

TCP/11/16(405)

Planning Application – 16/00001/FLL – Erection of dwellinghouse and detached garage on land 40 metres north west of Burnside House, Benarty Road, Kelty

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TCP/11/16(405)

Planning Application – 16/00001/FLL – Erection of dwellinghouse and detached garage on land 40 metres north west of Burnside House, Benarty Road, Kelty

**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 2013

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.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	<input type="text" value="Mr."/>	Ref No.	<input type="text"/>
Forename	<input type="text" value="John"/>	Forename	<input type="text" value="Andrew"/>
Surname	<input type="text" value="Green"/>	Surname	<input type="text" value="Bennie"/>
Company Name	<input type="text"/>	Company Name	<input type="text" value="Andrew Bennie Planning Ltd"/>
Building No./Name	<input type="text"/>	Building No./Name	<input type="text"/>
Address Line 1	<input type="text" value="13 Fulmer Drive"/>	Address Line 1	<input type="text" value="3 Abbots Court"/>
Address Line 2	<input type="text"/>	Address Line 2	<input type="text"/>
Town/City	<input type="text" value="Dunfermline"/>	Town/City	<input type="text" value="DULLATUR"/>
Postcode	<input type="text" value="KY11 8JY"/>	Postcode	<input type="text" value="G68 0AP"/>
Telephone	<input type="text"/>	Telephone	<input type="text"/>
Mobile	<input type="text"/>	Mobile	<input type="text" value="07720 700210"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text"/>	Email	<input type="text" value="andrew@andrewbennieplanning.com"/>

3. Application Details	
Planning authority	<input type="text" value="Perth & Kinross Council"/>
Planning authority's application reference number	<input type="text" value="16/00001/FLL"/>
Site address	<div style="border: 1px solid black; padding: 10px; min-height: 80px;"><input type="text" value="40 metres north west of Burnside House, Benarty Road, Kelty."/></div>
Description of proposed development	<div style="border: 1px solid black; padding: 10px; min-height: 40px;"><input type="text" value="Erection of Dwellinghouse and Detached Garage."/></div>

Date of application

27th January 2016

Date of decision (if any)

30th March 2016

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

4. Nature of Application

Application for planning permission (including householder application)



Application for planning permission in principle



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)



Application for approval of matters specified in conditions



5. Reasons for seeking review

Refusal of application by appointed officer



Failure by appointed officer to determine the application within the period allowed for determination of the application



Conditions imposed on consent by appointed officer



6. 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.

Further written submissions



One or more hearing sessions



Site inspection



Assessment of review documents only, with no further procedure



If you have marked either of the first 2 options, 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 necessary.

Please refer to Statement in Support of Review.

7. Site inspection

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

Can the site be viewed entirely from public land?



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:

In order that the Local Review Body may be made fully aware of those salient considerations relating to the site and its surroundings, an accompanied site inspection is considered to be both necessary and appropriate.

8. Statement

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

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

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

Please refer to the attached Statement in Support of Review.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☐ No ☒

If yes, please explain below a) why you are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. 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

Please refer to the attached Schedule of Review Documents.

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.

10. Checklist

Please mark the appropriate boxes to confirm that 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 requesting 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 hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name:

Andrew Bennie on behalf of Andrew Bennie Planning Limited

Date: 25th April 2016

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.

STATEMENT IN SUPPORT OF LOCAL REVIEW
RELATIVE TO THE REFUSAL OF
PLANNING APPLICATION REFERENCE
16/00001/FLL

3 Abbots Court
Dullatur
G68 0AP

Tel: 07720 700210

E-mail: andrew@andrewbennieplanning.com

April 2016

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Appendix 1: Notice of Review Form

Appendix 2: Schedule of Documents

1.0 INTRODUCTION

- 1.1** This Statement has been prepared by Andrew Bennie Planning Limited on behalf of Mr. J Green in support of a formal request that the Planning Authority, under the provisions of Section 43A of the Town and Country Planning (Scotland) Act 1997 review the refusal, by the Appointed Person, of planning application reference 16/00001/FLL.
- 1.2** This Statement should be read in conjunction with the matters set out within the completed Notice of Review Form, a copy of which is included at Appendix 1 of this Statement.

2.0 PROPOSALS SUBJECT TO REVIEW

- 2.1 Under the terms of planning application reference 16/00001/FLL, full planning permission was sought for the erection of a single detached dwelling house, with associated detached double garage, on that land which comprises the application site.
- 2.2 The application site lies of the south side of Benarty Road, to the immediate west side of the property known as Burnside House, and consists of an area of land extending to some 0.3Ha in area.
- 2.3 The land within the boundary of the site is generally flat, with there being a slight fall in levels from the sites northern boundary towards its southern boundary.
- 2.4 The site is generally open, with there being a large tree towards the central/rear part of the site, which will be retained as part of the proposed development.
- 2.5 The site is bounded on its east and north sides by existing residential properties and to the west and south by an existing area of mixed woodland, which in turn is bounded to the south by the line of an existing burn, beyond which, to the further south and west lie extensive areas of open farm land.
- 2.6 The proposed dwelling house would stand a full two storeys in height and would provide for the following accommodation:

Ground Floor:

Hall;
Lounge;
Open plan kitchen/dining/family room;
Utility room;
Bedroom 4; and,
w/c.

First floor:

3 no. bedrooms (master en-suite);
Family bathroom; and,
Study/Morning room.

- 2.7 Externally, the proposed dwelling house would be finished in a combination of dry dash render and feature stone block work, with the roof being clad in concrete roof tiles.
- 2.8 The proposed detached double garage would be sited towards the south west corner of the plot and would be positioned hard against the sites western boundary. The driveway and turning associated with the garage are located to the west side of the proposed dwelling house.
- 2.9 The proposed garage would be finished externally in materials to match those used on the dwelling house.

3.0 REASONS FOR REQUESTING THE REVIEW

- 3.1 On the basis of the Grounds of Review, which are set out within Section 5.0 of this Statement, it is submitted that the appointed person has failed to provide sufficient reasons to reasonably justify the refusal of this planning application when considered against the relevant provisions of the development plan.
- 3.2 Rather, it is submitted that the application proposals can be both fully and reasonably justified against the relevant provisions of the development plan and that the proposed development would not give rise to any demonstrable adverse impacts upon the established amenity of the surrounding area.
- 3.3 Consequently, this Review is put forward on the basis of the unreasonable and unjustifiable refusal of the planning application in question.

4.0 REVIEW PROCEDURE

- 4.1 In addition to consideration of those matters, which are set out within the Notice of Review Form and this Statement, it is requested that the Local Review Body also carry out an accompanied inspection of the application site.
- 4.2 Given the nature of the application proposals, it is considered that the carrying out of an accompanied site inspection represents the best means of allowing the Local Review Body to gain a full and proper understanding of the nature of the proposed development when considered within the context of the adjacent building group and of the lack of impact that the application proposals would have upon the surrounding area and in turn the extent to which the proposals can be reasonably justified against the relevant provisions of the adopted Local Plan.
- 4.3 It is further considered that in light of statements made by the Appointed Person during the consideration of this application that a Hearing Session is required in order to allow the Appointed Person to properly explain and articulate the basis upon which their apparent support for the proposed development changed, without proper explanation, to one of opposition to the development which ultimately resulted in the refusal of the application.

5.0 GROUNDS OF REVIEW

- 5.1 The application which forms the basis of this Review, was refused planning permission on the basis of the reason set out below:

1: By virtue of the sites lack of a suitable landscape containment, the proposal fails to accord with the requirements of Policy RD3 of the Perth and Kinross Council's Local Development Plan 2014 and the Perth and Kinross Council's Housing in the Countryside Guide 2012, both of which require all new developments that extend an existing building group to take place in a definable site formed by existing topography or well established landscape features which provide a suitable setting.

- 5.2 A full copy of the Decision Notice on this application is provided at Document 5, within Appendix 3 of this Statement.

- 5.3 Our response to the stated reason for the refusal of planning application reference 16/00001/FLL is set out below.

- 5.4 Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that:

"Where in making any determination under the Planning Act, regard is to be had to the development plan, the determination shall be in accordance with the plan unless material considerations indicate otherwise".

- 5.5 Section 37(2) of the Act further provides that in dealing with applications for planning permission:

"... the Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations."

- 5.6 Prior to addressing the policy basis against which, it is submitted, the application proposals can be fully and reasonably justified, against those relevant provisions of the development plan, it is of relevance to note that on two occasions, the Appointed Person has indicated that they are favourably disposed to the form of development which is proposed under that application.

- 5.7 Within the terms of an e-mail dated 14th January 2016, issued in relation to a separate planning application submission, the Appointed Person indicated that:

"I note that you have submitted a detailed planning application for a single plot adjacent to the existing house. I have discussed that with Nick, and in principle he is less concerned over this proposal on the basis that this one unit would be in line with the HITCG 2012 in relation to the extension of existing building groups."

- 5.8 Further to this, and within an e-mail dated 4th March 2016, the Appointed Person advised that:

"A delegated report for an approval will be finalised today and past to Nick for endorsement."

- 5.9 From the terms of these two items of correspondence, it is considered to be reasonable to conclude that the Appointed Person, under appropriate delegation to the case officer appointed to deal with the application, was, at the point at which this e-mail correspondence was issued, supportive of the form of development proposed under the application to which this Review relates.

- 5.10 For the purposes of the determination of this Review, the current, approved development plan covering the application site comprises the approved TAYplan Strategic Development Plan and the adopted Perth and Kinross Local Development Plan (adopted 3rd February 2014).

TAYplan Strategic Development Plan

- 5.11 Given the scale of the development to which this Review relates and as it does not give rise to any issues, which are a strategic consequence to the provisions of the TAYplan Strategic Development Plan, the terms of the TAYplan are not considered further within this Statement.

Perth and Kinross Local Development Plan

- 5.12 The application site is noted to fall out with any of the identified settlement boundaries which are detailed within the Plan and consequently, as is confirmed by the terms of the Kinross-shire Area Plan which appears on page 201 of the Plan, the application site falls within the boundary of the identified countryside.

- 5.13 Policy RD3: Housing in the Countryside, provides the basis against which applications for residential development within the defined countryside will require to be assessed and to this end advises that:

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

- (a) Building Groups.*
- (b) Infill sites.*
- (c) New houses in open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.*
- (d) Renovation or replacement of houses.*
- (e) Conversion or replacement of redundant non-domestic buildings.*
- (f) Development on rural brown field sites.*

This policy does not apply in the Green Belt and its application is limited within the Lunan Valley Catchment Area to economic need, conversion or replacement buildings.

Development proposals should not result in adverse effects, either individually or in combination, on the integrity of the Firth of Tay and Eden Estuary, Loch Leven, South Tayside Goose Roosts and Forests of Clunie SPAs and Dunkeld-Blairgowrie Loch and River Tay SACs.

Note: *For development to be acceptable under the terms of this policy it must comply with the requirements of all relevant Supplementary Guidance, in particular the Housing in the Countryside Guide."*

- 5.14 The Housing in the Countryside Guide was approved, by the Council, in November 2012.
- 5.15 This guide reaffirms the support provided for under the terms of Policy RD3 for the development of single and groups of houses in association with, amongst other things, "Building Groups".
- 5.16 The guide also states that developments should meet the requirements of a list, (a)-(m), of specified criteria.

5.17 Under the sub-heading "Building Groups", the guide advises that:

"Consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted for houses, which extend the group into defined sites formed by existing topography and or well established landscape featured which will provide a suitable setting. All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s)."

5.18 Within the policy context which is created under the terms of Policy RD3 of the adopted Local Development Plan and the matters which are set out with the terms of the Housing in the Countryside Guide, it is clear that the Council have adopted a fairly permissive approach in relation to the development of new housing in the countryside.

5.19 It is beyond doubt that the existing residential properties, which lie to the immediate east and north of the application site, meet the definition of a "Building Group" as set out within the Housing in the Countryside Guide.

5.20 Given the specific nature of the application site to which this proposed development relates, it is considered that support for its development as proposed, can be drawn from those aspects of Policy RD3 and the Housing in the Countryside Guide, which relate to additions to "Building Groups".

5.21 The Guide makes clear that additions to existing building groups, either in the form of single or multiple houses, will be permitted where such houses extend the existing group into definable sites.

5.22 In referring to the requirement for any extensions to existing building groups to relate to definable sites, neither Policy RD3 or the Housing in the Countryside Guide seek to suggest that such developments will only be acceptable when the nature of the "definable site" is such that any new housing will be fully or otherwise screened from views from the surrounding area. Rather, it simply states that definable sites are those that are defined either by existing topography of landscape features. In the case of the application site, it is submitted that on its southern and western sides this required level of definition is created by the route of the existing watercourse and by the existing woodland associated therewith

5.23 The application site abuts directly with the western boundary of the existing dwelling house known as Burnside House, and benefits from a well defined and contained boundary to the

south, which is formed by an area of existing mixed woodland that extends southwards to the line of a minor water course, with the route of this water course being such that it also creates a natural and defensible boundary to the west of the site. To the north the site is defined by the private roadway, that serves the wider building group.

- 5.24 To the west, site must also, of necessity, be viewed within the context of a related development proposed which is under planning application reference 15/00577/IPL, and which seeks to establish the principle of the erection of three dwelling houses on a larger site, which includes within its boundary the site of the application which forms the basis of this Request to Review.
- 5.25 This larger site benefits from natural landscape containment on all sides and can be fully and reasonably justified against the provision both of Policy RD3 and the associated Housing in the Countryside Guide.
- 5.26 Planning application reference 15/00577/IPL has also been refused planning permission by the Appointed Person and is subject to a separate, albeit related, Request to Review the refusal thereof.
- 5.27 Irrespective of the decision that will in due course be taken in relation to the Request to Review the refusal of planning application reference 15/00577/IPL, it has already been established via correspondence with the Appointed Person that a suitably worded planning condition could be used to ensure the provision of additional landscaping to reinforce the western boundary of the application site, and it is hereby confirmed that the applicant is fully prepared to accept the imposition of a condition to this effect should the Local Review Body be minded to uphold this Request to Review.
- 5.28 Furthermore, and with specific reference to the existing dwelling house known as Burnside House, it is submitted that the nature of the western boundary of the dwelling house, which is proposed under this application will be identical to that which exists in relation to Burnside House, the details of which were clearly acceptable to the Council as is evidenced by the fact that the Council granted planning permission in respect thereof.
- 5.29 Notwithstanding the existence of the planning permission that exists in relation to Burnside House, which include the details of its western boundary and which was granted in full knowledge of the relationship of this boundary to the land which lies to the immediate west thereof, this being the land to which this Request to Review relates, the Appointed Person

has brought forward the refusal of my clients application based upon perceived problems concerning the nature of the western boundary of the application.

5.30 The position that the Appointed Person has taken in relation to these two planning applications is diametrically opposed to each other and it is submitted that it is wholly unreasonable for the Appointed Person to seek to impose a higher standard of site assessment in respect of this application when compared to that which was applied during and as part of the considerations which led up to the granting of planning permission in relation to Burnside House.

5.31 Furthermore, even to most cursory examination of historical aerial photographs of the Benarty Road area, as are widely available via any Internet searches, clearly shows that the site, which is now occupied by Burnside House, enjoyed no greater level of containment on its western boundary when compared to the site of my clients planning application.

5.32 In the interests of both consistency and fairness, it is submitted that given the stark similarities that exist in relation to the western boundaries of both of these sites, the Appointed Person has acted unreasonably in not supporting my clients planning application.

5.33 Turning now to the provisions of the Housing in the Countryside Guide and with specific regards to the consideration of the application proposals against the requirements of those criteria (a)-(m), listed within the Guide, it is submitted that criterion (a), (b), (c), (f), (i), (j), (k) and (m) are of relevance to the determination of this Request to Review.

5.34 When the application proposals are considered against the above noted criterion, the following conclusions are drawn:

- (a) When assessed against the terms thereof, it is considered that the proposed dwelling house, both in terms of its siting and design, can be fully and reasonably against the provisions of the Council's "Guidance on the Siting and Design of Houses in Rural Areas", with it being noted that the Appointed Person has not sought to pass an adverse comments as regards the design of the proposed dwelling house.
- (b) Pre-application discussions have taken place between my applicants architectural agent and Council planning officials, with the matters set out within the Council's e-mail of 14th January 2016 providing support for the submission of the application which now forms the basis of this Review.
- (c) The application site can be provided with a satisfactory means of both pedestrian and

vehicular access, with it being noted that the stated reason for the refusal of the planning application does not contain within it terms any criticism of the proposed development based upon roads related considerations.

- (f) It is considered that in light of the fact that the proposed detached garage will be finished in materials to match those used on the main dwelling house that the requirements of this criterion can be met.
- (i) The design of the proposed dwelling house makes provision for the creation of a dedicated study room, which would meet on full the requirements of this criterion.
- (j) The proposed development is not considered too be in conflict with any other policies and proposals contained within the Plan.
- (k) The proposed development will have no adverse impact upon any identified biodiversity assets, with it being further submitted that as a direct consequence of the retention of the large mature tree on the site and through the provision of that planting which will feature as part of the garden of the proposed dwelling house, the overall biodiversity value of the site will be increased as a result of the proposed development.
- (m) In terms of its scale, design and positioning, the proposed dwelling house is considered to be wholly appropriate for this site and will not give rise to any adverse impact upon the established amenity of the surrounding area, with it being noted that within the stated reason for the refusal of the planning application, no suggestion is made that the proposed development would have any such adverse impact.

5.35 Given the matters set out above, it is considered that the proposed development can be fully and reasonably justified against the relevant criterion set down under the provisions of the Housing in the Countryside Guide.

5.36 Consequently, it is submitted that the proposed development can be fully and reasonably justified against the provisions of Policy RD3 of the adopted Perth & Kinross Local Development Plan and the associated Housing in the Countryside Guide.

5.37 In line with the provisions of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, as amended, in determining this Review, it is necessary also to give due consideration to any relevant material considerations.

5.38 To this end, it is submitted that the matters set out within the consultation responses, which have been received in relation to the application proposals and the planning history, which relates to the recent development of those dwelling houses which are located to the immediate east side of the application site, are of material relevance to the determination of this Review.

- 5.39 With regards to the first of these issues, it is of significance to note that none of the parties who have been consulted with as part of the Appointed Persons consideration of this application have offered any objection thereto. Consequently, it is reasonable to conclude that there are no "technical" issues, which would support the refusal of the application.
- 5.40 With regards to the second of these two issues, it is considered that when regard is had to the terms and considerations which are set out within the reports that relate to the planning permissions that have been granted by the Council in relation to the development of these various dwelling houses, with planning permission references 11/01683/FLL, 11/01943/FLL and 14/00753/FLL being of particular relevance in this regard, it is clear that the Appointed Person has accepted that additions to the established building group that exists on Benarty Road is acceptable and, as is highlighted above, as there are no significant difference between the nature and characteristics of the site of the current application when compared to those that related to the development of the site upon which the adjacent Burnside House now stands, there is no reasonable basis upon which it could be concluded that the erection of a dwelling house on the site of this application would not be equally as acceptable.
- 5.41 Given the matters set out above, it is considered that having had regard to those material considerations which have been identified as being of relevance to the determination of this application, no matters have been identified which would outweigh the acceptability of the proposed development when assessed against the relevant provisions of the development plan.

6.0 SUMMARY

- 6.1 It is my respectful submission that the Appointed Person has failed to adequately demonstrate that the proposed development cannot be fully and reasonably justified against the relevant provisions of the adopted development plan and that accordingly the decision to refuse the application cannot be reasonably or unjustifiably supported.
- 6.2 Furthermore, it is submitted that when a full and proper assessment of the merits of the application proposal is undertaken against the relevant provisions of the development plan, the principle of the development of the application site for residential development purposes can be fully and reasonably justified, and having had regard to those material considerations which are considered to be of relevance to the determination of this Review, no matters have been identified which would outweigh the acceptability of the proposed development based upon the provisions of the development plan.
- 6.3 The proposed development can also be fully and reasonably justified against the provisions of the Council's "Housing in the Countryside Guide", which adds further weight to the acceptability of the proposed development based upon development plan considerations.
- 6.4 **Taking into account all of those matters set out above, I would respectfully request that the Local Review Body uphold this Review and in so doing, grant planning permission pursuant to planning application reference 16/00001/FLL.**

APPENDIX 1

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

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The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

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1. Applicant's Details		2. Agent's Details (if any)	
Title	<input type="text" value="Mr."/>	Ref No.	<input type="text"/>
Forename	<input type="text" value="John"/>	Forename	<input type="text" value="Andrew"/>
Surname	<input type="text" value="Green"/>	Surname	<input type="text" value="Bennie"/>
Company Name	<input type="text"/>	Company Name	<input type="text" value="Andrew Bennie Planning Ltd"/>
Building No./Name	<input type="text"/>	Building No./Name	<input type="text"/>
Address Line 1	<input type="text" value="13 Fulmer Drive"/>	Address Line 1	<input type="text" value="3 Abbots Court"/>
Address Line 2	<input type="text"/>	Address Line 2	<input type="text"/>
Town/City	<input type="text" value="Dunfermline"/>	Town/City	<input type="text" value="DULLATUR"/>
Postcode	<input type="text" value="KY11 8JY"/>	Postcode	<input type="text" value="G68 0AP"/>
Telephone	<input type="text"/>	Telephone	<input type="text"/>
Mobile	<input type="text"/>	Mobile	<input type="text" value="07720 700210"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text"/>	Email	<input type="text" value="andrew@andrewbennieplanning.com"/>
3. Application Details			
Planning authority		<input type="text" value="Perth & Kinross Council"/>	
Planning authority's application reference number		<input type="text" value="16/00001/FLL"/>	
Site address			
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Description of proposed development			
<input type="text" value="Erection of Dwellinghouse and Detached Garage."/>			

Date of application

27th January 2016

Date of decision (if any)

30th March 2016

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

4. Nature of Application

Application for planning permission (including householder application)

☒

Application for planning permission in principle

☐

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)

☐

Application for approval of matters specified in conditions

☐

5. Reasons for seeking review

Refusal of application by appointed officer

☒

Failure by appointed officer to determine the application within the period allowed for determination of the application

☐

Conditions imposed on consent by appointed officer

☐

6. 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.

Further written submissions

☐

One or more hearing sessions

☒

Site inspection

☒

Assessment of review documents only, with no further procedure

☐

If you have marked either of the first 2 options, 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 necessary.

Please refer to Statement in Support of Review.

7. Site inspection

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

Can the site be viewed entirely from public land?

☒

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:

In order that the Local Review Body may be made fully aware of those salient considerations relating to the site and its surroundings, an accompanied site inspection is considered to both necessary and appropriate.

8. Statement

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

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

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

Please refer to the attached Statement in Support of Review.

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

Yes ☐ No ☒

If yes, please explain below a) why you are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. 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

Please refer to the attached Schedule of Review Documents.

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.

10. Checklist

Please mark the appropriate boxes to confirm that 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 requesting 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 hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name:

Andrew Bennie on behalf of Andrew Bennie Planning Limited

Date:

25th April 2016

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.

APPENDIX 2

**LOCAL REVIEW
RELATIVE TO THE REFUSAL OF
PLANNING APPLICATION REFERENCE
16/00001/FLL
SCHEDULE OF DOCUMENTS**

- Document 1: Decision Notice**
- Document 2: Report of Handling**
- Document 3: Applications Forms and associated Certificates**
- Document 4: Block, Locations Plans & Site Section**
- Document 5: Floor Plans & Elevations**
- Document 6: Garage Floor Plans & Elevations**
- Document 7: Coal Authority Consultation Response**
- Document 8: Transport Planning Consultation Response**
- Document 9: TES/Flooding Consultation Response**
- Document 10: Development Negotiations Consultation Response**

DOCUMENT 1

PERTH AND KINROSS COUNCIL

Mr John Green
c/o DX2 Consultancy Ltd
Derek Grubb
317 Rona Place
Glenrothes
KY7 6RR

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 30.03.2016

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: 16/00001/FLL

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 27th January 2016 for permission for **Erection of a dwellinghouse and detached garage Land 40 Metres North West Of Burnside House Benarty Road Kelty** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. By virtue of the sites lack of a suitable landscape containment, the proposal fails to accord with the requirements of Policy RD3 of Perth and Kinross Council's Local Development Plan 2014 and Perth and Kinross Council's Housing in the Countryside Guide 2012, both of which require all new developments that extend an existing building group to take place in a definable site formed by existing topography and or well established landscape features which would provide a suitable setting.

Justification

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

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

Plan Reference

16/00001/2

16/00001/3

DOCUMENT 2

REPORT OF HANDLING

DELEGATED REPORT

Ref No	16/00001/FLL	
Ward No	N8- Kinross-shire	
Due Determination Date	26.03.2016	
Case Officer	Andy Baxter	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a dwellinghouse and detached garage

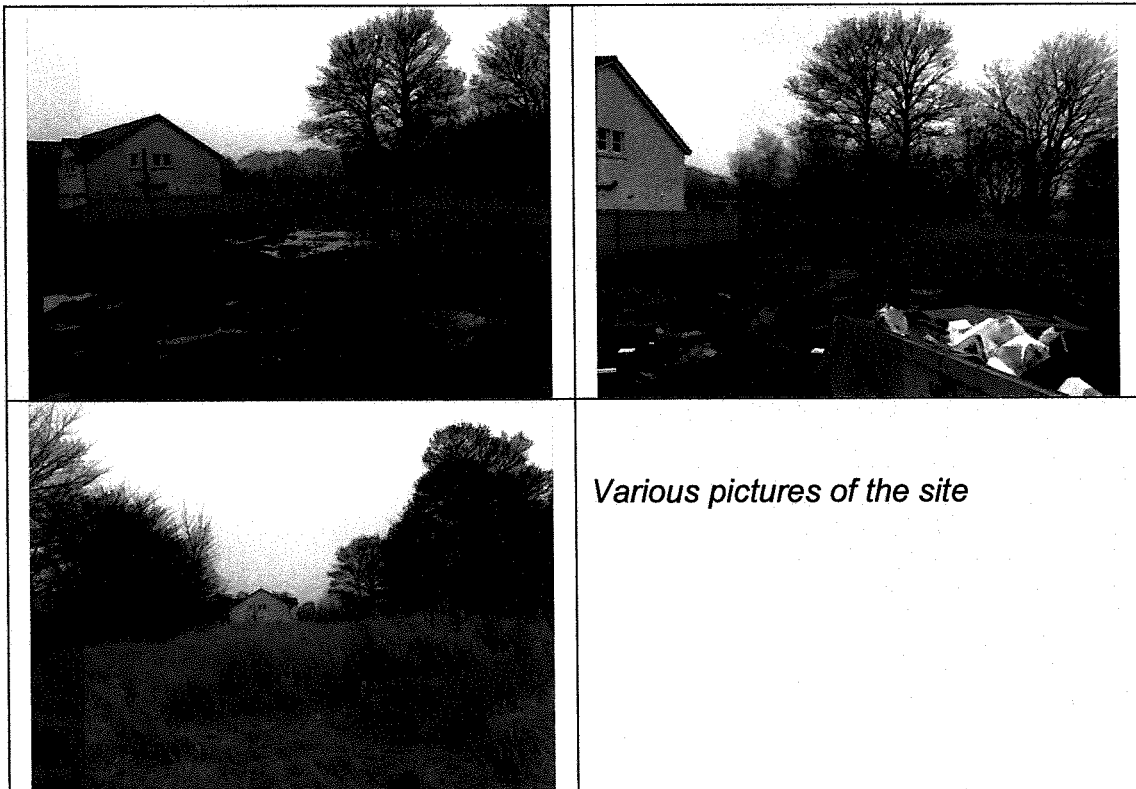
LOCATION: Land 40 Metres North West Of Burnside House, Benarty Road, Kelty

SUMMARY:

This report recommends **refusal of** a detailed planning application for the erection of single dwelling on a site which is located along Benarty Road, Kelty as the development is not considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

DATE OF SITE VISIT: 26 February 2016

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

This planning application seeks to obtain detailed planning consent for the erection of a two storey dwelling on a site which is along Benarty Road, Kelty. The site lies adjacent to a run of recently built dwellings, with the closest dwelling being a large dwelling which essentially offers living accommodation over two full levels.

The site at present is disturbed ground which has been used as a site compound for the recently constructed dwellings to the east. To the south of the site runs a small burn and a scattering of scrub trees, whilst to the north runs the public road. Within the site to the south is an existing tree which is proposed to be retained as part of the proposals.

The new dwelling will be located slightly further forward of the adjacent dwelling. Vehicular access to the dwelling would be via a new access point which will join the private access of Benarty Road. The existing private access is partly surfaced, and already serves a number of residential properties.

SITE HISTORY

A planning in principle application for the creation of three residential plots on an area of land which covers this plot and two other potential housing plots (15/00577/IPL) is currently under determination now also being recommended for refusal.

PRE-APPLICATION CONSULTATION

Pre-application advice was offered to the applicant in relation to this submission, and also the application for the larger site.

NATIONAL POLICY AND GUIDANCE

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

Of specific relevance to this planning application is,

The Scottish Planning Policy 2014

The Scottish Planning Policy (SPP) was published in June 2014, and it sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

Of relevance to this application are,

- Paragraphs 74 – 83, which relates to Promoting Rural Development
- Paragraphs 109 – 134, which relates to Enabling Delivery of New Homes

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

The Local Development Plan is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The application site lies within the landward area, where the following policies are applicable,

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.

Policy PM1A - Placemaking

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

Policy PM3 - Infrastructure Contributions

Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy NE3 - Biodiversity

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

Policy EP3B - Water, Environment and Drainage

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

Policy EP3C - Water, Environment and Drainage

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

OTHER COUNCIL POLICIES

Housing in the Countryside Guide 2012

This policy is the most recent expression of Council Policy towards new residential development within the landward area and offers support for new housing in certain instances. One of the acceptable criteria is new development which extends existing building groups into definable sites.

Developer Contributions 2014

This policy seeks to secure both A9 junction contributions and education contributions in certain circumstances. As the site benefited from a detailed planning consent (when this application was made, there is no requirement for an education contribution. This Supplementary Guidance should be read in conjunction with Local Development Plan *Policy PM3: Infrastructure Contributions and Developer Contributions Supplementary Guidance*.

Developer Contributions, Transport Infrastructure 2014

This following Supplementary Guidance is about facilitating development. It sets out the basis on which the Council will seek contributions from developments in and around Perth towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites and to support the growth of Perth and Kinross. This Supplementary Guidance should be read in conjunction with Local Development Plan *Policy PM3: Infrastructure Contributions and Developer Contributions Supplementary Guidance*.

EXTERNAL CONSULTATION RESPONSES

The Coal Authority has confirmed that subject to conditions, they have no objection to the planning application.

Scottish Water have been consulted on the planning application but made no comment.

INTERNAL COUNCIL COMMENTS

Transport Planning have commented on the planning application and raised no objections.

Contributions Officer has indicated that a Primary Education contribution is required as the local primary school is operating at over its 80% capacity.

Environmental Health have confirmed (verbally) that the Council's standard 4 part condition contaminated land condition should be attached to any permission.

REPRESENTATIONS

Two letters of representations have been received from interested parties.

Both of these representations do not raise any issues with the principle of this planning application in terms of the HITCG, the proposed design or issues concerning loss of privacy or overlooking.

The sole issue raises by within the letters of representation relate to the condition of the access private access road.

This issue is addressed in the main section of the report.

ADDITIONAL STATEMENTS RECEIVED

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact	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.

In terms of other considerations, the requirements of the Council's other approved policies in relation to HITCG and Developer Contributions are all material contributions.

Policy Appraisal

In terms of land use policy issues, the key policies are contained within the Local Development Plan. Within that plan, the site is located within the landward area where *Policies RD3 and PM1A* are directly applicable to all new residential proposals in the open countryside. *Policy RD3* refers specifically to the Council's Housing in the Countryside Policy and interlinks with the associated SPG, the Housing in the Countryside Guide 2012.

Both *Policy RD3* of the Local Development Plan and the associated SPG offer support for new housing which extends existing building groups when the extension of the group takes place into a definable site which has a good landscape framework which is capable of successfully absorbing the development proposed, and can be done so without compromising the character or amenity of the existing building group.

Policy PM1A of the Local Development Plan is also relevant to new proposals, and this policy seeks to ensure that all new developments across the landward area do not have an adverse impact on the local environment

For reasons stated below, I consider the proposal to be consistent with the aforementioned policies.

Land Use Acceptability

In terms of land use acceptability, the key consideration for this proposal is whether or not the erection of a new dwelling on this site would be consistent with the requirements of the Council's Housing in the Countryside Policies, as contained with *Policy RD3* of the Local Development Plan and the associated supplementary guidance 2012.

Within these policies, support is offered for new houses which extend existing building groups into definable sites formed by existing topography and / or well established landscape features which will provide a suitable setting for the development proposed. The policies also state that all proposals must

respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).

Within the area, there have been a number of recent developments (as well as some older, existing properties) which now means that there is a clear existing building group of dwellings which are all accessed via the private Benarty Road. To this end, the key test of the acceptability of this proposal is whether or not the site is suitable for an extension (of that existing group) in terms of its landscape framework, and whether or not the extension would have an adverse impact on the character or amenity of the existing group.

I shall address these issues in turn.

The site lies adjacent to an existing run of dwellings which follow the line of Benarty Road.

The western boundary of the site is not defined and simply merges into a larger area – giving it an extremely open feel. To the south, the landscape framework is weak and does not offer any degree of natural containment. The Council considered the possibility of requiring structural landscaping to the west of the site, on land outwith the control of the applicant – however creating a landscape framework is not considered acceptable under the terms of the Council's Housing in the Countryside Policies.

It is also the case that the approval of this planning application might result in further (detailed) applications being lodged at a later date and that the approval of this planning application (with landscape containment which is manufactured) could set a dangerous precedent for further planning applications to the west within a larger site that doesn't have any degree of landscape containment.

I'm also conscious of the fact that the visual appearance of the site (subject of this planning application) at the moment has been *manufactured* to some degree by its use as a site compound for previous developments within the area and I'm not convinced that the proposed site would be an acceptable rural brownfield development.

To this end, the proposal is contrary to the Council's Housing in the Countryside Policies.

Residential Amenity

In terms of the impact on existing residential amenity, the closest interaction is with the adjacent dwelling to the east, the occupiers of which have raised no opposition to the proposed house type or in the location proposed. There are some windows at first floor level on the gable of the existing dwelling facing the proposed plot, however these windows (*as per the floor plan lodged under 11/01683/FLL*) all serving bathrooms. The windows proposed at first floor

level on the proposed dwelling serve two bedrooms (secondary windows) and a bathroom. There is a bit of distance between gable to gable (approx. 9m), and based on the nature of the windows on the existing dwelling I would have no concerns regarding window to window interaction at first floor level. At ground floor level, there is no window to window interaction as there aren't any existing windows on the neighbour's property at ground level. In any event, the existing screen fence would offer some degree of privacy to the occupiers of the existing dwelling between the boundaries.

In terms of the position to the rear of the dwellings, as with most two storey dwellings there would be some overlooking to the rear garden of each property from one another from first floor level. Both the existing dwelling and the proposed dwelling have large bedroom windows at first floor level, and it would be unavoidable to stop some overlooking occurring.

However, the siting of the proposed dwelling slightly forward of its neighbour would offer some degree of privacy as it would make the angle of viewing (towards the neighbour's garden) slightly more acute. In terms of screening at ground level, the existing fence which runs along the boundary will cover a degree of screening between the two and if the parties wished to increase this to larger fencing and or landscaping they would be able to do so at a later date. I note that a deck area is proposed to the rear of the new dwelling, and whilst I have no objection to this, in the event of any approval being forthcoming, conditions relating to the proposed boundary screening of the deck (via fencing) would be required so that the proposal does not affect the amenity of the neighbour. On the submitted plans, only the side of the deck is screened, so further clarification of this, in combination with the general boundary treatments would require to be sought via suspensive conditions.

In all, I do not consider the residential amenity of the neighbour to be adversely affected by this proposal and again, I note that no concern has been raised from the affected neighbour.

In terms of the residential amenity which would be associated with the new dwelling, I also have no concerns. As the plot has been pushed forward (to protect the neighbour), all the private amenity space is to the rear of the plot. The usable area is slightly disjointed by the presence of an existing tree (which is to be retained), however around the tree, and taking into account a proposed deck area, there is sufficient usable amenity space for the size of dwelling proposed.

To this end, I have no issues concerning residential amenity, either existing or proposed.

Visual Amenity, Design and Layout

In terms of the design of the proposed dwelling, I have no concerns.

The proposal proposes living accommodation over two full levels which is slightly different than the adjacent dwelling. However, whilst the adjacent dwelling has incorporated dormers onto their design it is far more akin in scale and mass to a typical two storey dwelling. The submitted FFL of the proposed dwelling and those of the built neighbour are comparable, which will result in a dwelling which is marginally higher (to the ridge) than the neighbour.

The comparison ridge lines of the proposed (8.7m) are directly comparable to the neighbour (8.5m) and the small difference would be negligible on the size of dwelling proposed. As the proposal is a full two storey with no dormers, there would be a slight difference in the appearance between the roof to wall ratios of the proposed dwelling and the neighbour, however there isn't any general uniformity in the area with a range of house types and scales being present.

In terms of the position of the dwelling on the plot, the dwelling has been sited slightly forward of the line of the adjacent neighbour. However, there is a staggered building line in the area and I do not consider the forward location of the dwelling to cause any degree of concern.

To this end, I consider the overall design and location the proposed dwelling to be acceptable.

Roads and Access

In terms of access related issues, the site is served by an existing private access which is surfaced, but with some damage done to its surface. It is noted that within the letters of representations, both the interested parties have raised some concerns regarding the state of the road and the probability that it could worsen with further construction. As this development is for the erection of a single dwelling, I do not consider it would be reasonable to ask the applicant to improve the surface of the private access which already serves approx. 11 dwellings. It is also unlikely that the construction traffic associated with one dwelling would in itself have an adverse impact on the condition of the road surface. It is also noted that my colleagues in Transport Planning have not asked for any proposed upgrades of the private access.

Impact on trees

Some trees have already been removed along the sites frontage, however this was undertaken some time ago and would not ordinarily have required any planning permissions or consent as those trees were not protected. In terms of existing trees which are directly affected by the proposal, only one tree is located within the site with several others immediately outwith. The location of this tree is such that it would not be comprised by the proposed development. However, in the event of any approval, a condition should be placed on any permission which requires the tree to be retained and also protected during

the course of construction to the standards required by the British Standards for trees on constructions sites.

Contaminated Land Issues

Due to the sites previous uses, there is the potential for land to have contaminates in it which require remedial action. To this end, in the event of any approval, a standard condition in relation to contaminated land should be attached to any consent.

Drainage and Flooding

The site lies outwith a sewered area, so foul drainage would be via a private system which would need to accord with both SEPA's and the technical standards. In terms of flooding issues, whilst there is a watercourse which runs along the rear of the site, my colleagues in the flooding team have raised no concerns.

Protected Species

There are no known protected species affected by this proposal. The site has largely been cleared of ground based vegetation, and has been previously used as a site compound for the adjacent site. An informative note should be attached to any permission which draws the applicants attention to his / hers responsibilities under the wildlife acts.

Coal Mining

The site is located within an area where there has been known coal lining activity. The Coal Authority have commented on the planning application and indicated that that subject to standard conditions and notes being attached to any consent, they have no objections to the proposal.

Economic Impact

The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

Conclusion

material considerations and find none that would justify overriding the adopted Development Plan.

On that basis the application is recommended for refusal.

DEVELOPER CONTRIBUTIONS

Transport Contributions

The site lies outwith the catchment area for Developer Contributions in relation to Transport Contributions.

Primary Education

The local primary school is operating at over 80% of its capacity, and to this end a Developer Contribution in relation to Primary Education is required as part of this development.

Affordable Housing

None required.

APPLICATION PROCESSING TIME

The recommendation for this application has not been made within the statutory determination period.

LEGAL AGREEMENTS

None required due to the recommendation of refusal.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

By virtue of the sites lack of a suitable landscape containment, the proposal fails to accord with the requirements of Policy RD3 of Perth and Kinross Council's Local Development Plan 2014 and Perth and Kinross Council's Housing in the Countryside Guide 2012, both of which require all new developments that extend an existing building group to take place in a definable site formed by existing topography and or well established landscape features which would provide a suitable setting.

Justification

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

Informatives

None

Procedural Notes

None

PLANS AND DOCUMENTS RELATING TO THIS DECISION

16/00001/1
16/00001/2
16/00001/3

Date of Report 29.03.2016

DOCUMENT 3



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100000593-001

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

Type of Application

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

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

Description of Proposal

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

Erection of dwellinghouse and domestic garage

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?

(Answer 'No' if there is no change of use.) *

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	DX2 Consultancy Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Derek	Building Name:	
Last Name: *	Grubb	Building Number:	317
Telephone Number: *	07925 372034	Address 1 (Street): *	Rona Place
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glenrothes
Fax Number:		Country: *	United Kingdom
		Postcode: *	KY7 6RR
Email Address: *	derek.grubb@DX2consultancy.com		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	John	Building Number:	13
Last Name: *	Green	Address 1 (Street): *	Fulmar Drive
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Dunfermline
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	KY11 8JY
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Land 40m north-west Of Burnside House, Benarty Road, Kelty

Northing

695812

Easting

314676

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

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

16/00001/FLL - This one unit would be in line with the HITCG 2012 in relation to the extension of existing building groups.

Title:

Mr

Other title:

First Name:

Andy

Last Name:

Baxter

Correspondence Reference
Number:

Date (dd/mm/yyyy):

14/01/2016

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:

0.30

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)

Vacant land

Access and Parking

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

☒ Yes ☐ No

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

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

☐ Yes ☒ No

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

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

4

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

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

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

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: *

Outlet of the biodisc/septic tank will lead to in-curtilage soakaway, and then to outfall on Kinnaird Burn.

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.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

☒ Yes ☐ No

If Yes or No, please provide further details: * (Max 500 characters)

Slabbed areas to accommodate wheeled refuse storage bins.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☒ Yes ☐ No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

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

☐ Yes ☒ No

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Schedule 3 Development

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

☐ Yes ☒ No ☐ Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

Certificates and Notices

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

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

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

☐ Yes ☒ No

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

☐ Yes ☒ No

Are you able to identify and give appropriate notice to ALL the other owners? *

☒ Yes ☐ No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] 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 –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr James Thomson

Address:

Hilton of Beath, Hilton of Beath, Kelty, UK, KY4 0HF

Date of Service of Notice: *

19/01/2016

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

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Derek Grubb

On behalf of: Mr John Green

Date: 19/01/2016

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☒ Site Layout Plan or Block plan.
- ☒ Elevations.
- ☒ Floor plans.
- ☒ Cross sections.
- ☒ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☐ Photographs and/or photomontages.
- ☐ Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

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

Declare – For Application to Planning Authority

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

Declaration Name:

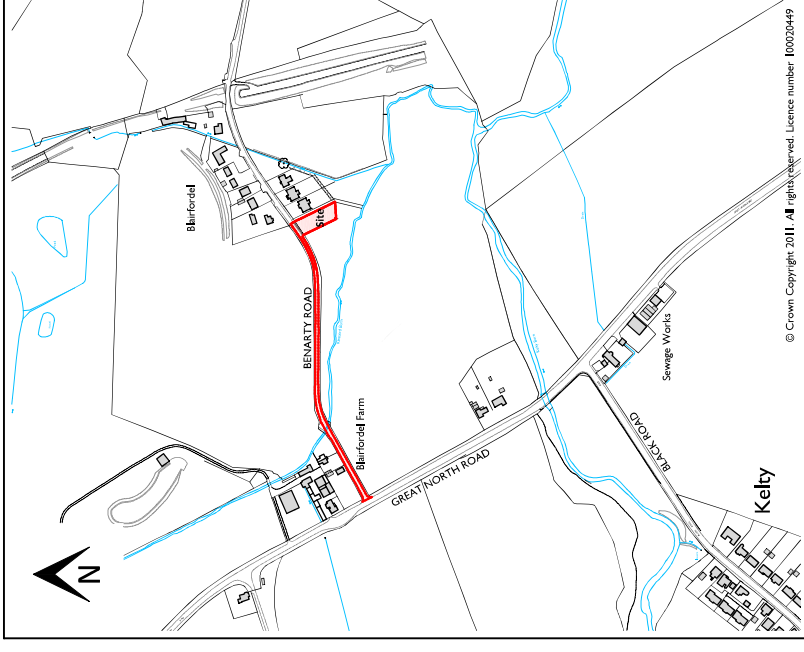
Declaration Date:

DOCUMENT 4

Block Plan



Location Plan



Rev'n	Date	Description	d.v.	By
A	18 Jan 16	Section A-A added		

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Project / Client:

Proposed Dwellinghouse & Garage
at Plot A, Benarty Road, Blairford

Drawing Title:

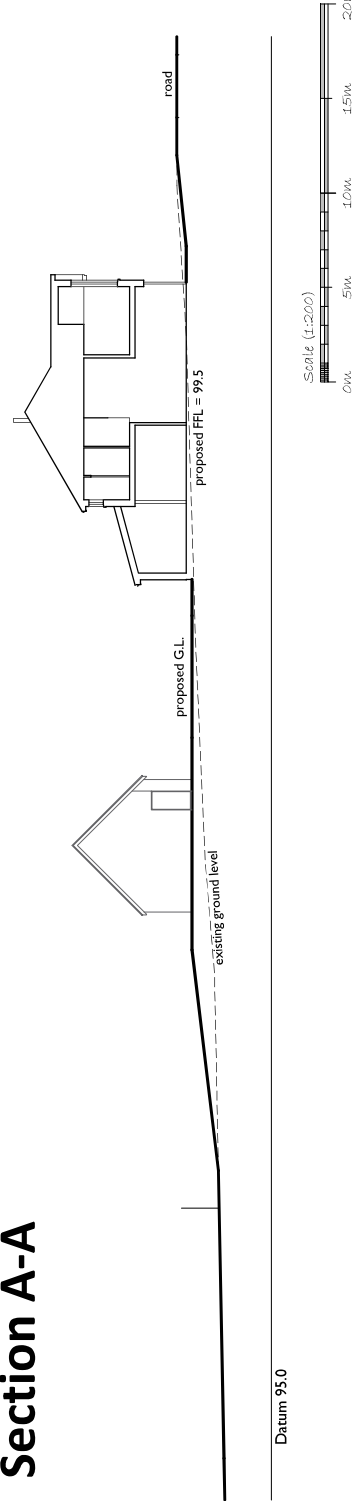
Planning:
Block, Location Plans & Site Section



A: 317 Rona Place, Glenrothes, Fife KY7 6RR
T: 07925-372034 / 07925-130388
E: enquiries@dx2consultancy.com
W: www.dx2consultancy.com

Project Reference:	13-010-Blairford [Plot A]	Scales:	1:250, 1:500, 1:5000	Date:	04 Dec 15
Drawing Number:	15-13/010-228	Sheet size:	A2	Drawn:	
		Revision:	d.v.	Checked:	
			A	d.d.g.	

Section A-A



Datum 95.0

DOCUMENT 5

[illegible]

C	22 Jan 16	Scale bar shown	d.v.
B	18 Jan 16	Decking added	d.v.
A	31 Dec 15	Front door / landing access amended	d.v.
	Date	Description	Rev

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Proposed Dwellinghouse
at Plot A, Benarty Road, Blairford

Drawing Title:

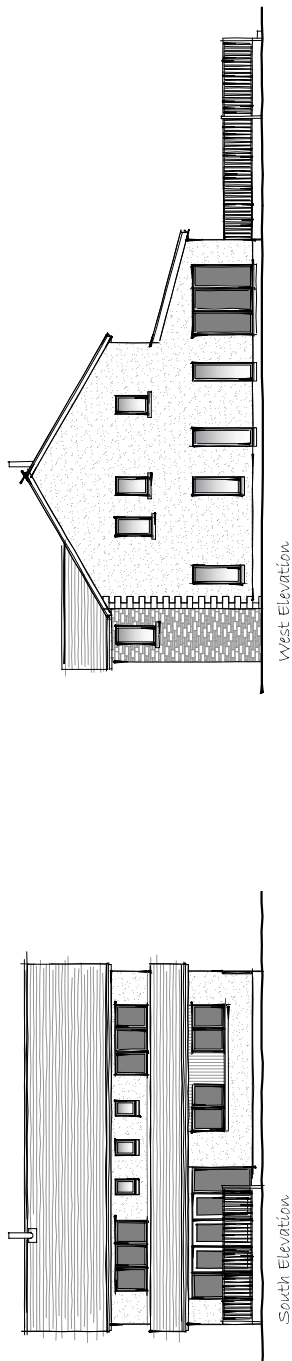
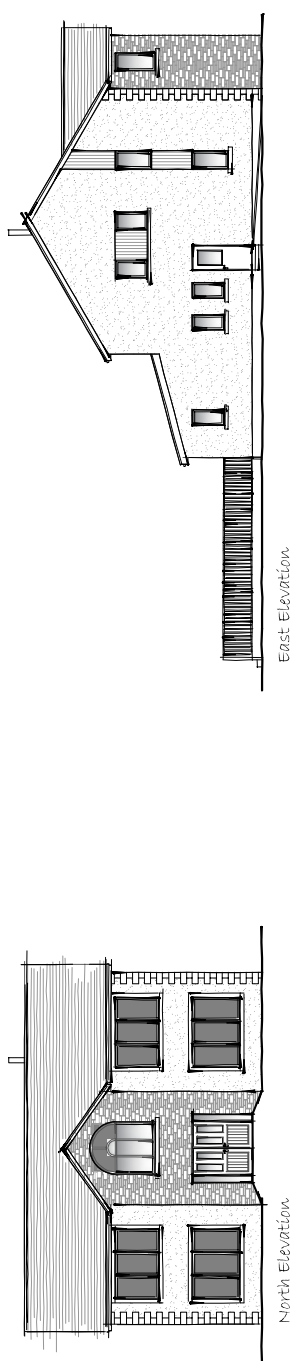
Planning: Floor Plans & Elevations

Architectural Services and
Technical Construction Specialists

A: 317 Rona Place, Glenrothes, Fife, KY7 6RR
T: 07925-372034 / 07925-130388
E: enquiries@DX2consultancy.com
W: www.DX2consultancy.com

Project Reference:

Project Reference: 13-010-Blairford [Plot A]	Scales: 1:100	Date: 04 Dec 13
Drawing Number: 15-13/010-227	Sheet size: A2	Drawn: d.v.
	Revisions: C	Checked: d.d.g.



DOCUMENT 6

General Notes:

- This drawing must be read in conjunction with all other drawings and specifications produced specifically for this project.
- Any dimensions noted are to be brought to the attention of the building designer and/or Engineer for their approval and agreement.
- All dimensions given on this drawing are in millimetres, unless stated otherwise.
- All levels are given in metres above the datum.
- The contractor must check all sizes on site before proceeding with the works.
- All works are to be completed in strict accordance with the Building Regulations for Scotland as per the approved drawings.
- Where manufacturers' names are listed, they should be read as 'equal and approved'.
- The Contractor will allow for all necessary precautions to be undertaken in order to protect the existing building and surrounding works including the use of hazardous materials are fully assessed, clearly highlighted and adequate safety measures are put in place to ensure the safety of the workforce, client and public at all times.
- Works shall be carried out in accordance with good building practices.
- All works to comply with the Building (Scotland) Act 2003, the Building Standards and the Building Standards (Scotland) Regulations 2004.
- The Contractor shall be responsible for contacting the appointed Building Standards Inspector as soon as works commence in order to establish the Local Authority's policy for carrying out inspections and witnessing the testing of drainage inspections. The Contractor is responsible for giving notice, arranging and carrying out the required inspections and ensuring that the works are carried out in accordance with the tests are witnessed.
- If in doubt, stop and ask.
- The Contractor is to satisfy himself as to the location of all overhead and underground services on site prior to the commencement of works.
- The Contractor is to ensure that all existing services are protected and not damaged.
- The Contractor is responsible for notifying the building designer of any services below or adjacent to the building footprint.
- In the absence of a levels survey, the Contractor shall refer any discrepancies to the building designer prior to the commencement of works on site.

	B	27 Jan 16	Elevation text changed	d.d.g.
	A	31 Dec 15	Updated following client meeting	d.v.
Rev'n		Date	Description	By

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Project / Client:

Proposed Garage
at Plot A, Benarty Road, Blairfordel
for Denise & John

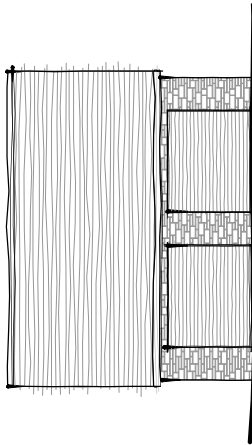
Drawing Title:

Planning:
Floor Plans & Elevations

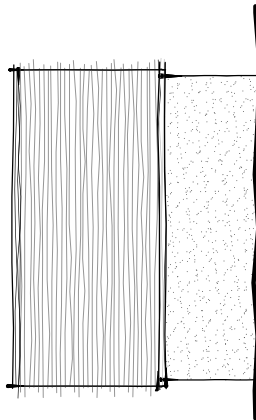


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E: enquiries@dx2consultancy.com
W: www.dx2consultancy.com

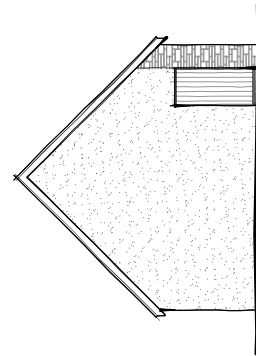
Project Reference: 13-010-Blairfordel [Plot A]	Scales: 1:100	Date: 21 Oct 15
Drawing Number: 15-13/010-201	Sheet size: A2	Drawn: d.v.
	Revision: B	Checked: d.d.g.



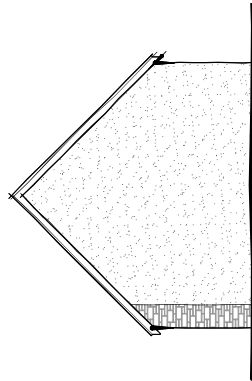
North Elevation



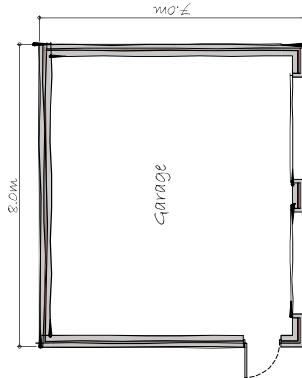
South Elevation



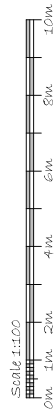
East Elevation



West Elevation



Floor Plan
Floor Area = 47m²



DOCUMENT 7



**The Coal
Authority**



INVESTOR IN PEOPLE



RTPI

Learning Partner

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

For the Attention of: Mr A. Baxter – Case Officer
Perth and Kinross Council

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

25 February 2016

Dear Mr Baxter

PLANNING APPLICATION: 16/00001/FLL

**Erection of dwelling house and detached garage at Land 40 Metres North West of
Burnside House, Benarty Road, Kelty - RECONSULTATION**

Thank you for your consultation email of 17 February 2016 seeking the further 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: Material Consideration

As you are aware, the application site falls within the defined Development High Risk Area;
therefore 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.

In addition to the mining of deep coal seams, The Coal Authority records indicate that a
thick coal seam outcrops across the site and that historic unrecorded shallow mine
workings are likely to be present beneath the site at shallow depth.

You will recall that The Coal Authority previously objected to the proposal in our initial
consultation response of 11 February 2016 due to the lack of a Coal Mining Risk
Assessment Report, or equivalent, to identify risks posed to the proposed development by
coal mining legacy.

Your reconsultation email highlights that The Coal Authority previously raised no objection in our response letter of 18 December 2015 to application 15/00577/IPL for residential development in principle for a larger site which included the current application site. We recommended that the LPA include conditions on any permission requiring further site investigations followed by any necessary remedial works to address coal mining legacy affecting the site. Our comments were based upon the content and conclusions of a Coal Mining Risk Assessment Report (August 2015, prepared by Geovia) submitted by the applicant in support of that application.

Whilst The Coal Authority notes that the aforementioned Report does not appear to have been submitted by the applicant in support of the current planning application, it appears from your email that you are satisfied that the content and conclusions of this Report can and should be taken into account in the determination of the current application.

On the basis of the above, The Coal Authority's recommendation to the LPA of 18 December 2015 regarding planning application 15/00577/IPL remains valid with respect to the current planning application. For ease of reference our recommendation is reproduced below:

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the any areas of shallow mine workings to ensure the safety and stability of the proposed development, these should also be conditioned to be undertaken prior to commencement of the development.

A condition should therefore require prior to the commencement of development:

- * The submission of a scheme of intrusive site investigations for approval;
- * The undertaking of that scheme of intrusive site investigations;
- * The submission of a report of findings arising from the intrusive site investigations;
- * The submission of a scheme of remedial works for approval; and
- * The implementation of those remedial works.

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore **withdraws its objection** to the proposed development **subject to the imposition of a condition to secure the above.**

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

Yours sincerely

James Smith

James Smith BSc. (Hons), Dip.URP, MRTPI
Planning Liaison Manager

General Information for the Applicant

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. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:
www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available coal mining data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. 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.

In formulating this response The Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the Coal Mining Risk Assessment or other similar report. In the event that any future claim for liability arises in relation to this development The Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisers for this development in relation to ground conditions and the acceptability of development.

DOCUMENT 8

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/00001/FLL	Comments provided by	Tony Maric Transport Planning Officer
Service/Section	Transport Planning	Contact Details	75329 amaric@pkc.gov.uk
Description of Proposal	Erection of a dwellinghouse and detached garage		
Address of site	Land 40 Metres North West Of Burnside House Benarty Road Kelty		
Comments on the proposal	Insofar as the roads matters are concerned I do not object to this proposal, provided the undernoted conditions are attached in the interests of pedestrian and traffic safety.		
Recommended planning condition(s)	<ul style="list-style-type: none"> • Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority. • Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear. • Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site. 		
Recommended informative(s) for applicant	The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.		
Date comments returned	11 February 2016		

DOCUMENT 9

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/00001/FLL	Comments provided by	D.Lynn
Service/Section	TES - Flooding	Contact Details	dlynn@pkc.gov.uk
Description of Proposal	Erection of a dwellinghouse and detached garage		
Address of site	Land 40 Metres North West Of Burnside House Benarty Road Kelty		
Comments on the proposal	No Objection		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	10/02/2016		

DOCUMENT 10

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/00001/FLL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin Tel: 01738 475381 Email: emclaughlin@pkc.gov.uk
Description of Proposal	Erection of a dwellinghouse and detached garage		
Address of site	Land 40 Metres North West Of Burnside House Benarty Road Kelty for Mr John Green		
Comments on the proposal	<p>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, MAY FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Cleish Primary School.</p>		
Recommended planning condition(s)	<p>Summary of Requirements</p> <p>Education: £6,395 (1 x £6,395)</p> <p>Total: £6,395</p> <p>Phasing</p> <p>It is advised that payment of the contribution should be made up front of release of planning permission. The additional costs to the applicants and time for processing legal agreements for single dwelling applications is not considered to be cost effective to either the Council or applicant.</p> <p>The contribution may be secured by way of a Section 75 Agreement. Please be aware the applicant is liable for the Council's legal expense in addition to</p>		

	<p>their own legal agreement option and the process may take months to complete.</p> <p>If a Section 75 Agreement is entered into the full contribution should be received 10 days after occupation.</p>
Recommended informative(s) for applicant	<p>Payment</p> <p>Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.</p> <p>Methods of Payment</p> <p>On no account should cash be remitted.</p> <p>Scheduled within a legal agreement</p> <p>This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice.</p> <p>NB: The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue.</p> <p>Other methods of payment</p> <p>Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.</p> <p>Remittance by Cheque</p> <p>The Planning Officer will be informed that payment has been made when a cheque is received. However this will require a period of 14 days from date of receipt before the Planning Officer will be informed that the Planning Decision Notice may be issued.</p> <p>Cheques should be addressed to 'Perth and Kinross Council' and forwarded with a covering letter to the following: Perth and Kinross Council Pullar House 35 Kinnoull Street Perth PH15GD</p>

	<p>Bank Transfers All Bank Transfers should use the following account details; Sort Code: 834700 Account Number: 11571138</p> <p>Education Contributions For Education contributions please quote the following ledger code: 1-30-0060-0001-859136</p> <p>Direct Debit The Council operate an electronic direct debit system whereby payments may be made over the phone. To make such a payment please call 01738 475300 in the first instance. When calling please remember to have to hand:</p> <ul style="list-style-type: none"> a) Your card details. b) Whether it is a Debit or Credit card. c) The full amount due. d) The planning application to which the payment relates. e) If you are the applicant or paying on behalf of the applicant. f) Your e-mail address so that a receipt may be issued directly. <p>Indexation All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.</p> <p>Accounting Procedures Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.</p>
<p>Date comments returned</p>	<p>08 February 2016</p>

TCP/11/16(405)

Planning Application – 16/00001/FLL – Erection of dwellinghouse and detached garage on land 40 metres north west of Burnside House, Benarty Road, Kelty

PLANNING DECISION NOTICE *(included in applicant's submission, see pages 45-46)*

REPORT OF HANDLING *(included in applicant's submission, see pages 49-51)*

REFERENCE DOCUMENT *(included in applicant's submission, see pages 77, 81 and 85)*

TCP/11/16(405)
Planning Application – 16/00001/FLL – Erection of
dwellinghouse and detached garage on land 40 metres
north west of Burnside House, Benarty Road, Kelty

REPRESENTATIONS

*(part included in applicant's submission, see pages 89-91, 95,
99 and 103-105)*



The Coal
Authority



INVESTOR IN PEOPLE



RTPI
Learning Partner

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

For the Attention of: Mr A. Baxter – Case Officer
Perth and Kinross Council

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

11 February 2016

Dear Mr Baxter

PLANNING APPLICATION: 16/00001/FLL

Erection of dwelling house and detached garage at Land 40 Metres North West of Burnside House, Benarty Road, Kelty

Thank you for your consultation letter of 29 January 2016 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: Fundamental Concern

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk 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 a thick coal seam outcrops at or close to the surface of the site and historic unrecorded coal mining is likely to have taken place beneath the site at shallow depth.

The Coal Authority **objects** to this planning application, as the required Coal Mining Risk Assessment Report, or equivalent, 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 Development High Risk 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

James Smith

James Smith *BSc. (Hons), Dip.URP, 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 up-to-date information of past coal mining activities in relation to the application site. A variety of Coal Mining Report products which provide baseline information on coal mining legacy risks are available from www.groundstability.com. A Coal Mining Risk Assessment should then take the information contained in the Coal Mining Report and interpret the risks identified specifically in relation to the proposed development. If you merely submit a Non Residential Coal Mining Report, an Enviro All-in-One Report or other factual report obtained from www.groundstability.com (or a similar product from private land search suppliers) this will not overcome our objection to your planning application.

This coal mining information you obtain from a Non-Residential Coal Mining Report, an Enviro-All-in-One Report or other factual report 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: www.gov.uk/planning-applications-coal-mining-risk-assessments

Guidance on how to produce a Coal Mining Risk Assessment and a template which the “competent body” can utilise is also contained at:

www.gov.uk/planning-applications-coal-mining-risk-assessments

As the coal mining legacy issue that needs further consideration in this particular case is potential historic shallow mining the British Geological Survey (BGS) may prove a useful source of geological and mining information: www.bgs.ac.uk

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. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from the Coal Authority’s website at:

www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

Disclaimer

The above consultation response is provided by the Coal Authority as a Statutory Consultee and is based upon the latest available coal mining data on the date of the response, and electronic consultation records held by the Coal Authority since 1 April 2013. 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.

AMB.

Tracy McManamon

From: Gordon Anderson <[REDACTED]>
Sent: 17 February 2016 09:36
To: Development Management - Generic Email Account
Subject: Re: [MAYBE SPAM] Concerns regarding Plannning application Reference 16/00001/FLL

Dear Sir, Madam ,

Thank you for your reply sorry I did not put my information required .

Mr Gordon Anderson
6 Blairfordel Steading
By Kelty
Fife
KY4 0HP

Regards G Anderson

Sent from my iPad

On 17 Feb 2016, at 08:47, Development Management - Generic Email Account
<DevelopmentManagement@pkc.gov.uk> wrote:

Dear Mr Anderson

To enable us to register your comments we will need your full postal address including postcode.

Regards

Tracy McManamon
Senior Support Assistant
Planning and Development
35 Kinnoull Street
Perth
PH1 5GD

Telephone 01738 475334



<image002.jpg>

From: [REDACTED]
Sent: 16 February 2016 12:05

To: Development Management - Generic Email Account

Subject: [MAYBE SPAM] Concerns regarding Planning application Reference 16/00001/FLL

..

Dear Sir, Madam, I am writing to voice my concerns as to the proposed planning application Ref 16/00001/FLL erection of a dwelling house. In principle I have no real concern or objection to this being granted but feel I have to highlight some points of concern. I am a resident on the access road that leads to this proposed development and in the last 5 years I have seen the traffic on this road increase significantly. This is due to other houses being built.

Previous developers at Blairfordel Sneddon Developments were required to provide street lighting and a formed layby as part of their development application. Being allowed this has not been done and as the road is now much busier due to an increase of traffic i.e. school bus blocking exit onto Great North Road during school pickups and it is only a matter of time before somebody is going to be seriously injured.

On top of this added development in this area a heavy plant operator uses this narrow road for access to his yard and 32 tonne wagons ply back and forth on a daily basis tearing up the grass verges and tarmac road. I am sure the usage of this site is not strictly being adhered to i.e. landfill etc.

I am not alone in voicing my concerns in this matter and now formally submit an objection on the above grounds. Regards Gordon Anderson

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General enquiries to Perth & Kinross Council should be made to enquiries@pkc.gov.uk or 01738 475000.

General enquiries to Live Active Leisure Limited should be made to enquiries@liveactive.co.uk or 01738 454600.

General enquiries to TACTRAN should be made to info@tactran.gov.uk or 01738 475775.

Kirsty Strong

AMB

From: [REDACTED]
Sent: 17 February 2016 20:48
To: Development Management - Generic Email Account
Subject: Re: 16/00001/FLLdevelopment Benarty Road

sorry that I forgot to put full address.Fiona Fowler.

1 Blairfordel Farm Cottages.
Blairadam by Kelty. ky40hp

From: Development Management - Generic Email Account <DevelopmentManagement@pkc.gov.uk>
Sent: 17 February 2016 10:36
To: 'fiona fowler'
Subject: RE: 16/00001/FLLdevelopment Benarty Road

Dear Ms Fowler

To enable us to register your comments we will need your full postal address including postcode.

Regards

Tracy McManamon
Senior Support Assistant
Planning and Development
35 Kinnoull Street
Perth
PH1 5GD

Telephone 01738 475334



From: fiona fowler [REDACTED]
Sent: 16 February 2016 08:54
To: Development Management - Generic Email Account
Subject: 16/0000/FLLdevelopment Benarty Road

I am sure you are aware of Benarty Road as a private road.The road now is so busy with all the development.I would like to know if all of this building work who is going to maintain the road which is now starting to break up.The part of the road that has a deep pot hole is owned by the same person that is selling the land.I have no objection to one more dwelling house but have deep concerns about the maintainence of the road. Fiona Fowler

