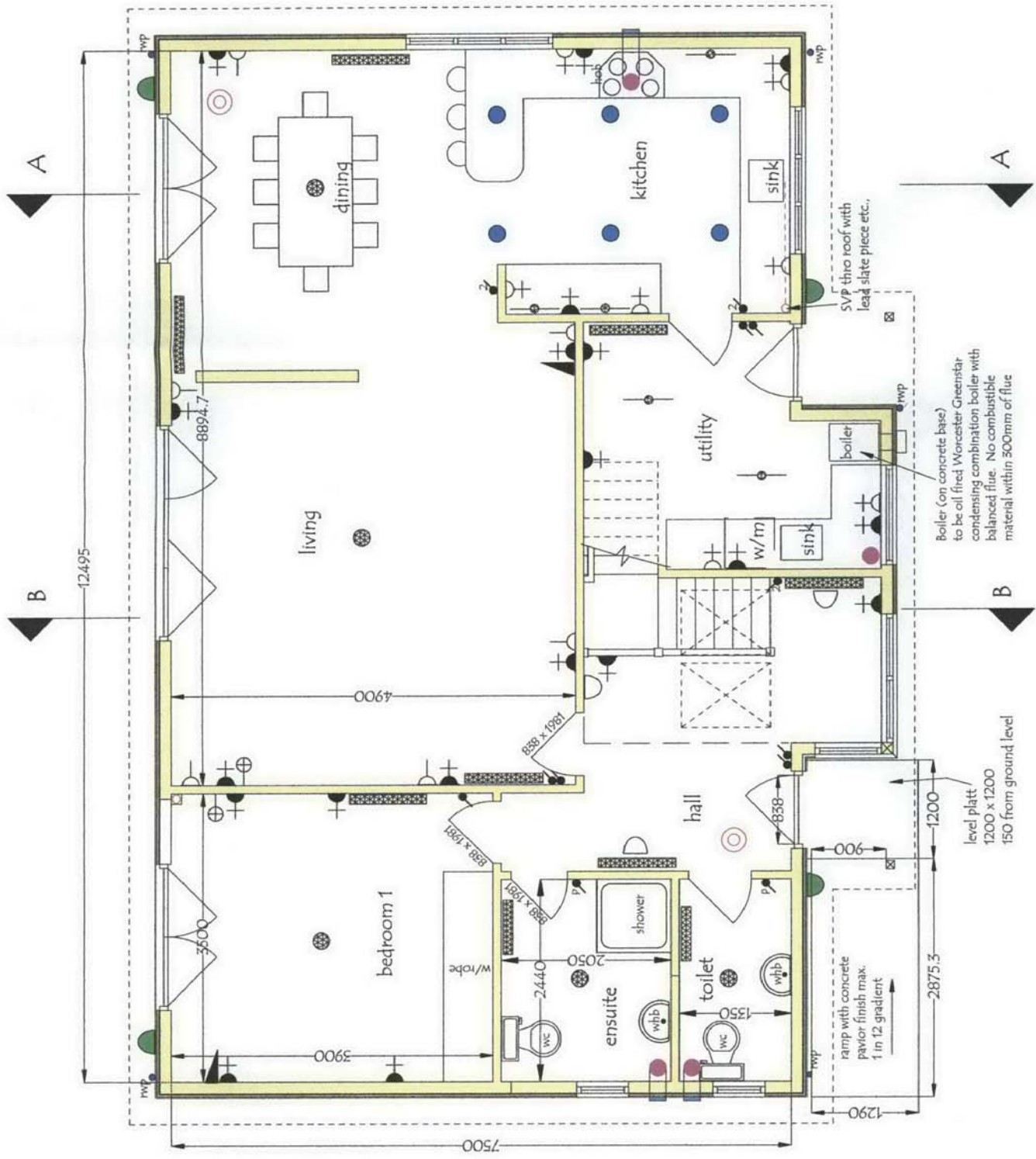
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Serial number: 03065400
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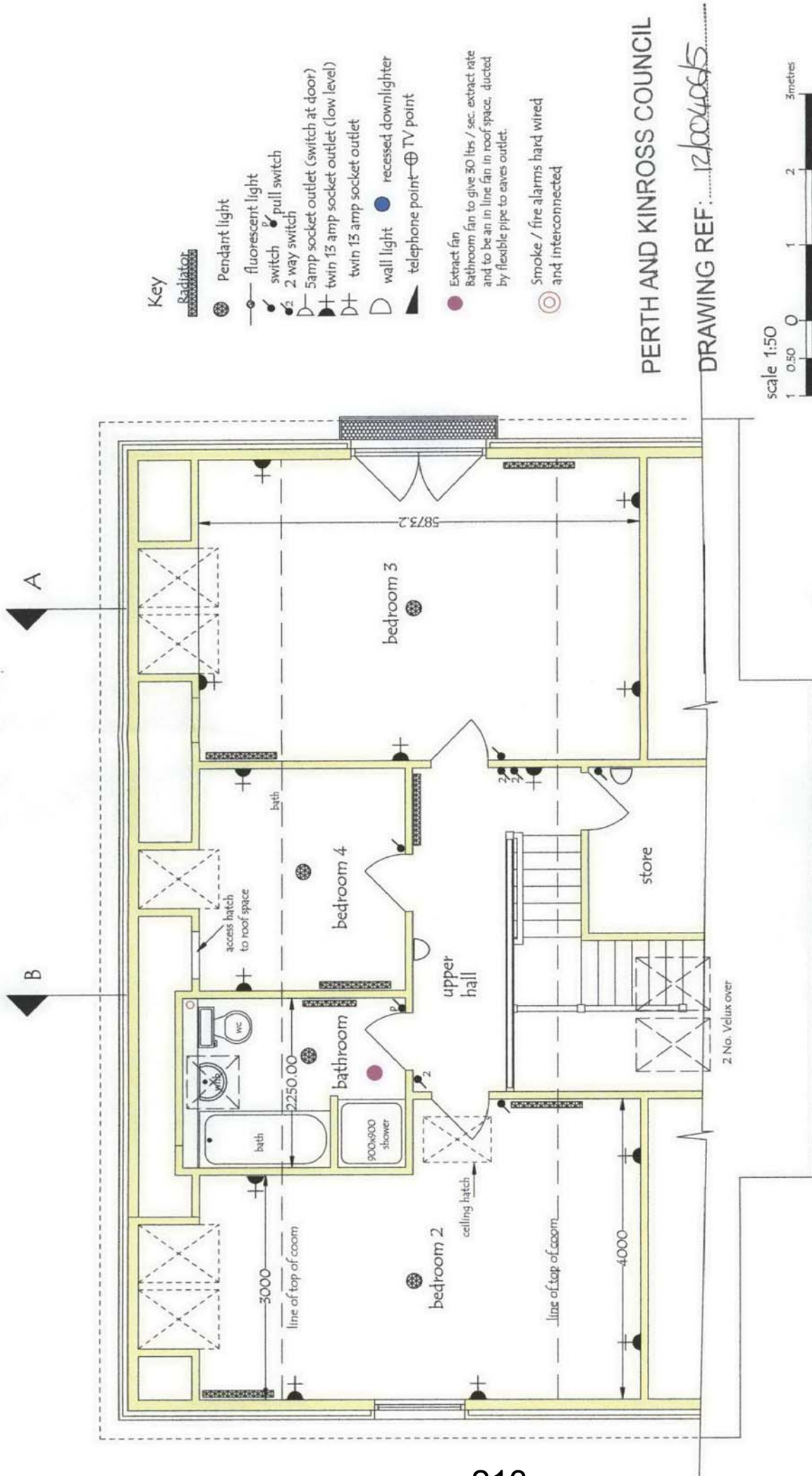
Further information can be found on the OS Sitemap Information leaflet or the Ordnance Survey web site:
www.ordnancesurvey.co.uk

Proposed New House
at Stockmuir by Abernyte
for Dorothy Gibb

Site plan A 1:1250







Specification

EXTERNAL WALLS (see also RUSSWOOD data sheets)

Horizontally fixed Siberian Larch boards (RW-008 channelling) supplied by Russwood Ltd. fixed to 22 x 47 vertical battens @ 600 centres fixed to 45 x 145 C16 stud partition with external face clad with 9mm OSB sheathing and breather membrane. Internal face of 12.5 plaster board with taped and filled joints and polythene vapour barrier backing. Insulate between studs with 145 mineral wool insulation (0.29 W/m²K).

Internal walls

Stud partitions made up of 45 x 95 studs at 600 centres with top and bottom runners and one row centre dwangs. 12.5 plaster board finish both sides with taped and filled joints.

INSULATE BETWEEN STUDS OF ALL INTERNAL PARTITIONS with 100 mineral wool insulation.

Moisture resistant plaster board to be used on all walls in ground floor ensuite shower room and adjacent toilet and on all walls in first floor bathroom.

NB PLASTER BOARD TO BE SCREWED TO STUDS AT MAX 200 CTRS. NOT NAILED

NB All supporting elements of structure to be given

a minimum short fire resistance with 12.5 plaster board lining.

Roof Construction

Spanish slates on TYVEK breathable membrane on 19mm treated softwood sarking on trussed rafters as designed by manufacturer. 160 COOLAG polyurethane between rafters over cooms with minimum 50 gap above to allow ventilation (thru TYVEK) and a finish of 12.5 plasterboard with polythene vapour barrier backing.

100 quilt insulation between ties on flat ceiling section with 200 quilt insulation on top and at right angles to 100 quilt

Floor construction (see also engineers drg 07104-1)

22mm flooring grade chipboard or hardwood flooring on 50 x 50 sw battens on 125mm deep Grade 30N/mm² concrete reinforced with 1 layer A142 mesh with 30mm cover to top on 75mm POLYURETHANE (not polystyrene) insulation (turned up at edges) on to 1200 gauge polythene DPM linked to DPC in external walls on to minimum 150 minimum blinded hardcore.

Underbuilding

All vegetable matter and surface material to be removed from site.

150 dense concrete block walls on to 550 x 200 deep concrete founds as per engineers specification on to natural undisturbed bearing (see engineers site investigation report)

Electrical work

All electrical work to comply with current I.E.E. regulations and to be installed in accordance with 4.8.2 of the building regulations.

Rainwater goods

black pvc with "deep flow" gutters.

Ventilation

New apartments to be provided with trickle vents of not less than 12,000 mm² sq. in windows. (10,000mm² in all other rooms)

Operable area of windows to be no less than 1/50th of the floor area.

Skirtings / facings/doors and windows

Skirtings to be 145 x 16 redwood with ogee moulding. facings etc., in redwood with ogee mouldings. Windows to be purpose made redwood windows with tilt and turn opening lights where indicated and with double glazing units using "K" glass on all external panes.

Max. U-value of doors and windows to be 2w/m² k

All glazing below 800 mm will be toughened safety glass and to be fitted in accordance with BS 6262

All internal glazed doors to be installed in accordance with 4.8.5 of the building regulations i.e. to be fitted with toughened safety glass (where glazing is below 800 mm) and to be highlighted to prevent collision.

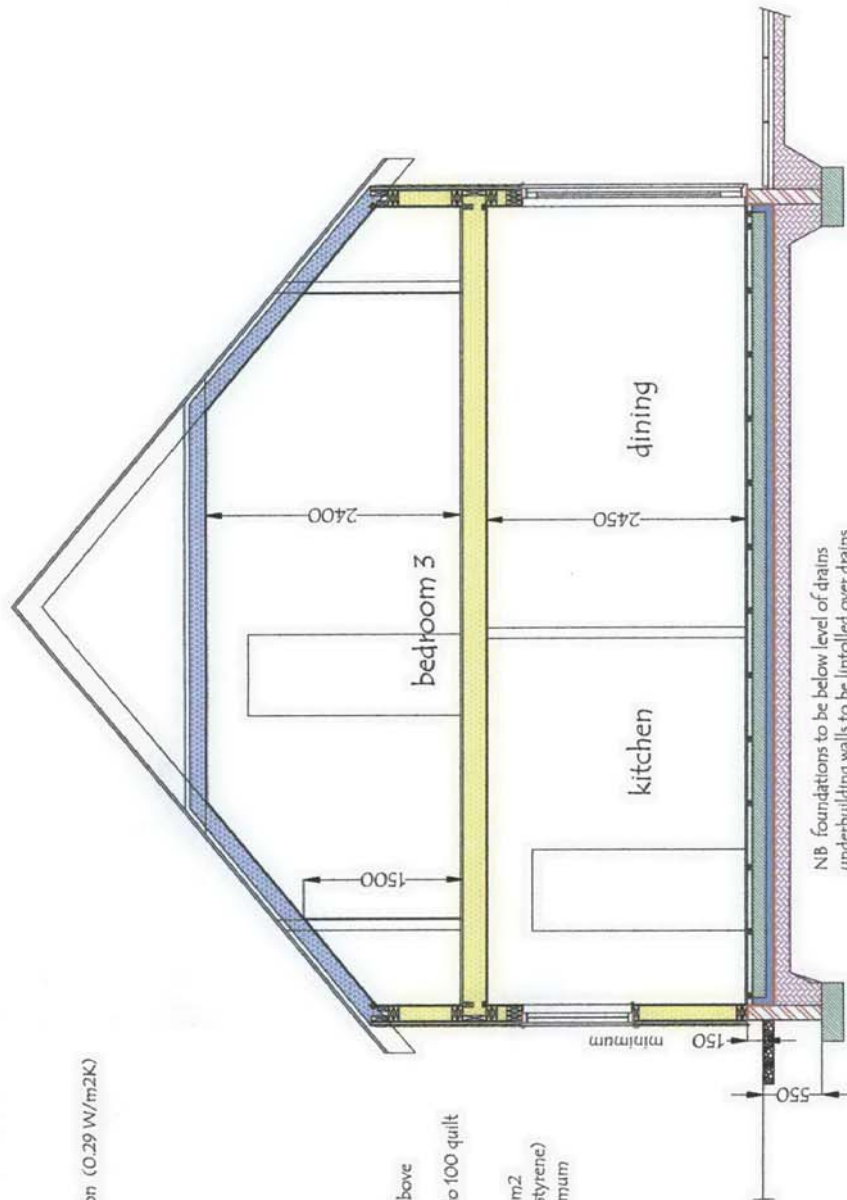
DPC's to be provided around all openings in external walls

NB All Pass doors to be 838 wide x 1981 high

Labels

A suitable label will be provided alerting occupants that the dwelling is served by a private treatment works.

An energy certificate will be provided on completion of the building



PERTH AND KINROSS COUNCIL

DRAWING REF: 1200406/6

Section A-A

and specification

Proposed new house at

Stockmuir by Abernethy

for Dorothy Gibb

John F. Brien

architect

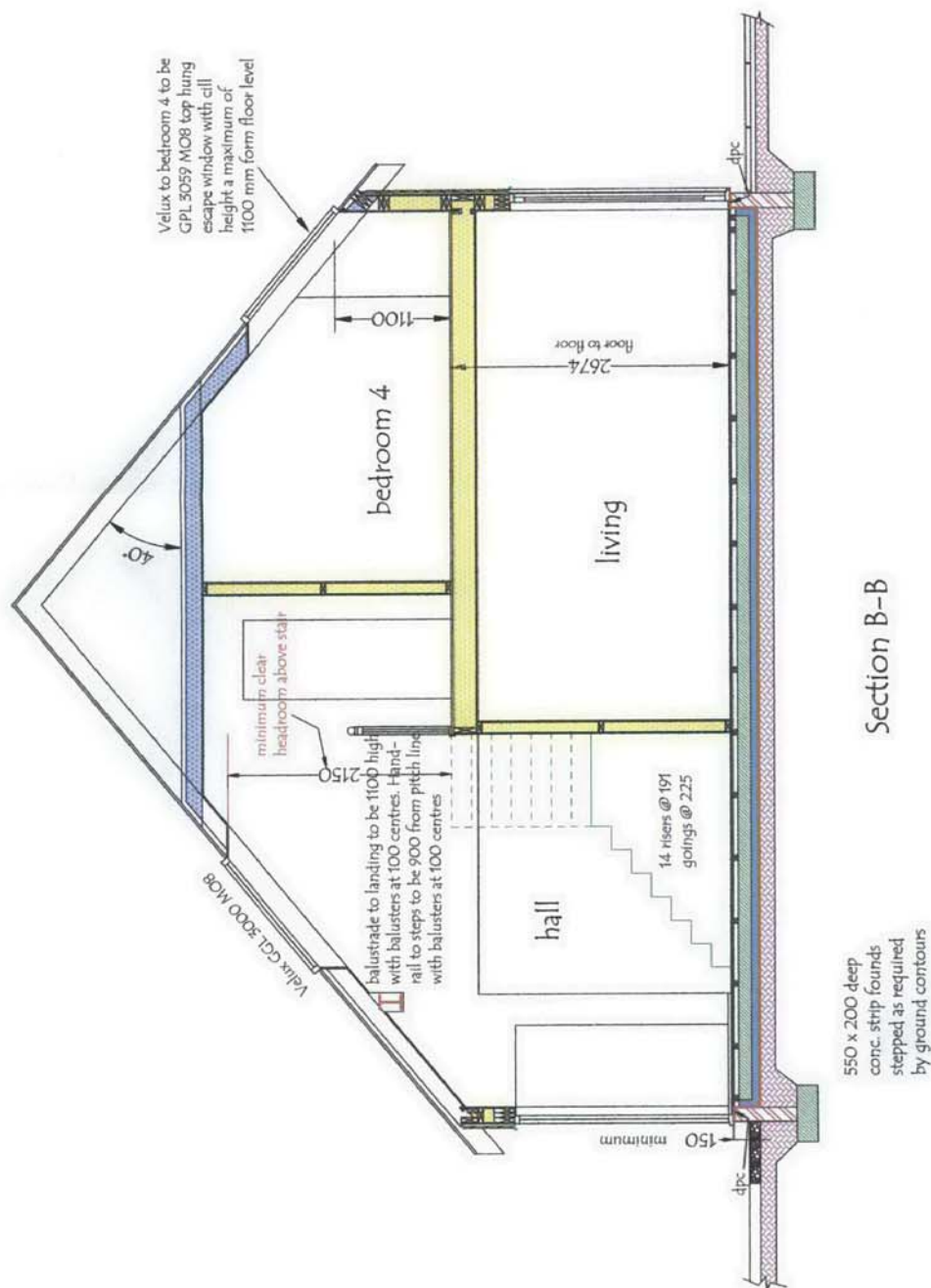
The Coach House, Bowerswell Road, Perth

PH2 7DF Tel. 01738 623504

e mail john_brien@tiscali.co.uk

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Section B-B

PERTH AND KINROSS COUNCIL

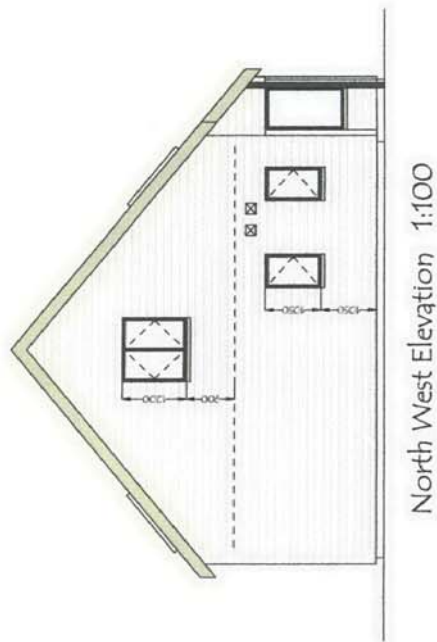
DRAWING REF: 12/00406/7

Section B-B

Proposed new house at
Stockmuir by Abernethy
for Dorothy Gibb

John F. Brien
The Coach House, Bowerswell Road, Perth
PH2 7DF Tel. 01738 623304
e mail john_brien@tiscali.co.uk



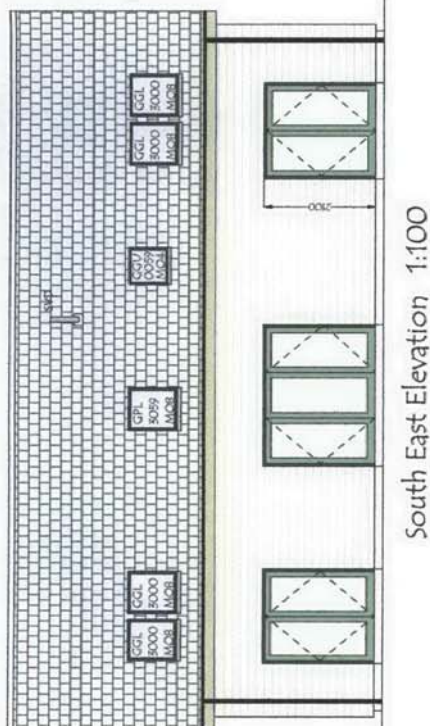


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Proposed new house at
Stockmuir by Abernethy
for Dorothy Gibb

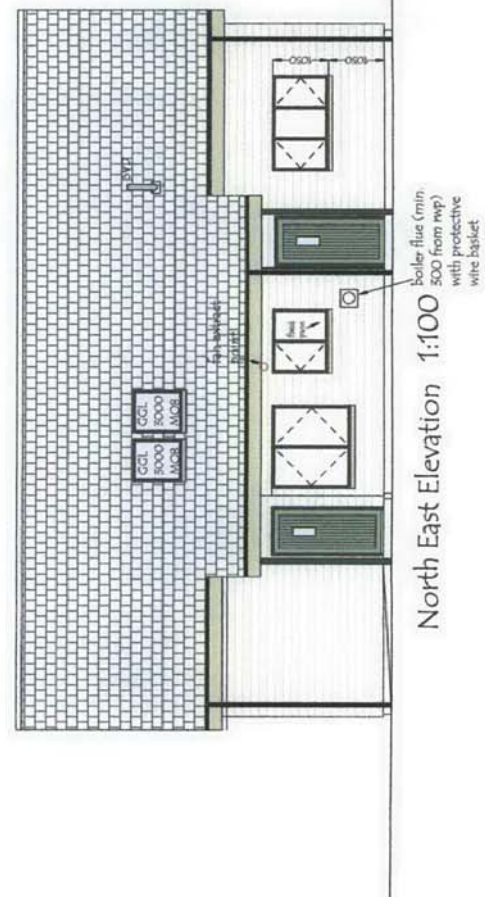
External finishes

Walls horizontal untreated larch boarding
Roof natural slate
Windows & doors redwood for staining
Fascia and barge boards untreated larch boards



NB All glazing below 800mm from floor levels
to be toughened safety glass

Velux rooflights to be provided with
a minimum AA fire rating and to be
fully reversible for cleaning purposes



boiler flue (min
500 from wp)
with protective
wire bbslet



View of stable block from South



View of stable block from North

PERTH AND KINROSS COUNCIL

DRAWING REF: 12/KC/06/9

TCP/11/16(198)

Planning Application 12/00406/FLL – Erection of a dwellinghouse on land 70 metres south east of Stockmuir, Abernyte

REPRESENTATIONS

- Representation from Transport Planning, dated 19 April 2012



MEMORANDUM

To	Callum Petrie Planning Officer	From	Niall Moran Transport Planning Technician Transport Planning
Our ref:	NM	Tel No.	Ext 76512
Your ref:	12/00406/FLL	Date	19 April 2012

Pullar House, 35 Kinnoull Street, Perth, PH1 5GD

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, - ROADS (SCOTLAND) ACT 1984

With reference to the application 12/00406/FLL for planning consent for:- **Erection of a dwellinghouse Land 70 Metres South East Of Stockmuir Abernyte for Ms D Gibb**

Insofar as the Roads matters are concerned I do not object to the proposed development provided the conditions indicated below are applied, in the interests of pedestrian and traffic safety.

- Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.
- Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.

I trust these comments are of assistance.

