

TCP/11/16(215)

Planning Application 12/00990/IPL – Erection of a dwellinghouse (in principle) on plot at Blashieburn Stables, Vicar's Bridge Road, Blairingone

**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

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

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

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

Yes No
x

Planning authority

Planning authority's application reference number

Site address

Description of proposed
development

Date of application

Date of decision (if any)

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 **x**
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 **x**
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 **x**
2. One or more hearing sessions **x**
3. Site inspection **x**
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:

There are significant issues in relation to the interpretation of the Council's Housing in the Countryside Policy that warrant careful consideration preferably at a hearing.

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? | | x |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | | x |

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

Access to the site should take place accompanied due to the nature of certain items stored there.

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 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.

See attached statement.

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:

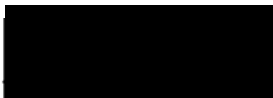
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

Paul Houghton 

Date

26th October 2012

REFERENCE:

MCL12025

STATEMENT IN SUPPORT OF LOCAL REVIEW
FOR:

ERECTION OF A DWELLINGHOUSE IN PRINCIPLE

AT

PLOT AT BLASHIEBURN STABLES, VICAR'S BRIDGE ROAD,
BLAIRINGONE

ON BEHALF OF: MR COLIN MCLEAN

PREPARED BY: HOUGHTON PLANNING

DATE: 26TH OCTOBER 2012



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1.0 INTRODUCTION

- 1.1 This review statement has been prepared in relation to a planning permission in principle application for a single dwelling at Plot at Blashieburn Stables, Vicar's Bridge Road, Blairingone.
- 1.2 The application was refused under delegated powers on 14th August 2012 for the following five reasons:
1. *"The proposal is contrary to policy 2 of the Kinross Area Local Plan 2004 criteria (a) in failing to have a landscape framework capable of absorbing, and if necessary screening the development.*
 2. *The policy is contrary to policy 54 of the Kinross Area Local Plan 2004, in failing to provide detailed plans of the elevations of the proposed development in its landscape setting in relation to the sites designation within an 'Area of Great Landscape Value'.*
 3. *The proposal is contrary to policy 64 of the Kinross Area Local Plan 2004, in failing to satisfy any of the associated criteria for Housing in the Countryside.*
 4. *The proposal is contrary to the Council's Housing in the Countryside Policy 2009 in that it does not constitute development within a building group, nor the extension of a building group onto a definable site, it is not a infill site, it does not meet the requirements of new houses in the open countryside, it does not involve the conversion or replacement of redundant non-domestic buildings of traditional form and construction nor does the site constitute rural brownfield land.*
 5. *The proposal is contrary to policy 84 of the Kinross Area Local Plan in failing to include a mining report in support of the application to identify the site is not subject to undermining and can be safely developed.*

2.0 THE SITE

- 2.1 The site located to the west of the village of Blairingone on land to the west of the properties on Vicars Bridge Road. It forms part of a larger landholding that comprises a yard, within which stables, containers, hardstandings, a mobile home and a larger barn are situated, and two paddocks used for grazing.
- 2.2 All buildings and structures on the site either benefit from planning permission, are otherwise permitted development or lawful.

- 2.3 The site was purchased by the applicant over a number of years and required significant remediation to get it to the state it is currently in. This involved the clearance of vehicles, machinery, general waste and refuse and the importation of many tonnes of topsoil to cover paddock areas such that they could not sustain pasture and grazing.
- 2.4 The site is open to views from the adjoining lane and properties within the village, but the applicant is willing to create a landscape setting for the new dwelling as part of clearing and remediating the site and more detail in relation to this can be found below.
- 2.5 In terms of the Council's Housing in the Countryside Policy (see further below) the site is considered to be rural brownfield land.
- 2.6 Scottish Planning Policy and the recent Perth Local Development Plan Proposed Plan (January 2012) both contain the same definition for brownfield land and describe this as *"land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused building and developed land within the settlement boundary where further intensification of use is considered acceptable."* It is the applicant's opinion that his land is brownfield as it includes areas of dereliction and allowing a new dwelling would allow for the site to be cleared, remediated and landscaped.
- 2.7 It is appreciated that the case officer, and in response to this assertion, may suggest that the site is in use and thus is neither *"vacant"* nor *"occupied by redundant or unused buildings"*. Strictly speaking this is correct as the applicant does use the site on an intermittent basis, but this is for purely hobby purposes and certain structures on the site are of no immediate use to him nor are they part of his plans for his retirement. In effect, therefore, even those buildings and structures that are currently occasionally used will become *"redundant and unused"* in the immediate future. The applicant is anyway willing to remove all of these from the site as part of remediating it and facilitating the hoped for construction of a new dwelling for him to occupy. He would not do this if they were of immediate or significant future use to him.

3.0 THE PROPOSED DEVELOPMENT

- 3.1 The proposal considered by the Council was for a single plot for a dwellinghouse in principle on the western edge of the landholding. This part of the site is currently hard surfaced and contains a stable block and containers.

3.2 No further detail was submitted with the application at the time, but the applicant appreciates that in developing the site there is a need both to remediate it and ensure that the resulting overall development leads to environmental enhancement.

3.3 As explained above the site current contains a number of buildings and structures and is devoid of any landscape structure or setting created by trees, areas of woodland or hedgerows etc. Therefore, should the Local Review Body be minded to support the principle of a dwelling on this site, the applicant would be willing to accept suitably worded planning conditions that require:

- **removal of the barn, stables, mobile home, containers, hardstandings and all equipment and materials currently stored on the land;**
- **remediation of the land to allow it to be planted with hedgerows and mixed deciduous woodland on land outwith the residential plot;**
- **planting to include the introduction of a new hedgerow along the road and tree planning within other land within the applicant's control with this concentrated on the area south east of the proposed residential plot.**

3.4 Not only will the above substantially meet the omission from the original application submission that reason for refusal 2 alludes to, but will ensure that an appropriate landscape setting will result from the development of the site that enhances the Area of Great Landscape designation. The Local Review Body will hopefully appreciate that this is an expensive and significant offer on behalf of the applicant.

4.0 PLANNING POLICY

4.1 Planning policy relevant to this appeal is set out in the Council's delegated report (Document HP 5) and there is no requirement to detail this again in this statement.

4.2 The most important issue to consider here is does the proposal fall to be considered within the Council's Housing in the Countryside Policy 2009 and, more specifically, Category 6. This allows for the redevelopment of brownfield land where it would remove dereliction OR *"result in a significant environmental improvement"* and *"where it can be demonstrated that there are no pressing requirements for other uses such as business or tourism on the site"*. The category requires that *"all land within the site, including areas not required for housing or private gardens, must be the subject of landscaping and/or other remediation work."*

- 4.3 Otherwise all proposals are also required to comply with a number of detailed criteria within the guidance document and commentary in relation to each can be found in the next section.

5.0 DISCUSSION

- 5.1 The issue of whether the site is brownfield has been considered above. It is the applicant's view that it is brownfield and a site visit by the Local Review Body will confirm this. However, even if it is concluded for whatever reason that the site is not derelict, Category 6 does suggest that proposals that can offer "*significant environmental improvement*" will also be permitted. It is appreciated that what this could entail has not previously been explained, but, as suggested above, the opportunity is there to create an improved landscape setting on land in the applicant's ownership that will be a marked improvement to what currently exists. This can be shown visually in due course, but in the meantime can be explained in detail at an accompanied Local Review Body site visit.
- 5.2 Without doubt the site is an eyesore for those living locally and, in exchange for a single dwelling, the opportunity exists for the removal of those buildings and structures that are unsightly and the remediation and landscaping of the site that will be to the benefit of not only the applicant, but the wider community. It will lead to the enhancement of the area reinforcing its designation as an Area of Great Landscape value.
- 5.3 It should be noted that the applicant did, in an informal way, try to interact with the Local Development Plan process in an endeavour to secure the re-drawing of the village settlement boundary around the site. Blairingone is a village that the Plan sees as appropriate for further development. The Plan states at paragraph 7.4.2 that "*The settlement boundary has been drawn to offer the potential to accommodate further development to support local services, in particular the primary school.*" It is apparent on the ground that the northward and eastward proposed expansions of the village are no more logical than a westward expansion that would have encompassed the applicant's land. He accepts that the opportunity to influence the Plan has now passed him by, but will be making representations to that effect upon the future review of the Plan.
- 5.4 There is no prospect of a business or tourism use for the site coming forward and the private lane that gives access to the site is unlikely to be of a standard that would support such uses. Furthermore, it is doubtful that such uses would be appreciated by neighbours and their residential amenity would be compromised.

5.5 Turning to the detailed criteria contained within the policy then the applicant's comments are as follows:

- a) The final designs for the dwellings will comply with the guiding principles contained in the Council's current Guidance on the Siting and Design of Houses in Rural Areas and subsequent detailed design guidance.

There is no reason why a planning permission in principle application should not be accepted in relation to housing in the countryside proposals and nothing in the policy would appear to preclude their submission.

It is appreciated that this reason for refusal refers back to Kinross Area Local Plan Policy 54, but even the delegated report accepts that the 2009 Housing in the Countryside Policy is more up-to-date and surely should thus be seen as superseding Policy 54

- b) Pre-application consultation was not undertaken given the minor nature of the proposal.
- c) Access to the site is acceptable and services exist or are capable of being developed within the site.
- d) No listed buildings are affected.
- e) The proposal is for less than 5 units and so the affordable housing requirement is not an issue.
- f) The quality of design and materials will form part of the Matters Specified in Conditions application and will be in keeping with the local character and be reflected in the design and finish of the dwelling.
- g) Local materials will be used where possible to reflect the local character and contribute to sustainability.
- h) The dwelling will not prevent adjoining farms from continuing to operate. There will be no amenity impacts.
- i) The dwelling will include facilities for home working and will be of sustainable design.
- j) The proposal does not conflict with the aspirations or the key aims of other policy in the Local Plan. The only other issue relates to the absence of a mining report (see below).
- k) The proposal will protect and significantly enhance biodiversity.

-
- l) With the planting of native woodland and hedgerows, there will be a significant improvement to bird habitats and biodiversity.
 - m) The proposed scale, layout and design will be appropriate to the surroundings.
- 5.6 The applicant accepts that a mining report is required and intends to procure one should the Local Review Body consider the scheme acceptable. He has a separate planning application ongoing on an infill plot adjoining his house (Burnside) and a report has been procured in relation to this, which is positive and does not foresee any issues with the redevelopment of this plot. It is accepted that a further report will need to be commissioned for the current application site, but that report is included in the hope that this offers sufficient reassurance to the Local Review Body that a new dwelling will equally be acceptable on the application site, which is only circa 400 metres away from Burnside.
- 5.7 For all of the reasons given above, and because this proposal offers the chance for a significant environmental improvement to this site and the wider area, the Local Review Body is respectfully asked to overturn the delegated decision and formally grant planning permission.



Pullar House 35 Kinnoull Street Perth PH1 5GD

Tel: 01738 475300

Fax: 01738 475310

Email: onlineapps@pkc.gov.uk

Planning Department

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

Thank you for completing this application form:

ONLINE REFERENCE 000041562-001

The online ref number 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: *

We strongly recommend that you refer to the help text before you complete this section.

- ☐ 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)

New single storey house

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

Have the works already been started 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:	Robert Paul Architects
Ref. Number:	
First Name: *	Robert
Last Name: *	Paul
Telephone Number: *	01786 825575
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	robert@paul-architects.co.uk

You must enter a Building Name or Number, or both:*

Building Name:	
Building Number:	102
Address 1 (Street): *	High Street
Address 2:	
Town/City: *	Dunblane
Country: *	UK
Postcode: *	FK15 0ER

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *	Mr
Other Title:	
First Name: *	Colin
Last Name: *	McLean
Company/Organisation:	
Telephone Number:	
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address:	

You must enter a Building Name or Number, or both:*

Building Name:	Burnside
Building Number:	
Address 1 (Street): *	Vicar Bridge Road
Address 2:	
Town/City: *	Blairingone
Country: *	Scotland
Postcode: *	FK14 7LR

Site Address Details

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

Address 1:

Address 5:

Address 2:

Town/City/Settlement:

Address 3:

Post Code:

Address 4:

Please identify/describe the location of the site or sites.

Northing

696889

Easting

298210

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details

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)

The erection of any dwelling house is likely to have an impact on the setting of the AGLV. Criteria 5 and 6 of the 2009 HICP is most relevant in this case. It is my view that the principle of erecting a dwelling house on this site would not satisfy or comply with the aforementioned relevant Development Plan policies.

Title:

Mr

Other title:

First Name:

Callum

Last Name:

Petrie

Correspondence Reference Number:

Date (dd/mm/yyyy):

18/05/12

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:

0.10

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)

Stables and paddock area

Access and Parking

Are you proposing a new or 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 changes to public paths, public rights of way or affecting any public rights 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

What private arrangements are you proposing? *

- ☒ New/Altered septic tank.
- ☐ Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
- ☐ Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? *

- ☒ Discharge to land via soakaway.
- ☐ Discharge to watercourse(s) (including partial soakaway).
- ☐ Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: * (Max 500 characters)

New septic tank and soakaway

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 2008) *

☐ 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 8 – Town and Country Planning (General Development Management Procedure) (Scotland) Order 1992 (GDPO 1992) Regulations 2008

One Certificate must be completed and submitted along with this 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

Do you have any agricultural tenants? *

☐ Yes ☒ No

Certificate Required

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

Certificate E

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants
Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

These People are:

Name:

Address:

Date of Service of Notice: *

(3) - I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other agricultural tenants and *have/has been unable to do so –

Notice of the application has been published in:

On:

Signed:

Robert Paul

On behalf of:

Mr Colin McLean

Date:

30/05/2012

☒ Please tick here to certify this Certificate. *

Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

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, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments, have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

c) 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 2008, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

d) 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 2008) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) 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

f) 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.

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: Robert Paul

Declaration Date: 30/05/2012

Submission Date: 30/05/2012

Payment Details

Cheque: Mr C McLean & Mrs E McLean, 001351

Created: 30/05/2012 11:34

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2008

RECEIVED
14 JUN 2012

CERTIFICATE A, B, C OR CERTIFICATE D MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than myself was owner 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 application. ☐
- (2) None of the land to which the application relates constitutes or forms part of agricultural land. ☐

Signed:

On behalf of:

Date:

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are: ☒

Name	Address	Date of Service of Notice
MR J STEWART	ARNDEAN HOUSE VICARS BRIDGE BLAIRINGONE	12/6/12

- (2) None of the land to which the application relates constitutes or forms part of agricultural land ☒
- or
- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

Name	Address	Date of Service of Notice

CERTIFICATE C

Certificate C is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where it has not been possible to identify ALL or ANY owners/agricultural tenants.

- (1) I have _____ been unable to serve notice on **every** person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. ☐

or

- (2) I have _____ been unable to serve notice on **any** person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was owner of any part of the land to which the application relates. ☐

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

or

- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have _____ been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. ☐

or

- (5) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding I have _____ served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

Name	Address	Date of Service of Notice

- (6) I have _____ taken reasonable steps, as listed below, to ascertain the names and addresses of all other owners or agricultural tenants and have _____ unable to do so.

Steps taken:

CERTIFICATE D
Certificate D

Certificate D is for use where the application is for mineral development.

- (1) No person other than myself was an owner 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. ☐

or

- (2) I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was to the applicant's knowledge, the owner, of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

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

or

- (4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application, was an agricultural tenant. ☐

- (5) Notice of the application as set out below has been published and displayed by public notice ☐

Signed:

☐ 

On behalf of:*

☐ ROBERT PAUL ANCHUTZIS

Date:

☐ 12/6/12

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act

A Boundary line added

PAUL
ARCHITECTS
102 HIGH STREET DUNBLANE
PERTHSHIRE FK15 0ER
T . 0 1 7 8 6 8 2 5 5 7 5
E . info@paul-architects.co.uk

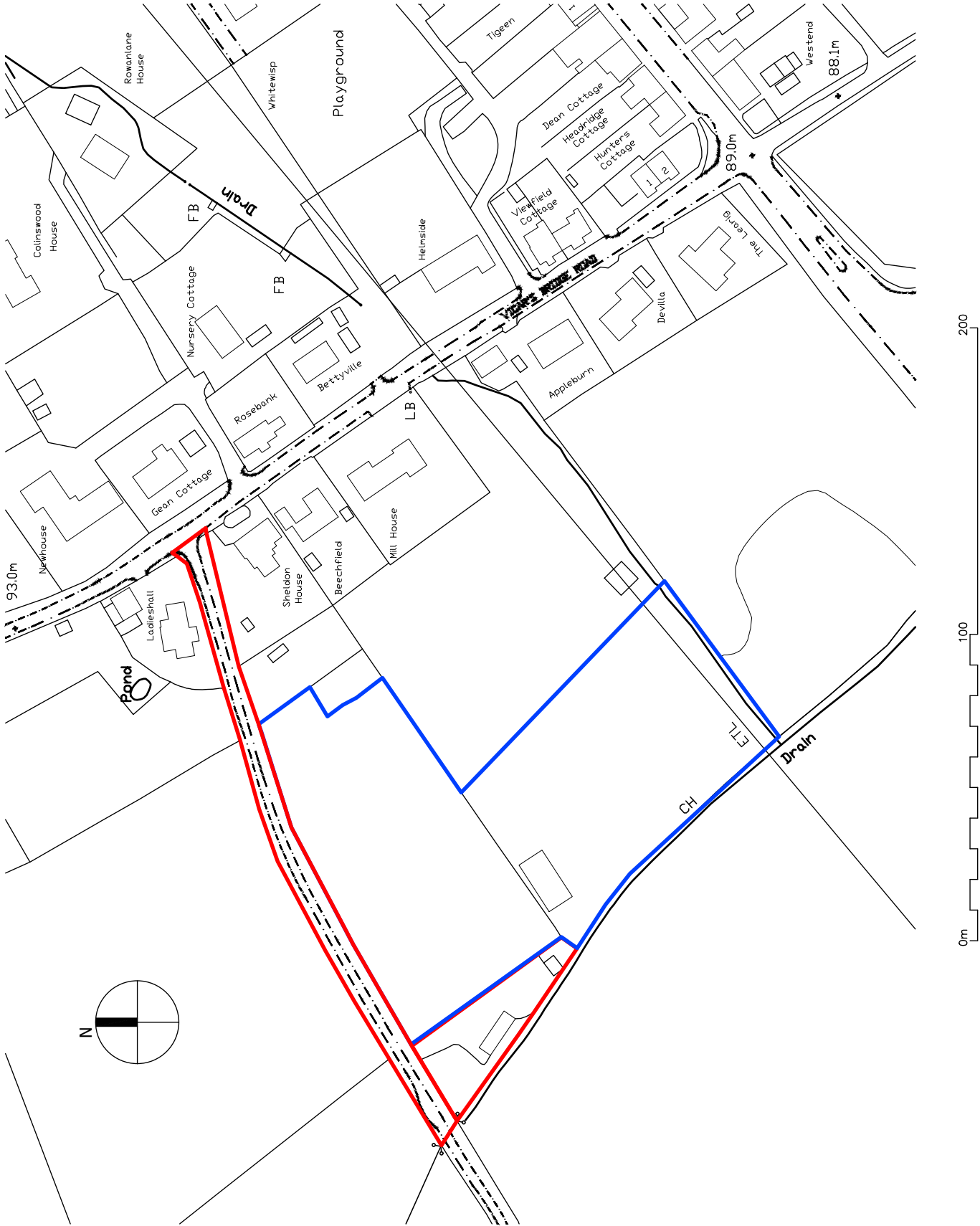
Mr Colin McLean

New House
Hillview Farm, Blairingone

Location Plan

Scale 1:2500 Date 27/04/12

12-08-01-A





ENTRANCE FROM ROAD



VIEW LOOKING SOUTH WEST



VIEW LOOKING SOUTH FROM ROAD



STABLE BLOCK



SHED



VIEW FROM MAIN ROAD LOOKING NORTH TO SITE



VIEW LOOKING NORTH WEST



VIEW TO NORTH



STABLE BLOCK

REPORT OF HANDLING

DELEGATED REPORT

Ref No	12/00990/IPL
Ward No	N8- Kinross-shire

PROPOSAL: Erection of a dwellinghouse (in principle)

LOCATION: Plot at Blashieburn Stables Vicar's Bridge Road Blairingone

APPLICANT: Mr Colin McLean

RECOMMENDATION: REFUSE THE APPLICATION

SITE INSPECTION: 5 July 2012



OFFICERS REPORT:

Description and Background

The site, referred to as Blashieburn Stables is located to the west of the village of Blairingone, on land to the west of the properties on Vicars Bridge Road. The site is within the landward area, as defined in the Kinross Area Local Plan (2004) and the Proposed Development Plan (2012), not within any designated village envelope. The site lies immediately on the border with Clackmannan Council.

The site lies within an Area of Great Landscape Value.

The site is also within an area that was previously worked for coal and as a consequence suffers from poor ground conditions.

Site History

The site history as referred to later in the report has consistently not supported any form of residential development on this site.

03/01379/OUT

04/00003/REF

12/00458/PREAPP

Proposal

Outline consent is sought for a single storey dwellinghouse on land associated with the existing stable block. Access to the site would be taken from unclassified road leading to Vicars Bridge Road. No mining report or detailed design justification have been provided in support of this application.

Assessment

Policy 2

The principle of development fails to satisfy salient development criteria identified in policy 2.

Policy 54

Details have not been submitted for this application to show how policy 54 can be fully satisfied. "All applicants for planning consent within the area will require to submit detailed plans of buildings showing the elevations of the new development in its landscape setting together with details of landscape enhancement measures".

Policy 64

In terms of both the Adopted and Finalised Local Plans, the principle of the proposal is gauged against policy 64 HICP and the 2009 HICP 'Housing in the Countryside'. A proposal for a dwelling is not considered to satisfy any of the associated policy criteria. The stabling is not considered to be of traditional form or construction in line with the spirit of the policy and is not considered to be large enough in footprint to justify conversion or replacement for a dwelling. The proposed dwelling is therefore considered to be contrary to the Council's policies for housing in the countryside.

Policy 84 of the Finalised Kinross Area Local Plan requires the submission of an engineer's report into the suitability of ground conditions. A report has not been submitted in this regard and as a planning submission is therefore contrary to the development plan. It was not considered appropriate to request a mining report as the principle of residential development would still not be supported due to a lack of compliance with associated policy criteria.

Education

In terms of other material considerations; this involves an assessment against the approved Planning Guidance Note (PGN) on Primary Education and New Housing Developments. The PGN seeks a financial contribution of £6,395 per mainstream residential unit in areas where the local primary school is operating at over its 80% capacity (not formally applied at principle stage of consent). In this case, no contribution can be applied as the planning application remains 'in principle'. Whilst this is an application in principle and no contribution could be applicable at this stage, education colleagues have identified a capacity issue with Kenmore school should any detailed consent be granted at this site.

Drainage

Not fully investigated at this stage.

Roads

In terms of the Council's requirements for road safety and parking, the principle of residential vehicular traffic is deemed acceptable subject to conditions.

Conclusion

In summary, the principle of residential development on this site is contrary to policy, with no material reasons to justify departure and is consequently recommended for refusal.

DEVELOPMENT PLAN

The development plan for the area consists of the TAYPlan Strategic Development Plan 2012 and the Kinross Area Local 2004. There are no issues of strategic relevance in the Strategic Development plan.

Kinross Area Local Plan

Policy 2 Kinross Development Criteria

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

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

Policy 54 Kinross Areas of Great Landscape Value

Within the Area of Great Landscape Value identified on Proposals Map 1 new developments, which accord with other Plan policies, will only be permitted where they can be shown to enhance the natural and man made landscape assets of the area.

All applicants for planning consent within the area will require to submit detailed plans of buildings showing the elevations of the new development in its landscape setting together with details of landscape enhancement measures.

In appropriate cases landscape enhancement measures may require to be implemented in advance of development to ensure that the landscape framework is in place before the development commences.

Policy 64 Kinross Housing in the Countryside

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

1. Building Groups

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

2. Renovation or Replacement of Houses

Consent will be granted for the restoration or replacement of houses, including vacant or abandoned houses, subject to the following criteria:

- i) Where the existing house is:
 - * of traditional form and construction,
 - * or is otherwise of architectural merit,encouragement will be given to its restoration rather than its replacement.
- ii) Any alterations and extension to an existing house should be in harmony with the existing building form and

any extension of the property should generally be the subordinate rather than the dominant element of the completed house.

iii) If it can be shown that the existing house is

- * either not worthy of retention,
- * or is not capable of rehabilitation,

substantial rebuilding or complete replacement will be permitted.

iv) Where rebuilding or demolition is permitted of a traditional house, or one of architectural merit, the replacement house shall be of similar form, size, style and materials as the original house.

v) The replacement of an abandoned or ruinous house will be permitted only where sufficient of the existing house remains to enable the size and form of the building to be identified.

vi) A replacement house should be constructed on the solum of the existing house, unless there are good planning reasons to permit an alternative location, and shall be of a form, style and size which gives a good "fit" in the landscape.

3. Conversion or Replacement of Non-Domestic buildings.

Consent will be granted for the conversion of non-domestic buildings such as steadings, mills, etc. to form houses and may be granted for the replacement of such buildings provided the following criteria are met:

i) Where the building:

- * is of traditional form and construction,
- * or is otherwise of architectural merit,
- * or makes a positive contribution to the landscape, and its retention is considered beneficial to its surroundings,
- * or contributes to local character,
- * and it is capable of conversion to residential use without requiring major extensions or alterations to its external appearance which would detract from its character or attractiveness,

encouragement will be given to its conversion rather than its replacement.

ii) Any alteration and extension should be in harmony with the existing building form and any extension of the building should generally be the subordinate rather than the dominant element of the completed house.

iii) If the existing building is not worthy of restoration or capable of conversion, its replacement by a new house may be permitted provided:

- * sufficient of the existing building remains to enable its size and form to be identified,
 - * it is located on an established site with a good landscape setting and a good 'fit' in the landscape and on a site acceptable on planning grounds,
 - * the new house is, in essence, a replacement of the existing building, in terms of size, character, building form and constructed of traditional materials, reusing where possible existing materials.
 - * the house is a replacement for a well located traditional building rather than, for example, a modern agricultural or industrial building or telephone exchange which are explicitly excluded from this policy
- iv) A satisfactory residential environment can be created if the house is to be located adjacent to a working farm, and provided the introduction of a house will not interfere with the continuation of legitimate agricultural and related activities.
 - v) Applications to create more than one house from an existing building will be treated on their merits, with particular attention being given to the need to provide adequate access, privacy and amenity space for each house created.
 - vi) Applications to create more than one house through a replacement building will only be permitted if it can be demonstrated that the original building would have been of sufficient size to have contained more than one house.

4 Operational Need

Exceptionally, where there is an operational need for a house in the countryside, subject to the satisfactory siting and design of the house and to a condition controlling its occupancy.

For All Proposals

- i) Satisfactory access and services should be available or capable of being provided.
- ii) Proposals should comply with the design advice contained in the Council's Guidance on the Siting and Design of Houses in Rural Areas.
- iii) The quality of the design and materials of the house should be reflected in the design and finish of outbuildings, means of enclosure, access etc. The Planning Authority will consider whether permitted development rights in respect of extensions, outbuildings and means of enclosure etc should be removed to protect the rural character of the curtilage of a new house in the countryside.

- iv) There will be a strong presumption against the replacement of Listed Buildings, or their restoration in a way which is detrimental to the essential character of the original building.
- v) Full applications should be submitted for all proposals, but where an outline application is made this must be accompanied by sketch plans indicating the size of the proposed new building or extension and proposed elevational treatments and materials.

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

Policy 84 Kinross Blairingone Ground Conditions

Within Blairingone applications for new development will require to be supported by an engineer's report into the suitability of ground conditions with particular regard to old mine workings

OTHER POLICIES

Housing in the Countryside Policy 2009

This policy is the latest expression of council in terms of Housing in the Countryside and is generally considered a more relaxed policy than the one contained in the local plans. However, although this policy is applicable throughout the landward area of PKC, all proposals still need to comply with the terms of the development plan.

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

03/01379/OUT Erection of dwellinghouse (in outline) on 2 October 2003 Application Refused

04/00003/REF – Appeal of decision 03/01379/OUT (decision upheld at appeal)

12/00458/PREAPP – advised that application unlikely to be supported.

CONSULTATIONS/COMMENTS

The Coal Authority

Objection received – no mining report submitted

Transport Planning	No objection – subject to conditions
Scottish Water	No objection - Limited capacity on the Blairingone Wastewater Treatment Works.
Dave Stubbs - Access Officer	No comment
Education And Children's Services	IPL application therefore no commitment at this stage in relation to the Developer Contributions Policy
Environmental Health	No objection

TARGET DATE: 14 August 2012

REPRESENTATIONS RECEIVED:

Number Received: 0

Summary of issues raised by objectors:

N/A

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	No mining report or detail submitted.
Report on Impact or Potential Impact	Not required

Legal Agreement Required:

Summary of terms

Direction by Scottish Ministers

Reasons:-

- 1 The proposal is contrary to policy 2 of the Kinross Area Local Plan 2004 criteria (a) in failing to have a landscape framework capable of absorbing, and if necessary screening the development.
- 2 The policy is contrary to policy 54 of the Kinross Area Local Plan 2004, in failing to provide detailed plans of the elevations of the proposed development in its landscape setting in relation to the sites designation within an 'Area of Great Landscape Value'.
- 3 The proposal is contrary to policy 64 of the Kinross Area Local Plan 2004, in failing to satisfy any of the associated criteria for Housing in the Countryside.
- 4 The proposal is contrary to the Council's Housing in the Countryside Policy 2009 in that it does not constitute development within a building group, nor the extension of a building group onto a definable site, it is not a infill site, it does not meet the requirements of new houses in the open countryside, it does not involve the conversion or replacement of redundant non-domestic buildings of traditional form and construction nor does the site constitute rural brownfield land.
- 5 The proposal is contrary to policy 84 of the Kinross Area Local Plan in failing to include a mining report in support of the application to identify the site is not subject to undermining and can be safely developed.

Justification

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

PERTH AND KINROSS COUNCIL

Mr Colin McLean
c/o Robert Paul Architects
102 High Street
Dunblane
FK15 0ER

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 14th August 2012

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **12/00990/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 14th June 2012 for permission for **Erection of a dwellinghouse (in principle) Plot At Blashieburn Stables Vicar's Bridge Road Blairingone** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to policy 2 of the Kinross Area Local Plan 2004 criteria (a) in failing to have a landscape framework capable of absorbing, and if necessary screening the development.
2. The policy is contrary to policy 54 of the Kinross Area Local Plan 2004, in failing to provide detailed plans of the elevations of the proposed development in its landscape setting in relation to the sites designation within an 'Area of Great Landscape Value'.
3. The proposal is contrary to policy 64 of the Kinross Area Local Plan 2004, in failing to satisfy any of the associated criteria for Housing in the Countryside.

4. The proposal is contrary to the Council's Housing in the Countryside Policy 2009 in that it does not constitute development within a building group, nor the extension of a building group onto a definable site, it is not a infill site, it does not meet the requirements of new houses in the open countryside, it does not involve the conversion or replacement of redundant non-domestic buildings of traditional form and construction nor does the site constitute rural brownfield land.
5. The proposal is contrary to policy 84 of the Kinross Area Local Plan in failing to include a mining report in support of the application to identify the site is not subject to undermining and can be safely developed.

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

12/00990/1

12/00990/2

COAL MINING RISK ASSESSMENT REPORT

FOR SITE AT

BURNSIDE, VICAR'S BRIDGE ROAD, **BLAIRINGONE**

Report No : 1906/IS

Client : Mr Willie Kinghorn
Hillhead Farm Cottage
Yetts O'Muckhart
FK14 7JT

Engineer : W. Simpson

Issued : 02 August 2012

2. CONTENTS.

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4.	DESK STUDY.	3
5.	GEOLOGY,	3
6.	FAULTS.	3
7.	SHAFTS AND ADITS.	3
8.	OPEN-CAST MINING	3
9.	REMEDIAL WORKS.	4
10.	PAST WORKINGS.	4
11.	GAS EMISSIONS.	4
12.	PRESENT,	4
13.	FUTURE.	4
14.	MINING STABILITY ASPECTS.	4/5.
15.	CONCLUSIONS.	5
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	APPENDIX 1 – SOLID GEOLOGY OF SITE AREA.	7.
	APPENDIX 2 –METHODS OF MINING.	8.

3. SCOPE OF STUDY.

This report details the results of our investigations into the mining stability of the above site. Our report and conclusions has been based on a desk study.

It is intended to construct a new dwelling house with garage and garden.

The site has National Grid Coordinates of NS 9848 9692.

4. DESK STUDY.

The desk study comprised an examination and study of the following maps and publications.

1. The Geological Survey of Great Britain (Scotland), Sheet NS 99 NE, 1 : 10,560, 1963.
2. The Economic Geology of the Stirling and Clackmannan Coalfield, H.M.S.O., 1931.
3. The Economic Geology of the Stirling and Clackmannan Coalfield, Area North of the River Forth, H.M.S.O., 1956.
4. Catalogue of Plans of Abandoned Mines, H.M.S.O. 1931.

5. GEOLOGY.

The desk study revealed the site to be underlain by approximately 6.00 metres of boulder clay which rest in turn on rock strata of the Lower Coal Measures.

The strata dip to the south-east at approximately 1 in 7.

6. FAULTS.

There are no known faults within the site boundaries or influencing distances from them.

7. SHAFTS AND ADITS.

There are no known shafts or adits within the site boundaries, or influencing distances from them. The nearest known shaft is situated 70 metres to the north-west of the site.

8. OPEN-CAST MINING.

No open-cast mining has taken place within 200 metres of the site boundaries. The reserves of potential open-cast coal which lie beneath the site are insufficient to interest an open-cast contractor. The built up nature of the immediate site area would also mitigate against an open-cast licence being granted.

9. REMEDIAL WORKS.

The Client has indicated that no remedial works have been carried out by the Coal Authority within the site boundaries or influencing distances from them.

10. PAST WORKING.

The desk study has revealed that workings have taken place in the following coals beneath the site, the coals being given in descending order; Alloa Cherry, Alloa Splint and Coalsnaughton Main. These coals were worked prior to 1870.

11. GAS EMISSIONS.

The Client has indicated that no gas emissions have taken place beneath the site. In this connection the site is underlain by approximately 6.00 metres of impermeable boulder clay which will prevent migration of gases to the surface. The probability of gas migrating to the surface is very low.

12. PRESENT.

No workings are at present taking place beneath the site.

13. FUTURE.

All workable coals have been removed from beneath the site. It is highly unlikely that any underground working will take place in the future.

14. MINING STABILITY ASPECTS AND FOUNDATION DESIGN.

The general sequence of strata beneath the site is approximately as given below :-

BOULDER CLAY	6.00
STRATA	18.00
ALLOA CHERRY COAL (0.91)	18.91
STRATA	22.91
ALLOA SPLINT COAL (0.91)	23.82
STRATA	51.22
MAIN COAL (in leaves 1.52)	52.74

(All measurements in metres)

Although no abandonment plans exist for the old workings in the Alloa Cherry Coal, the coal was in all probability worked by the stoop and room method of working (see Appendix), circa 1850. The depth to the old workings, and time that has elapsed since working ceased will have ensured that all subsidence due to the working in this coal will have long since ceased .

It is thus concluded that the site is stable with regards to the old workings in this seam.

14. MINING STABILITY ASPECTS AND FOUNDATION DESIGN (continued).

The Alloa Splint and Main Coals, worked circa 1850, are deep enough to ensure that all subsidence will have long since taken place.

It is concluded that the site is stable with regard to the old workings in the above coals.

15. CONCLUSIONS AND RECOMMENDATIONS.

- (1) Mining has taken place beneath the site but is deep enough to ensure that all subsidence will have long since taken place. The site is stable from a mining view point.
- (2) There are no known shafts or adits within the site boundaries, or influencing distances from them.
- (3) No precautions are required in the design of the foundations from a mining view point.
- (4) The engineering properties of the superficial deposits will require to be assessed by a trial pit investigation followed by preparation of a foundation report. .

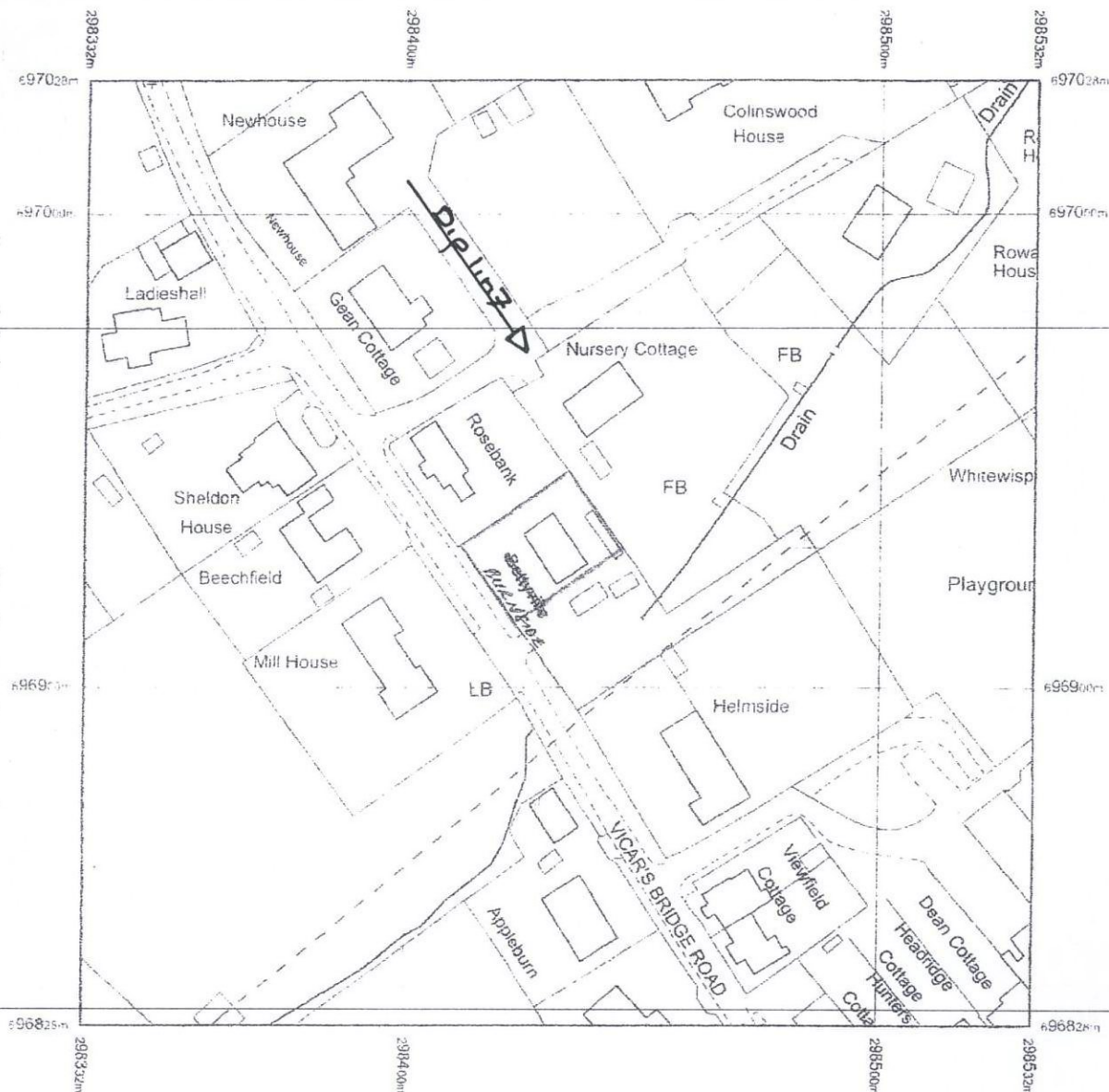


W SIMPSON B.Sc.(Mining), M.Sc., C. Eng., MICE, MIHT, F.G.S.

APPENDIX

APPENDIX 1

SOLID GEOLOGY OF SITE AREA



Produced 18.05.2010 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. © Crown Copyright 2010.

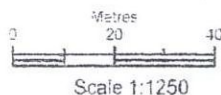
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APPENDIX 2

METHODS OF MINING

METHODS OF MINING

Two methods of mining have been used in the past to extract minerals from stratified deposits, namely the stoop and room system, and the longwall system.

STOOP AND ROOM.

In this method, passage ways or rooms are driven, more or less at right angles to each other through the seam which is thus formed into square or rectangular blocks or stoops.

These stoops are formed in the "first" working, the workings being extended to the limit of the royalty. At the limit of the royalty, the stoops or part of the stoops are removed on retreating back to the shaft, this was some times referred to as the "second" working.

Depending on the depth to the mineral being extracted, thickness of mineral, and condition of the roof and floor, extraction rates of up to 80% could be achieved by this method.

The width of the rooms and pillars depended on depth to the mineral, thickness of mineral and condition of the roof and floor.

These stoops may continue to perform their function of supporting superincumbent strata for many years. However, depending on circumstances, the stoops can eventually fail causing subsidence and movement of the ground, and in the case of very shallow workings plump holes may be formed at the surface.

LONGWALL SYSTEM.

In this method the seam is completely extracted by means of dividing the seam into panels. The strata overlying the mined area is allowed to subside, and as a result all subsidence is normally completed shortly after the extraction of the seam.

However in the case where little or no rock cover exists over the workings instability could result due to the presence of old roadways remaining open.

TCP/11/16(215)

Planning Application 12/00990/IPL – Erection of a dwellinghouse (in principle) on plot at Blashieburn Stables, Vicar's Bridge Road, Blairingone

PLANNING DECISION NOTICE *(included in applicant's submission, see pages 129-130)*

REPORT OF HANDLING *(included in applicant's submission, see pages 119-127)*

REFERENCE DOCUMENTS *(included in applicant's submission, see pages 115-118)*

TCP/11/16(215)

Planning Application 12/00990/IPL – Erection of a dwellinghouse (in principle) on plot at Blashieburn Stables, Vicar’s Bridge Road, Blairingone

REPRESENTATIONS

- Representation from Environmental Health Manager, dated 27 June 2012
- Objection from The Coal Authority, dated 29 June 2012
- Representation from Transport Planning, dated 4 July 2012

Memorandum

To Head of Development Control

From Environmental Health Manager

Your ref PK12/00990/IPL

Our ref NK

Date 27 June 2012

Tel No (01738) 476 444

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

PK12/00990/IPL RE: Erection of a dwellinghouse (in principle) Plot At Blashieburn Stables Vicar's Bridge Road Blairingone for Mr Colin McLean

I refer to your letter dated 19 June 2012 in connection with the above application and have the following comments to make.

Recommendation

I have no objections to the application but recommend the undernoted conditions be included in any given consent

Comments

The application is for the erection of a single storey dwellinghouse on the above site with a new septic tank and soakaway. The land is currently used as a paddock with stables. The surrounding area is used as arable farmland with the nearest domestic properties located 85 metres to the east in the village of Blairingone.

Noise/Odours

The application site is surrounded by farmland and there may be noise and odour associated with this. The countryside experiences noise, and sometimes odour, from transport, farming and other rural enterprises and at appropriate levels these are an acceptable part of rural life. It is my contention that future occupants of the proposed development will be aware of the use character of the area and that there is potentially a certain amount of noise and odour associated with such a location, therefore I do not foresee this presenting a problem.



UNCLASSIFIED

The
COAL
AUTHORITY



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Email: planningconsultation@coal.gov.uk

Web: www.coal.decc.gov.uk/services/planning

Mr Nick Brian – Development Quality Manager
Perth & Kinross Council

[By Email: DevelopmentManagement@pkc.gov.uk]

29 June 2012

For the Attention of: Mr Callum Petrie – Case Officer

Dear Mr Petrie

PLANNING APPLICATION: 12/00990/IPL

Proposed erection of a dwellinghouse at Blashieburn Stables, Vicar's Bridge Road, Blairingone

Thank you for your consultation letter of 15 June 2012 seeking the views of The Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department of Energy and Climate Change. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: Substantive Concern

I have reviewed the proposals and confirm that the application site falls within the defined Coal Mining Development Referral Area.

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application; specifically both recorded and historic unrecorded underground coal mining at shallow depth, and past surface coal mining.

The Coal Authority **objects** to this planning application, as a Coal Mining Risk Assessment Report has not been submitted as part of the application.

The Coal Authority Recommendation to the LPA

In accordance with the agreed risk-based approach to development management in Coal Mining Development Referral Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment Report as part of this application.

Without such an assessment of any risks to the development proposal posed by past coal mining activity, based on up-to-date coal mining information, The Coal Authority does not consider that the LPA has sufficient information to determine this planning application and therefore **objects** to this proposal.

The Coal Authority would be very pleased to receive for further consultation and comment any subsequent Coal Mining Risk Assessment Report which is submitted in support of this planning application.

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely

Mark Harrison

Mark E. N. Harrison *B.A.(Hons), DipTP, MRTPI*
Planning Liaison Manager

General Information for the Applicant

The Coal Mining Risk Assessment needs to interpret the coal mining risks and should be based on and add to up-to-date information of past coal mining activities in relation to the application site. Coal Mining Reports are available from www.groundstability.com or by telephoning 0845 762 6848.

This coal mining information should then be used to assess whether or not past mining activity poses any risk to the development proposal and, where necessary, propose mitigation measures to address any issues of land instability. This could include further intrusive investigation on site to ensure that the Local Planning Authority has sufficient information to determine the planning application.

The Coal Mining Risk Assessment should be prepared by a “competent body”. Links to the relevant professional institutions of competent bodies can be found at: <http://coal.decc.gov.uk/en/coal/cms/services/planning/strategy/strategy.aspx>

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for

Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: <http://coal.decc.gov.uk/en/coal/cms/services/permits/permits.aspx>

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data and records held by The Coal Authority on the date of the response. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.



MEMORANDUM

To	Callum Petrie Planning Officer	From	Niall Moran Transport Planning Technician Transport Planning
Our ref:	NM	Tel No.	Ext 76512
Your ref:	12/00990/IPL	Date	4 July 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 12/00990/IPL for planning consent for:- **Erection of a dwellinghouse (in principle) Plot At Blashieburn Stables Vicar's Bridge Road Blairingone for Mr Colin McLean**

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, 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.

