

TCP/11/16(302)

Planning Application 14/00146/IPL – Erection of dwellinghouse (in principle), land 30 metres south west of Wellington Road, West Alder

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TCP/11/16(302)
Planning Application 14/00146/IPL – Erection of
dwellinghouse (in principle), land 30 metres south west of
Wellington Road, West Alder

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

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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

14/00146/1PL

Site address

**LAND 30M SOUTH WEST OF WELLINGTON ROW,
WEST ARDLER**

Description of proposed development

**ERECTION OF DWELLINGHOUSE
(IN PRINCIPLE).**

Date of application **24/01/2014**

Date of decision (if any) **21/03/2014**

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

Site inspection

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

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | ☒ | ☐ |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | ☒ | ☐ |

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

SITE ACCESS SHOULD NOT BE A PROBLEM, THE SITE IS ACCESSIBLE FROM A FIELD OR CAN BE VIEWED FROM

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.

SEE ATTACHED APPEAL STATEMENT.

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

Yes

No

☐☒

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

DESIGN STATEMENT.
 PLANNING DRAWINGS 1 - 7 CONTAINING CURRENT
 AND HISTORIC OS PLANS, SITE IDENTIFICATION PLAN,
 SITE LAYOUT PLAN AND SITE PHOTOGRAPHS.

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

[Redacted Signature]

Date

10/04/14.

Project: Site Adjacent to East and West Cottages, Wellington Row, Ardler, PH12 8SX

Project No: 1338

Planning Ref: 14/00146/IPL

Appeal Statement: For Notice of Review

We are appealing the decision of the planning department to refuse our application for permission in principle to build a new home/working studio on a brownfield site which is part of the Wellington Row, by Ardler.

We will refer to the Delegated Report where there is information relevant to our appeal.

SITE HISTORY

The site is part of the former, larger residential development of Wellington Row. During pre-application discussions, as much history as was available for the plot was given to the planning department and acknowledged by them via electronic mail. Our design statement also referred to past history, and we submitted old ordnance survey maps of the site along with our application. The Delegated Report states that there is "no evidence of buildings on the site." This is not true. When those maps were overlaid onto existing maps by the planning department they acknowledged there were at least 4, if not 5 dwellings in Wellington Row, and that their historic footprint extended into the application site. Additionally, we provided a useful, important domestic history of the site, and to emphasise that point, repeat that the applicant's aunt lived on it, in a cottage called The Bothy. She remembers most of the other 3 cottages' tenants by name apart from one, who may have been a butler employed by Arthurstone Estate.

BUILDING GROUPS

We note that the Delegated Report states that there must be 3 buildings in a group to qualify as a group, and we are not suggesting that we presently have that. However, Wellington Row had 4/5 dwellings on it in the 1950's, including The Bothy, on the application site. Because we would not be increasing the number of dwellings by more than what was originally built in Wellington Row, there would be no added burden affecting it, and we believe it would appropriate to take that fact into consideration.

REPLACEMENT HOUSES

Our application is to return the site to a residential one, by building a replacement for The Bothy, which was demolished sometime after the mid 1950's. Strictly speaking, we do not meet all the conditions of this category because there is not substantial evidence of the house left above ground level. We do know that it was part of the former group of buildings in Wellington Row however, and that the same materials as those which remain could be incorporated into a new build's construction.

RURAL BROWNFIELD SITE

The plot is clearly rural brownfield. It was created for residential purposes originally, and there is no other use for it. It is well positioned, defined, proportioned, and serviced, and perfectly poised to be returned to its original residential purpose.

RURAL BROWNFIELD SITES & A SIGNIFICANT ENVIRONMENTAL IMPROVEMENT - A MATERIAL CONSIDERATION

The Delegated Report states that our proposal would "have to result in a significant environmental improvement" In our PPP application we pointed out that there is no available definition for what a "significant" environmental improvement would be expected to look like. Furthermore, given the modest size of the plot and new home, we believe that the condition is wholly impractical, and should be treated as a material consideration. The applicant has made clear her intention to create a bluebell wood for anyone passing Wellington Row to enjoy. Other improvements to the environment include the creation of a pond in the garden to attract wildlife. She will grow cottage garden flowers, and fruit and vegetables in order to be as self-sufficient as possible.

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ECO-FRIENDLY PROJECT

We are committed to being as eco-friendly as possible by choosing suitable products and features during the construction of the new build, and Morna is committed to living a responsible, eco-friendly, simple lifestyle at Wellington Row.

ROADS AND ACCESS

Access to the plot will be via the existing one from Washington Brae, via the field which is owned by the applicant's brother, because it is the most cost effective way of providing an access. There has been no objection from Transport Planning to this proposal.

RESIDENTIAL AMENITY

There was concern expressed in the Delegated Report that the access road could be detrimental to the residential amenity of East and West cottages. We disagree with that, because the existing field access will still be used, therefore producing nothing different to what happens at the moment. Furthermore, there were no objections raised by notified neighbours.

PERSONAL CIRCUMSTANCES/OPEN STUDIOS/HOMEWORKING

I am an innovative, dynamic, ambitious designer and creator. The growth and consequent success of my business depends on this appeal. I am presently a client of Growbiz, a charity based in Perthshire. Its remit is to assist people to set up in, or expand existing businesses, and my confidence has grown considerably since I began my association with them.

In 2012 I took part in Perthshire Open Studios, but my present accommodation isn't suitable enough to allow me to participate in the future. That year I provided exhibition space for 5 disadvantaged artists as well as my own work, and this is something I would like to do again in the future. Following a meeting with one of the POS committee members in 2013 I was encouraged to find suitable exhibition space/accommodation so that disadvantaged artists/creative people could have access to the event, and I think the Wellington Row site shows potential for this purpose. POS contributed approximately £130,000 to the local Perthshire economy in 2013. Visitors came mainly from Perthshire and Kinross, but from other places in the UK and abroad and also had a positive effect on tourism in the area, since some visitors stayed over for 3-5 days. It is an exciting event to be part of, has grown year on year, both in the number of artists taking part, and the number of visitors supporting the event - over 18,000 in 2013.

BEST NEW BUSINESS IDEA

After the POS event in 2012, I entered a competition run by Perth College for "Best New Business Idea." I was shortlisted for the final, and although I didn't win, I was encouraged by the feedback given by the panel of judges:

"Morna plans to exhibit and sell artwork produced by people who describe themselves as disadvantaged in some way. She has herself encountered a number of personal obstacles and the panel were impressed by the steps that she has taken not only to overcome these, but also to develop the health and wellbeing of others. There was a consensus that Morna will need support from professional advisers to ensure that she can keep control of what could become a substantial operation and assistance in helping her balance this and her own jewellery business. Firstport would be an organisation which Morna should contact for further advice on developing a social enterprise."

STATEMENT BY PERTH AND KINROSS COUNCIL

"We will make planning decisions in the public interest. The planning system does not exist to protect the private rights of one individual over another. Planning permission goes with the land and very rarely relates to an individual. In some circumstances, a temporary or personal permission may be justified, though such measures are used sparingly. Above all, it is important for us to maintain consistency in taking decisions to ensure adopted policies are protected and public confidence is maintained."

Since I applied for this PPP I have had discussions with several members of the public about its implications. I can honestly say that there has not been one single opinion voiced against my proposal. If our appeal is successful it will mean that a decision has been made in the public interest,

because of the potential of the site, not only for my own wellbeing, but for the greater good, and in particular disadvantaged artists. The knock on effect of that could be considerable.

ECONOMIC IMPACT

Taking into consideration the potential economic impact of Perthshire Open Studios, we disagree that the economic impact is likely to be limited to the construction phase of our development.

NATIONAL POLICY AND GUIDANCE

We note that the decision to refuse this application was made after considering various Government Policy documents, and we point out that we used the same policy documents to inform ourselves prior to making this application.

SUMMARY

In summary, we were disappointed that the Delegated Report proved to be so inflexible in its references to and the use of the Perthshire Housing in the Countryside Guide, and believe that this appeal statement has set out what would be a worthy alternative for the plot at Wellington Row.

Project: Site Adjacent to East and West Cottages, Wellington Row, Ardler, PH12 8SX

Project No: 1338

Design Statement: For Outline Planning Submission

This proposal is to establish the principle of residential development on an existing site, at the end of the cottages on Wellington Row, off the road linking Ardler to the A94.

Site – Boundaries and Location

The site is located at the end of Wellington Row, adjacent to the existing dwellings, East and West Cottages. Wellington Row is accessed from a minor road linking Ardler to the A94 Coupar Angus to Meikle road. The site is bound on three sides by agricultural land, which is in the ownership of the application site owner and on the north east by West Cottage and its post and wire garden fencing. There is some evidence of fencing on the three field sides of the site and these long established boundaries are clearly delineated by both the extent of agricultural work in the fields and the overgrown nature of the proposal site. Those relating to the agricultural land are well established, and coordinate with the historic site boundaries identified on the 1902 and 1926 ordnance survey plans (drg no 1338/PL/07) and indeed, the most up to date ordnance survey plan (drg no 1338/PL/01).

Site – Access

Access to the site would be from the existing field access which runs along the back of Wellington Row cottages, which in turn is accessed from the minor road linking Ardler to the A94 Coupar Angus to Meikle road.

Site – Services

The site can be serviced with both electricity and BT from an existing pole within the site. A slight relocation of this pole and service may be necessary, depending on the house's design and position, but where possible this will be avoided. There is a public water supply at the opposite side of the field to the south west of the site and access through the field to connect to this supply would not be an issue. There may be a more proximate public supply serving East and West Cottages but as yet this has not been explored. There is no mains gas, however my client is considering a number of options for heat source. (Please see client's statement for details.) In terms of foul and surface water from the proposed dwelling, there is adequate ground available within the site (drg no 1338/PL/03) to accommodate a small treatment plant and associated soakaways, thus keeping all drainage discharge within the site boundaries.

Site – History and Topography

The proposal site is part of the original row of cottages on Wellington Row. In the past, some of them housed workers from Arthurstone Estate, and their original form and extent are shown on the historic 1902 and 1926 ordnance survey plans. Those indicate that there were originally 4 cottages, although other plans show (not included because of poor quality) that there were at one time 5 cottages. That being said, the subdivision of the original building form looks like it could have been four or five cottages, without extending the overall footprint. At some point the end cottage(s) have been removed, completely leaving this parcel of land and East and West Cottages, which we believe have been altered and extended over time. As noted in the site boundaries section, those around the original building footprint have remained, leaving this parcel of land undeveloped but still within Wellington Row. Historically the site was developed as a residential one, and has been vacant since demolition of the cottage(s). It is fairly level, with a slight north to south slope, but nothing of concern. There are mainly overgrown weeds and some small trees on it, but nothing worthy of note or retention, particularly given the site's proximity to well established woodland.

Housing in the Countryside Guide – November 2012

With reference to the above document, we believe that the site proposed can comfortably meet with the needs and guidance of it in a number of areas, specifically:

In the section marked "**For All Proposals**" we believe in relation to a single dwelling proposal we would comply with the following criteria

a) Through the reserved matters process we would prepare a house design meeting this design criteria, whilst also satisfying the client's requirements and preferences.

b) *Pre-application discussions* have taken place and a number of issues have been discussed. We believe that this document and associated drawings demonstrate how we plan to deal with any issues regarding a single dwelling development.

c) As noted above there are satisfactory services and access available for the site.

d) n/a

e) n/a

f) n/a, although the materials and design will be influenced by the existing and previous cottages on and adjacent to the site.

g) n/a, although the materials and design will be influenced by the existing and previous cottages on and adjacent to the site.

h) As noted above, the existing agricultural land around the proposed site does not encroach on it and vice versa, and that would still be the case should a replacement house be built. Agricultural work could still continue, around the boundaries of Wellington Row.

i) My client is a jewellery designer, and requires a working studio to be incorporated into her home environment.

j) n/a

k) For the most part we do not believe this proposal would have a negative impact on the biodiversity of this parcel of land. My client intends to make full use what was a "large and productive garden". Apart from growing fruit and vegetables for herself and others, she would like to create a garden pond to attract wildlife, grow cottage garden flowers, and create a bluebell wood in the wooded area adjacent to the plot, for anyone passing to enjoy.

l) n/a

m) We wish to design a dwelling which sits comfortably within the plot, whilst being in keeping with the original and existing style of the cottage/s. Utilising a similar palette of external materials, it seems appropriate to build another house on the plot, given that historically it has been only been used as a residential one. In consideration of the amenity space around the house being in harmony with the local environment, my client's ethos for landscaping and planting tie in very well with the Guide.

In terms of the categories which a single dwelling would have to fall into to be considered appropriate, we may not necessarily have a site which fully fits into a category, but would comment as follows on the merits of this site in relation to each category:

1. Building Groups - We believe this proposal would extend an existing building group of two cottages into a clearly defined site, formed by the existing topography and boundaries, but more importantly back into a residential site. Historic and current ordnance survey plans clearly identify the boundaries and setting of it. Whilst there are only two existing cottages, we would suggest the existing building group does comply with the criteria of at least 3 or more buildings of a size at least equivalent to an existing cottage, given that these buildings have been extended, and can be directly compared with the original building group, and scale of the original traditional cottages.

2. Infill Sites - We would not be developing a gap site.

3. New Houses in the Open Countryside – Whilst we may not necessarily comply with the criteria of 3.1 to 3.5, we do, however, believe that the house would comply with the siting criteria a) – d) and also with the unacceptable criteria a) – c).

4. Renovation or Replacement of Houses – Historic ordnance survey plans show that the site was previously developed with a cottage and/or cottages. The established boundaries and landscaped settings enable us to comply with the spirit of sections e and f of this category.

5. Conversion or Replacement of Houses - n/a

6. Rural Brownfield Land – Again, we believe we would comply with the spirit of the Guide, since the land has been previously developed and occupied by buildings. The new dwelling would improve and transform the site, restoring it to its original use as a residential plot. There is clearly no use for the vacant site in an agricultural capacity, or it would have been returned to that state long ago. Furthermore, we believe that it is highly unlikely to be developed other than as residential site, making the best use of its setting and location.

Future Dwelling Proposal and Design

Should the outline application be successful, my client is very open minded about the form, style and construction materials of the proposed house. The likely design will be a contemporary, environmentally efficient and modestly sized dwelling, planned over two floors, with the upper floor likely a room in the roof style development. It would seem sensible to make reference to the stone and slate of the existing cottages and these same materials would have formed the original cottage as well, there would likely be larch cladding on the external envelope. In harmony with the existing cottages in Wellington Row, and to include some of the same construction materials, the building would follow the form of the existing cottages and the likely position of the demolished one, whilst respecting the outlook and amenity space of those which still exist. If following this form it is unlikely that the proposed dwelling would impact upon either the outlook or amenity space of the existing cottages. The new house would make the most of the southerly aspect and potential views. My client has a strong desire to incorporate eco-friendly utilities and products in an effort to make the dwelling as self-sufficient and efficient as possible. She elaborates on this in her statement below.

Summary

In summary, we believe that the site's merits as a housing plot are considerable, particularly since its only known use has been as a residential one. Furthermore, we believe that it is, indeed, the sort of site which should be developed and promoted, as making good use of rural brownfield land in Perthshire. It complies - we believe - particularly well with the spirit of the Housing in the Countryside Guide, and what that document appears to be endeavouring to achieve, in terms of redeveloping rural brownfield sites in Perthshire.

Clients Statement

THE PROJECT

To build a new home which will, most importantly, incorporate a working studio.

THE APPLICANT

A jewellery designer/mixed media artist, presently working from my home in Perthshire. At the moment my workroom occupies my spare bedroom. My business has outgrown the available space for it, both in relation to the quantity of stock which I carry, and the tools and machinery which I require for my work. The restrictions I am experiencing on my ability to design from a cramped, unsuitable space are considerable. I have a chronic depressive illness which can place limitations on how well I function, and I can't stress enough how important my immediate environment is for my wellbeing.

THE PROPOSED DEVELOPMENT SITE AT WELLINGTON ROW

Already a place, with a name, Wellington Row lies at the bottom of the Washington Brae, which connects the A94 to the village of Ardler. It is part of the Countryside Watch scheme. The plot sits at the west end of Wellington Row. It is owned by my brother and uncle who farm at Mains of Arthurstone, which is a 10 minute walk from the plot.

PLANNING /DOMESTIC HISTORY OF THE PLOT

A vacant rural brownfield site, which had a house standing on it as recently as the 1950's. One of four houses in Wellington Row at that time, it was called "The Bothy". One of my aunts lived in the house for 4-5 years, and during 1950-51 with her grandmother. Recently, she has provided me with the names of 3 of the other tenants in Wellington Row at that time. One of my aunt's comments was that The Bothy had "a large garden which was very productive."

THE PLOT NOW, AND IN THE FUTURE

The situation of the plot is perfect for my business needs, which I run mostly via the Internet. For shipping purposes, there is a 10 minute walk to the post box in Ardler.

At the moment, this precious piece of land is wasted and uncared for, and I feel privileged to have been given the opportunity to bring it back to life. I would be able to grow my own fruit, vegetables and cottage garden flowers, create a pond to attract wildlife and a bluebell wood adjacent to the plot, for anyone passing to enjoy. I would also be living closer to my family, and less dependent on transport.

Housing in the Countryside Guide, Perth & Kinross Council, November 2012

b) Pre-application discussion is recommended.

Separately, my agent and I consulted a planning officer, who, encouragingly, believes the plot has potential.

Housing in the Countryside Guide, Perth & Kinross Council, November 2012

The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories:

(f) Development on rural brownfield land.

Redevelopment for small scale housing of brownfield land which was formerly occupied by buildings may be acceptable where it would result in a significant environmental improvement.

The plot isn't visible from north, south or easterly directions. The only view of it is from Station Road, which runs parallel with Washington Brae, and is a field's width away from the plot. (see photographs) It is clear from this viewpoint that the plot is unsightly, and of course, that any responsible redevelopment would indeed result in an improvement to the environment. I believe other measures I am keen to employ to the immediate environment (already communicated to a planning officer) would cumulatively result in a significant improvement, although there are no guidelines in the Housing in the Countryside Guide to indicate what is "significant".

Housing in the Countryside Guide, Perth & Kinross Council, November 2012

i) Encouragement will be given to the incorporation of measures to facilitate home working within new development

PAN 72 - Planning Advice Note - Housing in the Countryside



Contemporary artist's studio and home, Perth & Kinross

Housing in the Countryside Guide, Perth & Kinross Council, November 2012

3.5 Pilot projects creating eco-friendly houses:

Such proposals may be supported where a rural setting is required and the project is linked to the management of land or use of land for sustainable living.

I am committed to installing eco-efficient products inside the new build, specifically:

- **high performance Swedish double glazed windows**
- **either underfloor heating or a log burning stove, or both**
- **photovoltaic solar panels**
- **SIPS for the internal construction. I have sourced a factory which manufactures those in Perthshire. Details of their panels' performance:**
- **"For our SIPS 150mm panel the U values are: Walls : 0.17, Roof : 0.18, these can be added to in various ways to get them down further but SAPS calc wise we never need to. One important feature will be the lack of thermal bridging in the kit (mostly insulated jointing splines in the walls and roof) and also the inherent air tightness (Our kits normally test at below 1.5 changes an hour before any internal works start.) Therefore heating wise it is very minimal."**

In support of this application, I have referred to the policies below, which were produced by the Scottish Government in relation to planning and development:

CREATING PLACES- POLICY STATEMENT ON ARCHITECTURE IN SCOTLAND, THE VALUE OF GOOD BUILDINGS AND PLACES The Scottish Government, June 2013

"Good buildings and places can have personal value to us as individuals. They give us a sense of belonging, a sense of identity, a sense of community, and offer us the amenities to meet our daily needs."

"Good buildings and places can provide value to us as a society. They attract talent and investment and are the essential infrastructure which sustains business."

Some references I would make to planning and Government documentation which I believe strikes a chord with my desire and belief in this development and the improvement it could make on my work/life balance:

Sir Harry Burns, Chief Medical Officer, The Scottish Government

'There is a proven link between how we perceive our world and surroundings and the various biological responses that go on inside the body. How people feel about their physical surroundings, can impact on not just mental health and wellbeing, but also physical disease.'

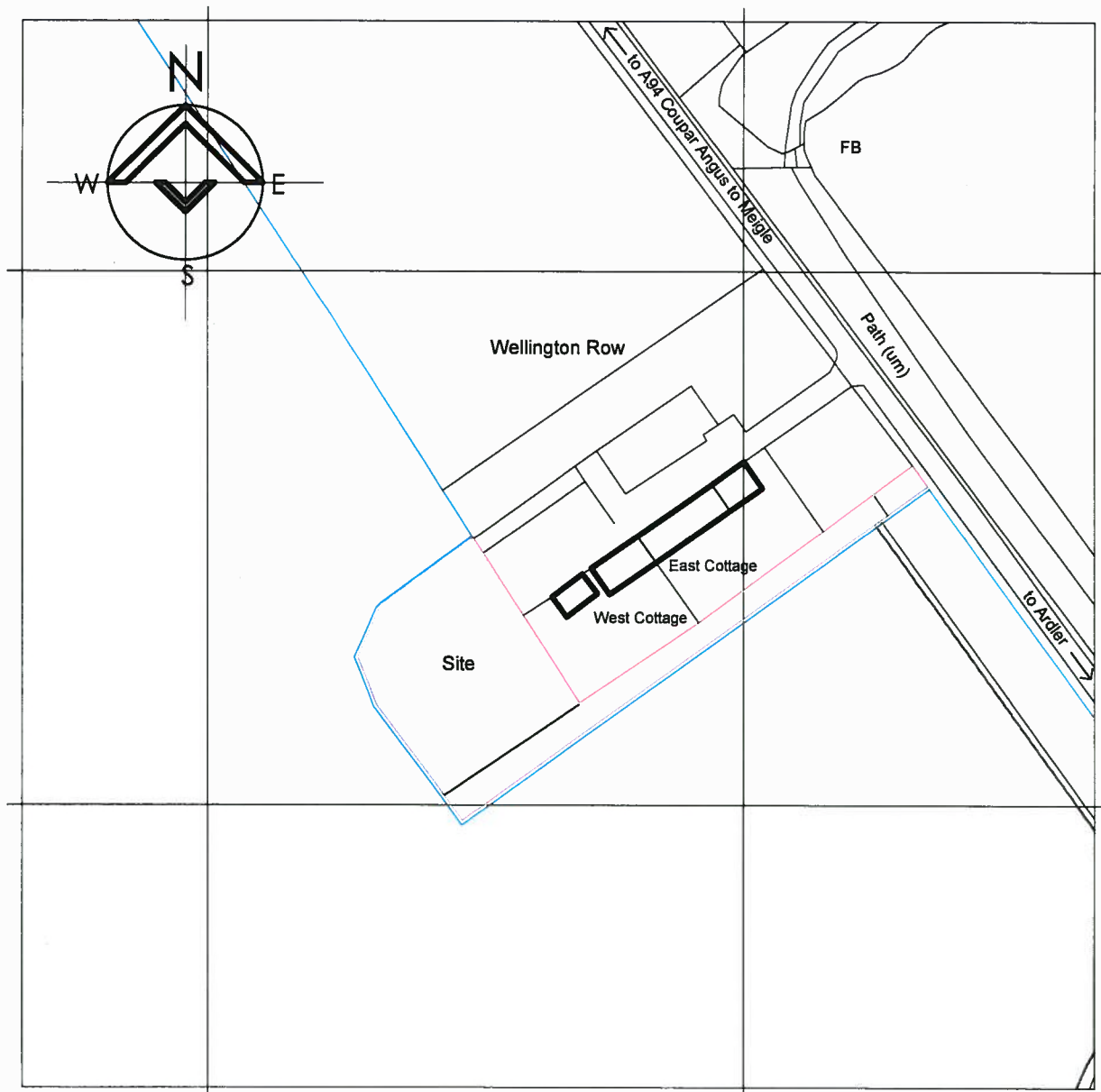
SPP15 PLANNING FOR RURAL DEVELOPMENT - SCOTTISH PLANNING POLICIES FEB.2005

13. Planning authorities should support a wide range of economic activity in rural areas and seek environmental enhancement through development at every opportunity.

SCOTTISH PLANNING POLICY - THE SCOTTISH GOVERNMENT, 2010

Economic Development

45. Authorities should respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that changing circumstances can be accommodated and new economic opportunities realised. Removing unnecessary planning barriers to business development and providing scope for expansion and growth is essential.



site location
plan 1:1250

0m 20m 40m 60m 80m 100m
10m 30m 50m 70m 90m
1:1250 Scale Bar (100m)

rev	dm	date	description

Jon Law Architectural Technician
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web: www.jonlawarchitecturaltechnician.co.uk

WE CERTIFY THAT THIS IS A TRUE
COPY OF THE PLAN(S) REFERRED
TO IN THE PLANNING/WARRANT
APPLICATION

SIGNED Jon Law

DATED 24/01/14

NOTE: All proprietary goods and materials are
to be fitted in accordance with manufacturers
instructions, relevant Codes of Practice and
British Standards.
All dimensions to be verified by the Contractor
on site.

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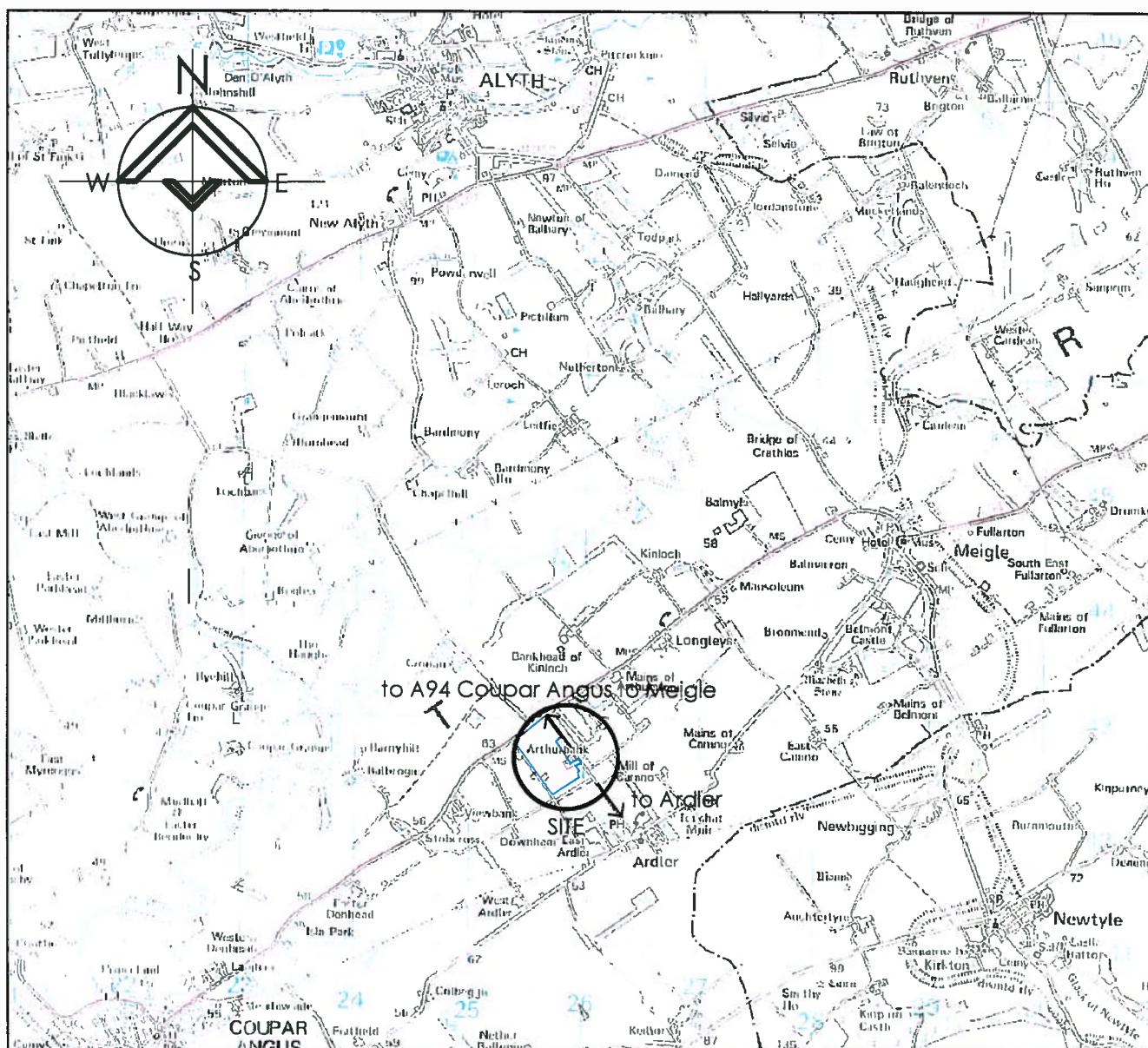
client: Mrs Morna Patterson

project: New Dwellinghouse, site north
west of East and West Cottages,
Wellington Row, Ardler,
PH12 8SX

drawing name:
Planning Drawings -
Existing Site Location Plan

scale: 1:1250 date: 01/11/13 drawn: jl

drawing no: 1338/PL/001 rev:



site identification plan n.t.s

rev	dwn	date	description
Jon Law Architectural Technician Architectural Design Services			
jon law architectural technician ltd 68 cooper drive : perth : ph1 3gn t: 01738 248655 m: 07880952485 e: jon@jonlawarchitecturaltechnician.co.uk web: www.jonlawarchitecturaltechnician.co.uk			
WE CERTIFY THAT THIS IS A TRUE COPY OF THE PLAN(S) REFERRED TO IN THE PLANNING/WARRANT APPLICATION			
SIGNED..... <u>Jon Law</u>			
DATED..... <u>24/01/14</u>			
NOTE: All proprietary goods and materials are to be fitted in accordance with manufacturers instructions, relevant Codes of Practice and British Standards. All dimensions to be verified by the Contractor on site.			
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396			
client: Mrs Morna Patterson			
project: New Dwellinghouse, site north west of East and West Cottages, Wellington Row, Ardler, PH12 8SX			
drawing name: Planning Drawings - Site Identification Plan			
scale: N.T.S date: 01/11/13 drawn: jl			
drawing no: 1338/PL/002 rev:			

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rev	dn	date	description

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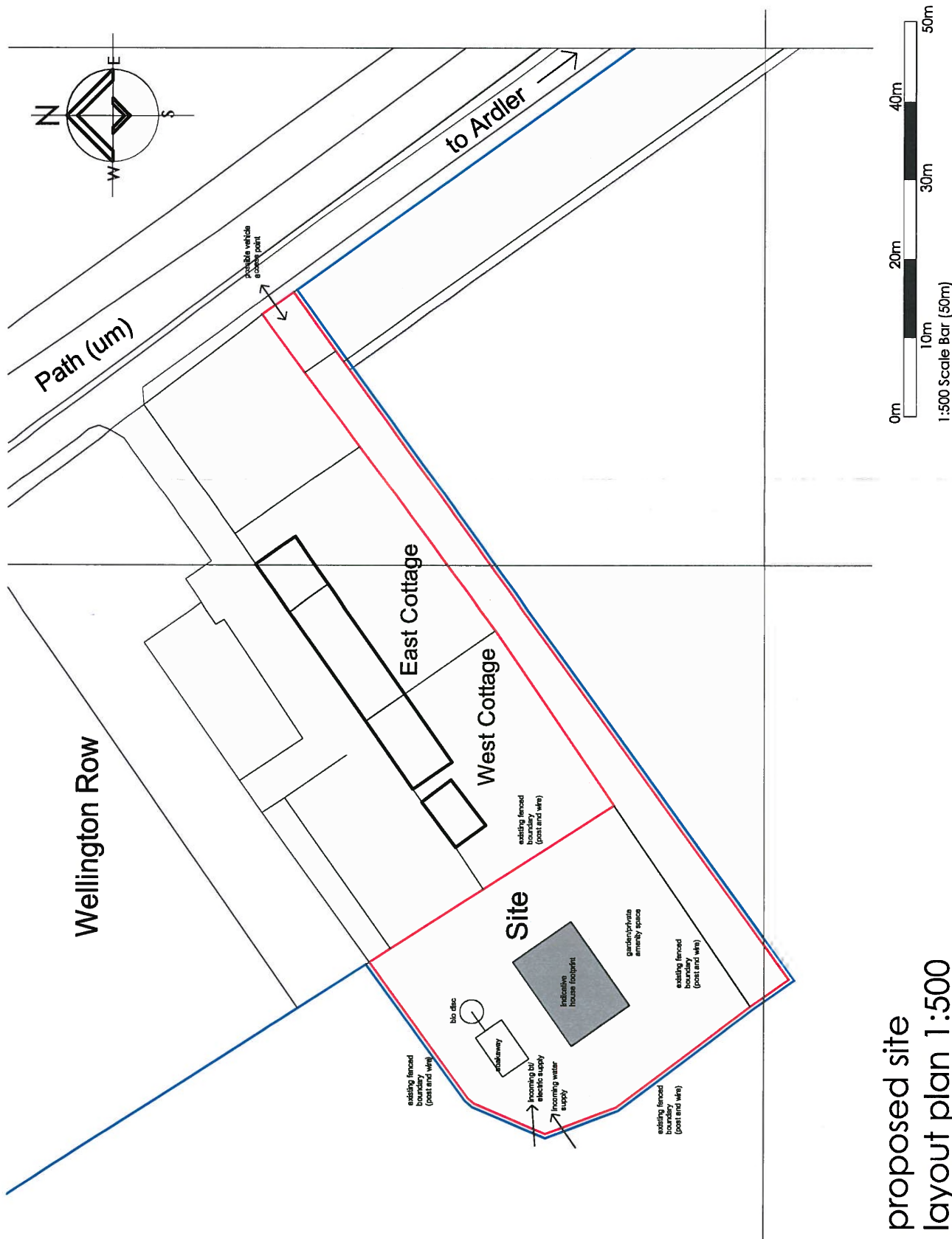
client: Mrs Morna Patterson

project: New Dwellinghouse, site north
west of East and West Cottages,
Wellington Row, Ardler,
PH12 8SX

drawing name:
Planning Drawings -
Proposed Site Layout Plan

scale: 1:1250 date: 01/11/13 drawn: jl

drawing no: 1338/PL/003 rev:





view from south west to site

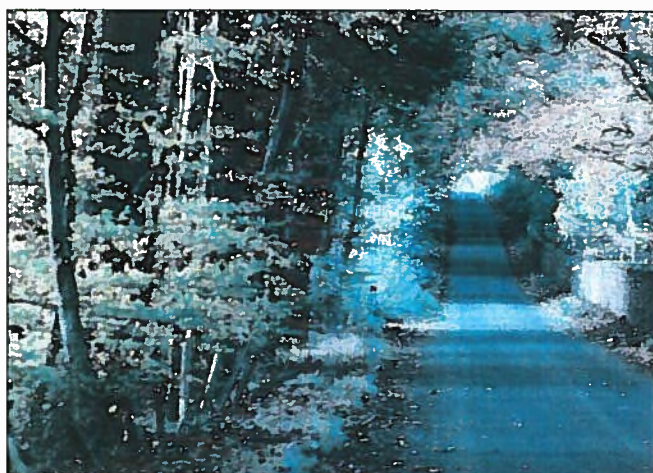


view from north west to site
site photographs

				WE CERTIFY THAT THIS IS A TRUE COPY OF THE PLAN(S) REFERRED TO IN THE PLANNING/WARRANT APPLICATION		client: Mrs Morna Patterson													
<table border="1"> <thead> <tr> <th>rev</th> <th>dm</th> <th>date</th> <th>description</th> </tr> </thead> <tbody> <tr> <td colspan="4"> Jon Law Architectural Technician Architectural Design Services </td> </tr> <tr> <td colspan="4"> jon law architectural technician ltd 68 cooper drive : perth : ph1 3gn t: 01738 248655 m: 07880952485 e: jon@jonlawarchitecturaltechnician.co.uk web: www.jonlawarchitecturaltechnician.co.uk </td> </tr> </tbody> </table>				rev	dm	date	description	Jon Law Architectural Technician Architectural Design Services				jon law architectural technician ltd 68 cooper drive : perth : ph1 3gn t: 01738 248655 m: 07880952485 e: jon@jonlawarchitecturaltechnician.co.uk web: www.jonlawarchitecturaltechnician.co.uk				SIGNED..... <i>Jon Law</i> DATED..... <i>24/01/14</i>		project: New Dwellinghouse, site north west of East and West Cottages, Wellington Row, Ardler, PH12 8SX	
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				scale: 1:1250 date: 01/11/13 drawn: jl		drawing no: 1338/PL/004 rev:													



view from south east to site



main road with existing access
site photographs



view down wellington
road to site

rev	dm	date	description	WE CERTIFY THAT THIS IS A TRUE COPY OF THE PLAN(S) REFERRED TO IN THE PLANNING/WARRANT APPLICATION SIGNED <u>Jon Law</u> DATED <u>24/01/14</u> NOTE: All proprietary goods and materials are to be fitted in accordance with manufacturers instructions, relevant Codes of Practice and British Standards. All dimensions to be verified by the Contractor on site. © This drawing remains the Copyright of Jon Law Architectural Technician and may not be reproduced in whole or any part without prior written permission.	client: Mrs Morna Patterson
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jon law architectural technician ltd 68 cooper drive : perth : ph1 3gn t: 01738 248655 m: 07880952485 e: jon@jonlawarchitecturaltechnician.co.uk web: www.jonlawarchitecturaltechnician.co.uk				drawing name: Planning Drawings - Site Photographs, sheet 2	scale: 1:1250 date: 01/11/13 drawn: jl
				drawing no: 1338/PL/005 rev:	



view of site and access

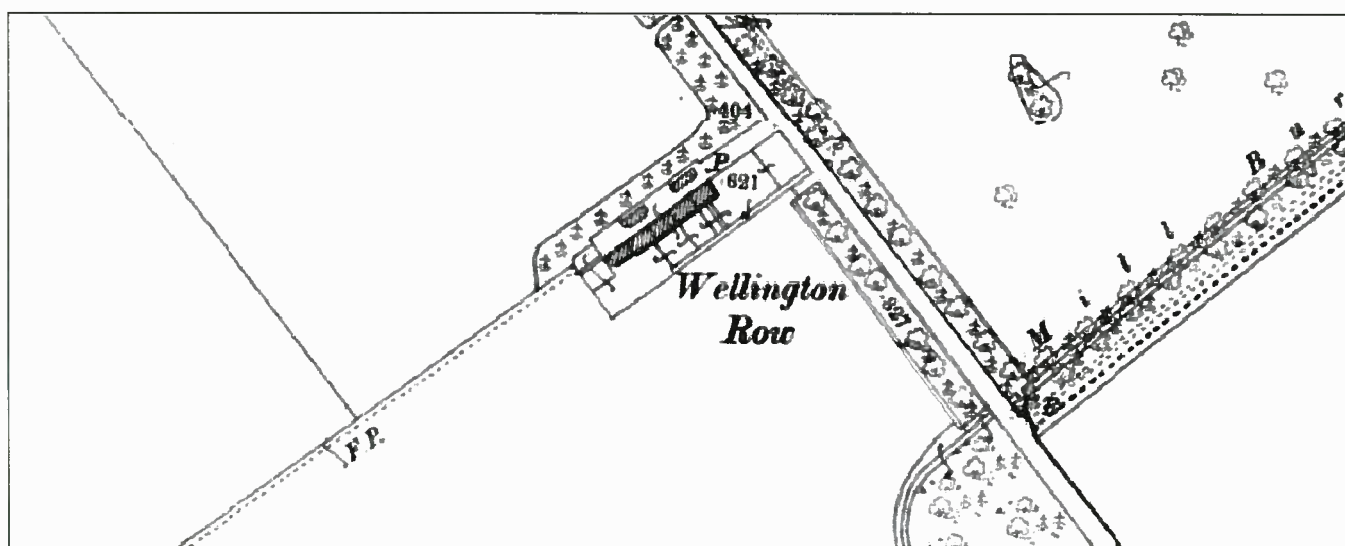


view from field to main road with existing access
site photographs

rev	dm	date	description	WE CERTIFY THAT THIS IS A TRUE COPY OF THE PLAN(S) REFERRED TO IN THE PLANNING/WARRANT APPLICATION SIGNED.....<i>Jon Law</i>..... DATED.....<i>24/01/14</i>..... NOTE: All proprietary goods and materials are to be fitted in accordance with manufacturers instructions, relevant Codes of Practice and British Standards. All dimensions to be verified by the Contractor on site. ©This drawing remains the Copyright of Jon Law Architectural Technician and may not be reproduced in whole or any part without prior written permission.	client: Mrs Morna Patterson
Jon Law Architectural Technician Architectural Design Services jon law architectural technician ltd 68 cooper drive : perth : ph1 3gn t: 01738 248655 m: 07880952485 e: jon@jonlawarchitecturaltechnician.co.uk web: www.jonlawarchitecturaltechnician.co.uk					project: New Dwellinghouse, site north west of East and West Cottages, Wellington Row, Ardler, PH12 8SX drawing name: Planning Drawings - Site Photographs, sheet 3 scale: 1:1250 date: 01/11/13 drawn: jl drawing no: 1338/PL/006 rev:



1926 os plan



1902 os plan
historic os plans

<table border="1"> <tr> <td>rev</td> <td>dm</td> <td>date</td> <td>description</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>				rev	dm	date	description					WE CERTIFY THAT THIS IS A TRUE COPY OF THE PLAN(S) REFERRED TO IN THE PLANNING/WARRANT APPLICATION SIGNED.....<i>Jon Law</i>..... DATED.....<i>24/01/14</i>..... NOTE: All proprietary goods and materials are to be fitted in accordance with manufacturers instructions, relevant Codes of Practice and British Standards. All dimensions to be verified by the Contractor on site. ©This drawing remains the Copyright of Jon Law Architectural Technician and may not be reproduced in whole or any part without prior written permission.		client: Mrs Morna Patterson project: New Dwellinghouse, site north west of East and West Cottages, Wellington Row, Ardler, PH12 8SX drawing name: Planning Drawings - Historic OS Plans scale: 1:1250 date: 01/11/13 drawn: jl drawing no: 1338/PL/007 rev:	
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Jon Law Architectural Technician Architectural Design Services jon law architectural technician ltd 68 cooper drive : perth : ph1 3gn t: 01738 248655 m: 07880952485 e: jon@jonlawarchitecturaltechnician.co.uk web: www.jonlawarchitecturaltechnician.co.uk															

TCP/11/16(302)
Planning Application 14/00146/IPL – Erection of dwellinghouse (in principle), land 30 metres south west of Wellington Road, West Alder

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENT *(included in applicant's submission, see pages 395-401)*

PERTH AND KINROSS COUNCIL

Mrs Morna Patterson
c/o Jon Law Architectural Technician
Jon Law
11 Matthews Drive
Perth
PH1 2UR

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 21st March 2014

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **14/00146/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 24th January 2014 for permission for **Erection of dwellinghouse (in principle) Land 30 Metres South West Of Wellinton Row West Ardler** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to Policy RD3: Housing in the Countryside of the Local Development Plan 2014 as it does not meet any of the six categories. In particular proposal is contrary to the Housing in the Countryside Guide 2012 Category 1 Building Groups as the existing buildings do not form a building group as defined in the guide and Category 6 Rural Brownfield Land as there is no evidence that it was formally occupied by buildings and that there is no evidence of dereliction and that there would be no significant environmental improvement.

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

14/00146/1

14/00146/2

14/00146/3

14/00146/4

14/00146/5

REPORT OF HANDLING

DELEGATED REPORT

Ref No	14/00146/IPL	
Ward No	N2- Strathmore	
Due Determination Date	23.03.2014	
Case Officer	Joanne Ferguson	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of dwellinghouse (in principle)

LOCATION: Land 30 Metres South West Of Wellington Row West Ardler

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: 28 February 2014

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The application is for erection of a dwellinghouse in principle at land 30m southwest of Wellington Row West, Ardler. The site is adjacent to a linear traditional building which forms two dwellings and large domestic building. The application site lies to the southwest of these buildings, contained by fencing and is generally overgrown.

SITE HISTORY

No application history

PRE-APPLICATION CONSULTATION

Pre application Reference: Discussions have taken place with agent and advice has been given that the principle of development is not acceptable.

NATIONAL POLICY AND GUIDANCE

The Scottish Government expresses its planning policies through The National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, 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 was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

Policy RD3 - Housing in the Countryside

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

OTHER POLICIES

Housing in the Countryside Guide 2012

CONSULTATION RESPONSES

Scottish Water	No objection
Transport Planning	No objection
Education And Children's Services	Condition required if approved

REPRESENTATIONS

The following points were raised in the 1 representation received:

- Access – covered in Roads and Access
- No evidence of a building on the site – covered in Policy section

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	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

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

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

Policy Appraisal

The site lies out with a settlement boundary and is therefore considered under policy RD3: Housing in the Countryside. This policy supports the development of single houses or groups of houses which fall within the six identified categories. I consider that this proposal does not comply with any of the categories and I will address this in detail.

In relation to Category 1 Building Groups the guide states that an existing group is defined as 3 or more buildings of a size at least equivalent to a traditional cottage, small ancillary buildings such as garages and outbuildings will not be classed as buildings for the purposes of the guide. The site has two existing buildings; one consists of a single building which accommodates two dwellings the other is an outbuilding of domestic scale. The proposal therefore would not comply with this category of the guide as the existing buildings do not meet the definition of a group.

In addition consideration is given under Category 6 Rural Brownfield Land where redevelopment for small scale housing of brownfield land which was formerly occupied by buildings may be acceptable. In this case the proposal should remove dereliction or result in a significant environmental improvement. A statement of the planning history of the site, including the previous use and condition, must be provided. The site is currently overgrown with some self-seeded trees; there is no evidence of previous buildings on the site. The agent has submitted some historical maps showing a row of buildings which formed four/five dwellings in the location however when overlaid onto the existing ordnance survey this historic footprint only extended very marginally into the application site and does not confirm that there was previously a dwelling on the site. The proposal is therefore not considered to meet the criteria set in this category.

In terms of the other categories (2- 5) within the guide the site is not an infill site, is not meet any of the categories for new houses in open countryside, is not a renovation or replacement house and is not a Conversion or Replacement of Redundant Non-Domestic buildings.

I conclude that the proposal is contrary to the Development Plan in particular the Housing the Countryside Policy.

Design and Layout

The proposal is in principal however an indicative plan has been submitted to demonstrate how a dwelling could be accommodated within the site, in line with the existing cottages.

Residential Amenity

I have concerns that the proposed access could be detrimental to the residential amenity of the existing dwellings, in particular the east cottage. This cottage would be bounded by the existing access to the north (serving west cottage) and the new plot access to the south serving proposed site.

Roads and Access

The existing access is not proposed to be used to serve this development an existing field access is to be used the south of the existing cottages Transport Planning have no objection to the use of the existing access to service the plot.

Developer Contributions

This development falls within the Meigle Primary School catchment area. 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.

Application Processing Time

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

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered not to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Conditions and Reasons for Recommendation

- 1 The proposal is contrary to Policy RD3: Housing in the Countryside of the Local Development Plan 2014 and the Housing in the Countryside Guide 2012 as it does not meet any of the six categories. In particular proposal is contrary to Category 1 Building Groups as the existing buildings do not form a building group and Category 6 Rural Brownfield Land as there is no evidence that it was formally occupied by buildings,

no evidence of dereliction and that there would be no significant environmental improvement.

Justification

- 0 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

14/00146/1

14/00146/2

14/00146/3

14/00146/4

14/00146/5

Date of Report 21.03.2014

TCP/11/16(302)
Planning Application 14/00146/IPL – Erection of
dwellinghouse (in principle), land 30 metres south west of
Wellington Road, West Alder

REPRESENTATIONS

- Representation from Education and Children's Services, dated 4 February 2014
- Representation from Transport Planning, dated 20 February 2014
- Representation from Scottish Water, dated 3 March 2014

Memorandum

To	Nick Brian Development Quality Manager	From	Janette Clark Information Assistant
Your ref	14/00146/IPL	Our ref	JC
Date	04 February 2014	Tel No	(4) 76308

Education & Children's Services

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Planning Application Ref No 14/00146/IPL

This development falls within the Meigle Primary School catchment area.

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.

Please do not hesitate to contact me should you require any further information.



MEMORANDUM

To	Joanne Ferguson Planning Officer	From	Niall Moran Transport Planning Technician Transport Planning
Our ref:	NM	Tel No.	Ext 76512
Your ref:	14/00146/IPL	Date	20 February 2014

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

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

With reference to the application 14/00146/IPL for planning consent for:- **Erection of dwellinghouse on Land 30 Metres South West Of Wellington Row West Ardler for Mrs Morna Patterson**

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 and use of the approved development all matters regarding access, visibility splays, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.

I trust these comments are of assistance.

3rd March 2014



SCOTTISH WATER
Customer Connections
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Central Support Team
T: 0141 414 7660
W: www.scottishwater.co.uk

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

Dear Sir Madam

PLANNING APPLICATION NUMBER: 14/00146/IPL
DEVELOPMENT: Ardler Lnd SW of WellingtonRow
OUR REFERENCE: 658265
PROPOSAL: Erection of dwellinghouse and garage

Please quote our reference in all future correspondence

In terms of planning consent, Scottish Water does not object to this planning application. However, please note that any planning approval granted by the Local Authority does not guarantee a connection to our infrastructure. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received.

There are no public sewers in the vicinity of the proposed development.

Lintrathen Water Treatment Works may have capacity to service this proposed development.

Water Network – Our initial investigations have highlighted there may be a requirement for the Developer to carry out works on the local network to ensure there is no loss of service to existing customers. The Developer should discuss the implications directly with Scottish Water.

In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the Developer will be required to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.

A totally separate drainage system may be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements installed, subject to compliance with the current water byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.

It is possible this proposed development may involve building over or obstruct access to existing Scottish Water infrastructure. On receipt of an application Scottish Water will provide advice that will require to be implemented by the developer to protect our existing apparatus.

Should the developer require information regarding the location of Scottish Water infrastructure they should contact our Property Searches Department, Bullion House, Dundee, DD2 5BB. Tel – 0845 601 8855.

If the developer requires any further assistance or information on our response, please contact me on the above number or alternatively additional information is available on our website: www.scottishwater.co.uk.

Yours faithfully

Lisa Main
Customer Connections Administrator