

**TCP/11/16(291)****Planning Application 13/02117/IPL – Erection of dwellinghouse (in principle), land at Blashieburn Vicar's Bridge Road, Blairingone**

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**TCP/11/16(291)**  
**Planning Application 13/02117/IPL – Erection of**  
**dwellinghouse (in principle), land at Blashieburn Vicar's**  
**Bridge Road, Blairingone**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**



# NOTICE OF REVIEW

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

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)  
(SCOTLAND) REGULATIONS 2008

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

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

**Use BLOCK CAPITALS if completing in manuscript**

## Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

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

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

Yes No  
X ☐

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application  Date of decision (if any)

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

**Nature of application**

- |  |                          |
|--|--------------------------|
| 1. Application for planning permission (including householder application)   | <input type="checkbox"/> |
| 2. Application for planning permission in principle  | X                        |
| 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) | <input type="checkbox"/> |
| 4. Application for approval of matters specified in conditions   | <input type="checkbox"/> |

**Reasons for seeking review**

- |   |                          |
|---|--------------------------|
| 1. Refusal of application by appointed officer  | X                        |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/> |
| 3. Conditions imposed on consent by appointed officer   | <input type="checkbox"/> |

**Review procedure**

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

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

- |   |                          |
|---|--------------------------|
| 1. Further written submissions                                    | <input type="checkbox"/> |
| 2. One or more hearing sessions                                   | <input type="checkbox"/> |
| 3. Site inspection  | X                        |
| 4. Assessment of review documents only, with no further procedure | <input type="checkbox"/> |

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

**Site inspection**

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

- |  | Yes | No                       |
|--|-----|--------------------------|
| 1. Can the site be viewed entirely from public land?                                 | X   | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | X   | <input type="checkbox"/> |

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

**Statement**

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

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

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

See attached Local Review Statement.

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

Yes    No  
☐    X

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

**List of documents and evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Planning Application Form  
 Location Plan  
 Block Plan  
 Planning Statement  
 Report of handling  
 Decision Notice  
 Coal Authority response to planning application Ref: 13/01136/FLL

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

**Checklist**

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

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

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

**Declaration**

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

Signed Paul Houghton

Date 15<sup>th</sup> January 2014



## **LOCAL REVIEW STATEMENT**

**Plot west of Vicar's Bridge Road,  
Blairingone**

**ON BEHALF OF:** Mr Colin McLean

**PREPARED BY:** Houghton Planning

**DATE:** 15<sup>th</sup> January 2014



## 1.0 INTRODUCTION

- 1.1 This Local Review Statement has been prepared following the refusal of planning permission, under delegated powers, for planning permission in principle for a single dwelling on a site west of Vicar's Bridge Road, Blairingone.
- 1.2 It seeks to address the reasons for refusal, and matters that arise in the Report of Handling, and explain why it is considered that planning permission in principle can be granted, given the circumstances prevailing, and why the proposed development will not have any adverse impact on any interests of acknowledged importance.
- 1.3 It is requested that the Local Review Body (LRB) undertake a site visit before concluding on this local review.
- 1.4 The application was submitted on 11<sup>th</sup> November 2013; it was refused planning permission by decision notice dated 10<sup>th</sup> January 2014 for four reasons as follows:
1. *"The proposal is contrary to Policy 81 of the Kinross Area Local Plan 2004 as it represents built development on land adjoining and out with the village settlement of Blairingone.*
  2. *The proposal is contrary to Policy 84 of the Kinross Area Local Plan 2004 as there is insufficient information to establish if there are any risks to the development proposal posed by past coal mining activity.*
  3. *The proposal is contrary to the Council's the adopted revised Housing in the Countryside Guide 2012 as it conflicts with Policy 81 of the Kinross Area Local Plan 2004. The proposals also cannot comply with the requirements of category (1) Building Groups, nor can it satisfy any of the other accepted categories of the policy.*
  4. *The proposal is contrary to Policy 54 of the Kinross Area Local Plan 2004 as it represents built development on land within an Area of Great Landscape Value which would have an adverse impact on the character of village and the surrounding landscape."*

## 2.0 REASON FOR REFUSAL 1 – SETTLEMENT BOUNDARY

- 2.1 It is accepted that the application site is located on the edge of the village of Blairingone, and that only part of it is within the settlement boundary, as defined on the Perth and Kinross Local Development Plan Proposals Map.

- 
- 2.2 The case officer suggests that 64% of the site is outside of the village boundary, and 36% within it, which is a reasonable analysis in our view. Put another way, about a third of it has previously benefitted from planning permission and two thirds does not.
- 2.3 Planning permission was granted on the adjoining land, and a third of the current application site, in 2006, and this was renewed in 2012 (Ref: 12/02019/IPL). A detailed application was recently submitted for the erection of a house on the plot of land that benefited from planning permission in principle (Ref: 13/01136/FLL), but this was withdrawn when it was made clear to this applicant that he only owned two thirds of the plot, and not the remaining third. There still remains an opportunity for this site to be developed, although it will probably require the inclusion of part of the garden of Sheldon House, the owner of which was the original vendor.
- 2.4 It is appreciated that whether a site falls within, or outside of, a settlement boundary tends to be a pass or fail matter, as the case officer has considered it in this case, but this does not, in our view, treat it in a commonsense way. Looked at in this way, there seems to be no obvious reason why the settlement boundary in the Kinross Local Plan, and the more recent Perth and Kinross Local Development Plan, have been defined in the ways they have, and why it is considered acceptable for a third of the current application site to be potentially developed, in addition to land to the north of the road, and not allow the remainder of the application site to be built upon.
- 2.5 A third of the site (c.7 metres wide) could, potentially, accommodate a dwelling oriented north west to south east, with the remainder as garden. The applicants existing house in the village is only 8 metres wide. It is appreciated that the Council could still refuse such an application on landscape and visual impact grounds, but this shows how contrived seeking to conform to an arbitrary settlement boundary can be. Surely it is better to allow what is a c. 11 metre wide strip to be added to the settlement, to allow a dwelling to be accommodated on this application site, which would be similar in footprint to that which was applied for in relation to now withdrawn detailed planning application Ref: 13/01136/FLL, and part within and only a small part outside of the village, rather than enforce an arbitrary line on a plan?
- 2.6 This may be a recently drawn settlement boundary line on a Proposals Map, but the current applicant did not appreciate the significance of this until very recently, and nobody else seems to have either asked for, or commented upon, the change to the settlement boundary during Plan consultations. It would not appear to have been an issue at the recent Examination. The planning application route could, therefore, be an appropriate forum to consider this unusual set of circumstances.

### **3.0 REASON FOR REFUSAL 2 – MINING RISK**

- 3.1 It is appreciated that this application has not had a mining risk assessment submitted with it. However, the now withdrawn planning application Ref: 13/01136/FLL was subject to a detailed report prepared by McGregor McMahon & Associates, and the Coal Authority responded to this saying that planning permission could be granted subject to planning conditions. A copy of their response is being submitted with this review.
- 3.2 If the LRB are otherwise content that planning permission in principle can be granted, we would suggest that they can either: (1) grant planning permission subject to similar conditions, as suggested in relation to Ref: 13/01136/FLL; or (2) defer final consideration of this local review until such time as a mining risk assessment has been prepared and submitted. The applicant could potentially instruct McGregor McMahon to do this, and they can hopefully produce this relatively quickly given their previous involvement.

### **4.0 REASON FOR REFUSAL 3 – HOUSING IN THE COUNTRYSIDE**

- 4.1 The reference to the Housing in the Countryside Policy is there to try and explain the circumstances of the site in the round. Development of this site could be seen simply as the continuation of a group inasmuch as it is adding to continuous built development forming the village. It is accepted that it does not have the definable site required by this policy, although it has the potential to respect the character, layout and pattern of adjoining development.
- 4.2 Equally, the Local Development Plan includes the field to the immediate north of the application site in a new extended settlement boundary and, presumably, it is expected that this land will be developed as a rounding-off development, which the application site can be said to be as well with appropriate landscaping to create a new soft edge to the village. The applicant is in a position to facilitate this given that he owns all of the land to the south west.

### **5.0 REASON FOR REFUSAL 4 – IMPACT ON AGLV**

- 5.1 This reason for refusal follows on from reason for refusal 1 in that because two thirds of the application site is not within the settlement boundary, it is instead open

countryside, and currently part of an AGLV, as defined in the current Local Plan This does not, however, mean that automatically the proposed development is harmful.

NB: This area will no longer be defined as an AGLV, when the new Local Development Plan is adopted later in January 2014, as this does not include this designation.

- 5.2 Put another way, the land to the north was not previously within the settlement, but now is. So, until very recently, it was seen as having landscape importance, but now does not. It will be for councillors to assess this issue, but it is suggested that there is very little to differentiate the two areas in landscape terms.
- 5.3 More generally, an appropriate proportioned, sited, and landscaped, dwelling on the application site can form a new end to the village. The applicant owns adjoining land, and would be prepared to landscape/tree plant an appropriate area within that land (edged in blue), which he owns.
- 5.4 In visual impact terms, would a new dwelling c. 11 metres further to the south west cause any obvious harm? Initially it would appear divorced from the settlement, but as it can be expected that the remainder of the adjoining plot will be developed in due course, and probably the land to the north as well, this will only be a temporary situation.
- 5.5 Finally, this will not be a precedent leading to further attempts to develop to the south west. The circumstances of this application site are unique, in that a third of it is within the settlement, and we are asking for a flexible, and commonsense, interpretation of planning policy. The remainder of the paddock, to the south west, cannot pray this argument in its aid as it wholly open countryside.

# PERTH AND KINROSS COUNCIL

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

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 10th January 2014

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **13/02117/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 11th November 2013 for permission for **Erection of dwellinghouse (in principle) Land At Blashieburn Vicar's Bridge Road Blairingone** for the reasons undernoted.

Development Quality Manager

### Reasons for Refusal

1. The proposal is contrary to Policy 81 of the Kinross Area Local Plan 2004 as it represents built development on land adjoining and out with the village settlement of Blairingone.
2. The proposal is contrary to Policy 84 of the Kinross Area Local Plan 2004 as there is insufficient information to establish if there are any risks to the development proposal posed by past coal mining activity.
3. The proposal is contrary to the Council's the adopted revised Housing in the Countryside Guide 2012 as it conflicts with Policy 81 of the Kinross Area Local Plan 2004. The proposals also cannot comply with the requirements of category (1) Building Groups, nor can it satisfy any of the other accepted categories of the policy.

4. The proposal is contrary to Policy 54 of the Kinross Area Local Plan 2004 as it represents built development on land within an Area of Great Landscape Value which would have an adverse impact on the character of village and the surrounding landscape.

### **Justification**

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

### **Notes**

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

### **Plan Reference**

13/02117/1

13/02117/2

13/02117/3



## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	13/02117/IPL
Ward No	N8- Kinross-shire

**PROPOSAL:** Erection of dwellinghouse (in principle)

**LOCATION:** Land At Blashieburn Vicar's Bridge Road Blairingone

**APPLICANT:** Mr Colin McLean

**RECOMMENDATION:** REFUSE THE APPLICATION

**SITE INSPECTION:** 19 December 2013

#### **OFFICERS REPORT:**

##### **Site Description**

This application relates to an area of land on the edge of the village settlement of Blairingone, to the west of Sheldon House. The site is an area of rough grazing land that extends to approximately 760sqm. The site partially lies within the village settlement boundary as set by the local plan but the majority of the site falls out with the village boundary. The site is accessed via a private access that enters on to Vicar's Bridge Road.

It is noted that the area of the site that lies within the settlement boundary also forms part of a plot that was granted planning permission in principle for the erection of a single dwellinghouse in 2006 that was renewed in 2012 (Ref: 12/02019/IPL). A detailed application was also recently submitted for the erection of a house on the plot of land that benefits from planning permission in principle (Ref: 13/01136/FLL) but following further investigation by the applicant it was established that during the sale of the plot approximately 1/3 of the plot was mistakenly sold along with the land to the west to another party. As a result the applicant was unable to develop the site and had to withdraw the application.

##### **Proposals**

Planning permission in principle is being sought for a single house within the proposed site. The plans do not provide an indicative layout or house design. Access to the plot will be taken from the private access to the north which leads onto Vicar's Bridge Road.

##### **Assessment**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended by the 2006 act) requires the determination of the planning application to be made in accordance with the provisions of the Development Plan, unless other material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYPlan 2012 and the adopted Kinross Area Local Plan

2004. In addition, whilst not formally adopted, the Proposed Perth and Kinross Area Local Development Plan 2012 is also a relevant material consideration in the assessment of this application.

Whilst part of the site lies within the settlement boundary of Blairingone, the majority of the site (approximately 64% based on the PLDP 2012) lies out with the boundary. Policy 48 of the Local Plan specifically states that built development should not be located adjoining and out with the village settlement boundary as identified within the local plan. It is noted that the applicants supporting statement identifies that the site lies partially out with the settlement boundary but they have requested that the site is assessed on the basis that the entire site is within the settlement boundary. This is presumably on the basis that part of the site falls within the settlement boundary. However, as outlined above, the majority of the site does actually fall out with the boundary of the settlement. As such the site cannot be assessed as being entirely within the settlement boundary as it is clearly not. The proposals are therefore clearly contrary to Policy 48 of the Local Plan.

The area of the land that extends out with the settlement boundary also lies within an area that is identified as an Area of Great Landscape Value (AGLV). Under Policy 54 of the Local Plan it is identified that with an AGLV all new development, which accord with other Local Plan policies, will only be permitted where they can be shown to enhance the natural and man made landscape of the area. In the first instance, as outlined above, the proposals are contrary to Policy 48 of the Local Plan. Furthermore, it is considered that the development of this plot would have an adverse impact on the character of village and the surrounding landscape. The proposals are therefore also contrary to Policy 54 of the Local Plan.

In addition to the above, the proposed site extends onto open countryside and lacks any form of established boundary treatment that would provide any containment to the proposed house. As such, it is considered that the proposed site does not provide an identifiable site that would be a logical extension to the existing village. Furthermore, by approving this development it could potentially set a precedent for further similar ribbon development onto the land to the west of site which would have a significant detrimental impact on the character of the village.

It is also noted that the supporting statement makes reference to proposals being compliant with category 1 'Building Groups' of the Housing in the Countryside Guide 2012. However the guide states that the proposed development should not conflict with any other policy of the Local Plan and as outlined above, the proposals conflict with Policy 48 of the local plan. However, in any case the proposals also fail to comply with the requirements of category 1 'Building Groups' as the proposed site extends onto open land that has no established boundaries or landscape features that would provide any containment or suitable setting. The plot also fails to respect the character, layout and building pattern of the existing village.

### **Ground Conditions - Coal Mining**

The ground conditions within and around the village of Blairingone are identified as being potentially high risk due to historic coal mining in the area. As such all applications for new development within Blairingone require to be supported by an engineer's report that assesses the suitability of ground conditions with particular regard to old mine workings (Policy 84).

The applicants supporting statement identifies this issue and claims that this will be undertaken in due course but as yet no report has been submitted in support of the

proposals. The Coal Mining Authority has also been consulted and they have advised that in absence of a Coal Mining Risk Assessment there is insufficient information to determine the application.

On the basis of the above, it is considered that the proposals are also contrary to Policy 84 of the local plan.

### **Access**

As outlined earlier in this report, the proposed site would be accessed via the existing private access that enters onto Vicar's Bridge Road. It is noted that an objector has raised concerns regarding increased traffic along the private access and the potential impact that the development would have on the condition of the access.

The Council's Transport Planning Team has been consulted and they have not raised any concerns in relation to the use or condition of the existing private access.

### **Drainage**

Scottish Water has been consulted and they have advised that there is presently limited capacity at the local waste water treatment works to service this proposed plot. However I do not consider that this is a relevant issue in the determination of this application as this application is only in principle at this stage and it will be the applicants responsibility to contact Scottish Water to discuss any potential capacity issues.

### **Developer Contributions Guide (Education)**

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

### **Economic Development**

The approval of this application would be of limited economic benefit but it may help support a locally based construction firm and potentially provide work for local contractors.

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plans unless material considerations indicate otherwise. In this respect, it is clear that the proposal does not comply with the adopted Kinross Area Local Plan, in particular Policy 48 and 84. The proposal also fails to comply with the Council's Housing in the Countryside Guide 2012. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommend for refusal.

## **NATIONAL PLANNING GUIDANCE / POLICIES**

### The Scottish Planning Policy 2010

This SPP is a statement of Scottish Government policy on land use planning and contains:

- the Scottish Government's view of the purpose of planning,
- the core principles for the operation of the system and the objectives for key parts of the system,
- statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
- concise subject planning policies, including the implications for development planning and development management, and
- the Scottish Government's expectations of the intended outcomes of the planning system.

## **DEVELOPMENT PLAN**

### Tay Plan 2012

The application raises no strategic issues of relevance to the Tay Plan 2012.

### Kinross Area Local Plan 2004

Policy 2: Development Criteria

Policy 64: Housing in the Countryside Policy

Policy 81: General Village Uses

Policy 84: Blairingone Ground Conditions

## **PERTH AND KINROSS COUNCIL LOCAL DEVELOPMENT PLAN - PROPOSED PLAN (JANUARY 2012)**

On the 30 January 2012 the Proposed Perth and Kinross Local Development Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading up to adoption. Currently undergoing a period of representation, the Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. This means that it is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. It is therefore a material consideration in the determination of this application.

The principal relevant policies are in summary:

Policy RD1: Residential Areas

Policy RD3: Housing in the Countryside

Policy PM1: Placemaking

## **OTHER POLICIES**

Housing in the Countryside Guide (2012)

Developer Contributions Guide (November 2012)

## **SITE HISTORY**

05/02196/OUT Erection of dwellinghouse (in outline) 18 July 2006 Application Permitted

09/01279/IPL Renewal of consent (05/02196/OUT) erection of a dwellinghouse (in principle) 8 October 2009 Application Permitted

12/02019/IPL Renewal of planning consent (09/01279/IPL) erection of a dwellinghouse (in outline) 17 January 2013 Application Permitted

13/01136/FLL Erection of a dwellinghouse 9 August 2013 Application Withdrawn

## CONSULTATIONS/COMMENTS

Environmental Health	Site lies in close proximity to historic mine workings - recommend condition to cover contamination.
Transport Planning	No objection subject to conditions regarding parking and turning.
Education And Children's Services	No capacity issues at local school.
Frances Berry/Jane Pritchard - Access Officers	Access to site is a core path – recommend condition to ensure continued public access.
The Coal Authority	The Coal Authority <b>objects</b> to this planning application, as a Coal Mining Risk Assessment Report has not been submitted as part of the application.
Scottish Water	No object but advise that there is presently limited capacity within the local waste water treatment works to service the proposed development.
Fossoway Council Community	Object to proposals as part of the site falls out with the village settlement boundaries.

**TARGET DATE:** 11 January 2014

## REPRESENTATIONS RECEIVED:

Number Received: 4

## Summary of issues raised by objectors:

1. Out with settlement boundary
2. Contrary to Housing in the Countryside Guide
3. Loss of agricultural land
4. Impact on character of village
5. Loss of daylight
6. Impact on private access track

7. No connection to public waste water system
8. Ownership

**Response to issues raised by objectors:**

1. See report
2. See report
3. It is not considered that there would be significant loss of agricultural land.
4. See report
5. It is not considered that the proposals would have any impact the levels of daylight presently enjoying by neighbouring residential dwellings.
6. See report
7. See report
8. Any dispute regarding the ownership of the site is not a material consideration.

**Additional Statements Received:**

Environment Statement n/a

Screening Opinion n/a

Environmental Impact Assessment n/a

Appropriate Assessment n/a

Design Statement or Design and Access Statement No

Report on Impact or Potential Impact eg Flood Risk Assessment No

**Legal Agreement Required:**

No

**Direction by Scottish Ministers**

None

**Reasons:-**

- 1 The proposal is contrary to Policy 81 of the Kinross Area Local Plan 2004 as it represents built development on land adjoining and out with the village settlement of Blairingone.
- 2 The proposal is contrary to Policy 84 of the Kinross Area Local Plan 2004 as there is insufficient information to establish if there are any risks to the development proposal posed by past coal mining activity.
- 3 The proposal is contrary to the Council's the adopted revised Housing in the Countryside Guide 2012 as it conflicts with Policy 81 of the Kinross Area Local Plan 2004. The proposals also cannot comply with the requirements of category (1) Building Groups, nor can it satisfy any of the other accepted categories of the policy.

- 4 The proposal is contrary to Policy 54 of the Kinross Area Local Plan 2004 as it represents built development on land within an Area of Great Landscape Value which would have an adverse impact on the character of village and the surrounding landscape.

**Justification**

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







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 necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000076145-001

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

## Type of Application

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

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

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

## Description of Proposal

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

New single dwelling house on land to the west of the properties on Vicar's Bridge Road, Blairingone

Is this a temporary permission? \* ☐ Yes ☒ No

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

Have the works already been started or completed? \*

☒ No ☐ Yes - Started ☐ Yes - Completed

## Applicant or Agent Details

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

## Agent Details

Please enter Agent details

Company/Organisation:	Robert Paul Architects
Ref. Number:	
First Name: *	Robert
Last Name: *	Paul
Telephone Number: *	01786 825575
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	robert@paul-architects.co.uk

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

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

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

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

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

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

## Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Address 5:

Address 2:

Town/City/Settlement:

Address 3:

Post Code:

Address 4:

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

Northing

696934

Easting

298314

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☐ Yes ☒ No

## Site Area

Please state the site area:

720.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: (Max 500 characters)

The site forms part of a field and larger landholding owned by the client.

## Access and Parking

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

☒ Yes ☐ No

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

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

☐ Yes ☒ No

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

## Water Supply and Drainage Arrangements

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

☒ Yes ☐ No

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

- ☒ Yes – connecting to public drainage network
- ☐ No – proposing to make private drainage arrangements
- ☐ Not Applicable – only arrangements for water supply required

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

☐ Yes ☒ No

Note: -

Please include details of SUDS arrangements on your plans

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

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

- ☒ Yes
- ☐ No, using a private water supply
- ☐ No connection required

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

## Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

## Trees

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

☐ Yes ☒ No

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

## All Types of Non Housing Development - Proposed New Floorspace

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

☐ Yes ☒ No

## Schedule 3 Development

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

☐ Yes ☒ No ☐ Don't Know

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

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

## Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

## Certificates and Notices

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

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Do you have any agricultural tenants? \*

☐ Yes ☒ No

## Certificate Required

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

Certificate E

## Land Ownership Certificate

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

Certificate E

I hereby certify that –

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

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

Or

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

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

These People are:

Name:

Address:

Date of Service of Notice: \*

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

Signed: Robert Paul

On behalf of: Mr Colin McLean

Date: 11/11/2013

☒ Please tick here to certify this Certificate. \*

## Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 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 developments (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 County 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.

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☒ Yes ☐ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan. \*

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement \*

☐ Yes ☒ N/A

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

## Declare - For Application to Planning Authority

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

Declaration Name: Robert Paul

Declaration Date: 11/11/2013

Submission Date: 11/11/2013

## Payment Details

Online payment: 32935

Created: 11/11/2013 11:26





## **PLANNING STATEMENT**

### **Plot west of Vicar's Bridge Road, Blairingone**

**ON BEHALF OF:** Mr Colin McLean

**PREPARED BY:** Houghton Planning

**DATE:** 31<sup>st</sup> October 2013

## **CONTENTS**

- 1.0 INTRODUCTION
- 2.0 THE SITE AND PROPOSED DEVELOPMENT
- 3.0 PLANNING POLICY
- 4.0 DISCUSSION

## 1.0 INTRODUCTION

- 1.1 This Planning Statement has been prepared to support a Planning Permission in Principle application for a single dwelling on a site west of Vicar's Bridge Road, Blairingone.

## 2.0 THE SITE AND PROPOSED DEVELOPMENT

- 2.1 The application site is located on the edge of the village of Blairingone on land to the west of the properties on Vicar's Bridge Road. It forms part of a field and larger landholding owned by the applicant.
- 2.2 The site is flat and currently used for grazing. Three boundaries are fenced, but the remaining (south western) one is open to the remainder of the field.
- 2.3 The site adjoins a plot that has Planning Permission in Principle for a single dwelling that was originally granted in 2006 and was recently renewed in December 2012 (ref: 12/02019/IPL).
- 2.4 The proposed development is for a single dwelling taking access from the lane.
- 2.5 The eventual dwelling will be designed to be of a scale and design appropriate to the area, with boundaries that are landscaped with hedgerows and trees.
- 2.6 ***It should be noted that the application site is not included within the settlement boundary of Blairingone, as shown on the Kinross Local Proposals Map (see further below), but about half of the site now is, as shown on the Perth and Kinross Local Development Plan Proposals Map (see also further below). It would appear that the change occurred because the Local Plan settlement boundary follows previous red lines used to identify a plot adjoining the current application site whereas the Local Development Plan follows an OS fence line. This fence line used to split what is now the current application site in half, but was removed some years ago by the current applicant who realised that he owned c. 7 metres (wide) of adjoining ground and moved the fence to the edge of his ownership.***

### 3.0 PLANNING POLICY

- 3.1 Planning policy relevant to this planning application is included in the Kinross Area Local Plan (2004) and the Perth and Kinross Local Development Plan (2012). There are no strategic issues of relevance raised by the TayPlan (2012).
- 3.2 Supplementary guidance is set out in the Council's Housing in the Countryside Policy.
- 3.3 The Kinross Local Plan is still part of the development plan, although it will soon be replaced by the Local Development Plan, which has been to examination and the reporter's findings of which are currently being considered by the Council.
- 3.4 The application site is not shown as being within the settlement boundary of Blairingone in terms of the Local Plan, with the boundary following a line closer to the settlement, and the outer edge of the red lines shown for applications applied for, and granted, on the adjoining site. As such, the application site is subject to policies relating to housing in the countryside and within an Area of Great Landscape Value.



- 3.5 Policy 1 - Kinross Sustainable Development – states that the Council will seek to ensure, where possible, that development is sustainable and, amongst other things, that: the quality of the natural environment should be maintained or improved; biodiversity is conserved; waste is minimised; and .development should meet local needs and enhance access to land, employment, facilities, services and goods.
- 3.6 Policy 2 - Kinross Development Criteria – states that all development should generally be located in identified settlements and will be judged in terms of issues such as landscape capacity, design, access, infrastructure, residential amenity etc.

- 3.7 Policies 6 and 7 – Design and Landscaping – state that development should be of a high standard of design and include appropriate landscaping.
- 3.8 Policy 54 – Area of Great Landscape Value – states that all development in such areas should enhance the quality of the landscape.
- 3.9 Policy 64 – Housing in the Countryside – states that housing in the countryside will only be granted if he falls within one of four identified categories, of which Building Groups is the only one that has any connection with this planning application, although even this is more about isolated groups of dwellings and buildings in the countryside rather than adding a single house to the edge of a settlement.
- 3.10 Policy 81 - Kinross Village Uses – includes Blairingone as a village and states that, within it, there is some scope for infill development provided this does not adversely impact upon the density, character or amenity of the village.
- 3.11 Policy 84 - Kinross Blairingone Ground Conditions – states that planning applications within the village need to be supported by a ground conditions report.
- 3.12 The Local Development Plan has moved the settlement boundary of Blairingone to the north and west and this includes a shift by c. 7 metres west where the current planning application site is proposed. Therefore, half the current application site is now within the settlement and half is countryside.



- 3.13 Policy PM1 - Placemaking – states that development must contribute to the quality of the surrounding built and natural environment and respect the character and amenity of the place.

- 3.14 Policy RD1 - Residential Areas – states that infill development in villages can be acceptable where it is of a similar density to its surroundings and protects residential amenity. .
- 3.15 Policy RD3 - Housing in the Countryside – states that new dwellings in the countryside will be supported where it falls within one of six categories. Only the Building Groups category has any relationship at all to the current planning application.
- 3.16 Policy EP14 - Blairingone Ground Conditions – requires applications to be supported by an engineer's report.
- 3.17 The village details, pertinent to Blairingone, state that all development should connect to the Public Waste Water Treatment Works and include SUDS. .
- 3.18 The Council's Housing in the Countryside Policy also has six categories of acceptable housing in the countryside, of which only Buildings Groups has any relevance. However, this category requires there to be a definable site, which in this case does not exist. Also, the guidance suggests that ribbon development will not be acceptable. It also includes design guidance that all proposals must comply with and commentary in relation to each can be found in the next section.

#### **4.0 DISCUSSION**

- 4.1 The circumstances that relate to this site have been highlighted above. In effect, half of the application site is within the village and half is not. As such, there is an issue as to whether it is settlement-specific, or housing in the countryside, policies that should apply. It is requested that, in this case, the reasonable way to proceed is to determine that the application site is within the settlement boundary and, as such, that it is, in principle, acceptable subject to meeting design and amenity criteria, and the requirement for an engineer's report on ground conditions, which will be forwarded in due course.
- 4.2 It is not an infill site granted, but then neither is the adjoining site for which the Council has consistently granted planning permission since 2005.
- 4.3 Equally, the Local Development Plan includes the field to the immediate north of the application site in a new extended settlement boundary and, presumably, it is expected that this land will be developed as a rounding-off development, which the application site can be said to be as well with appropriate landscaping to create a

new soft edge to the village. The applicant is in a position to facilitate this given that he owns all of the land to the south west.

4.4 If the alternative scenario is followed instead, i.e. that the housing in the countryside policies should be followed, then the proposal can be said to be adding to a group inasmuch as it is adding to continuous built development forming the village, although it is accepted that it does not have the definable site required by policy, although it has the potential to respect the character, layout and pattern of adjoining development.

4.5 Turning to the detailed criteria contained with the policy, then the applicant's comments are as follows:

- a) The final designs for the dwellings will comply with the guiding principles contained in the Council's current Guidance on the Siting and Design of Houses in Rural Areas and subsequent detailed design guidance.
- b) Pre-application consultation was not undertaken given the minor nature of the proposal.
- c) Access to the site is acceptable and services exist, or are capable of being developed within the site.
- d) No listed buildings are affected.
- e) The proposal is for less than 5 units and so the affordable housing requirement is not an issue.
- f) The quality of design and materials will form part of the Matters Specified in Conditions Application, will be in keeping with the local character and be reflected in the design and finish of the dwelling.
- g) Local materials will be used where possible to reflect the local character and contribute to sustainability.
- h) The dwelling will not prevent adjoining farms from continuing to operate. There will be no amenity impacts.
- i) The dwelling can include facilities for home working and will be of sustainable design.
- j) The proposal does not conflict with the aspirations, or the key aims, of other policies in the development plan.
- k) The proposal can be designed to protect biodiversity.

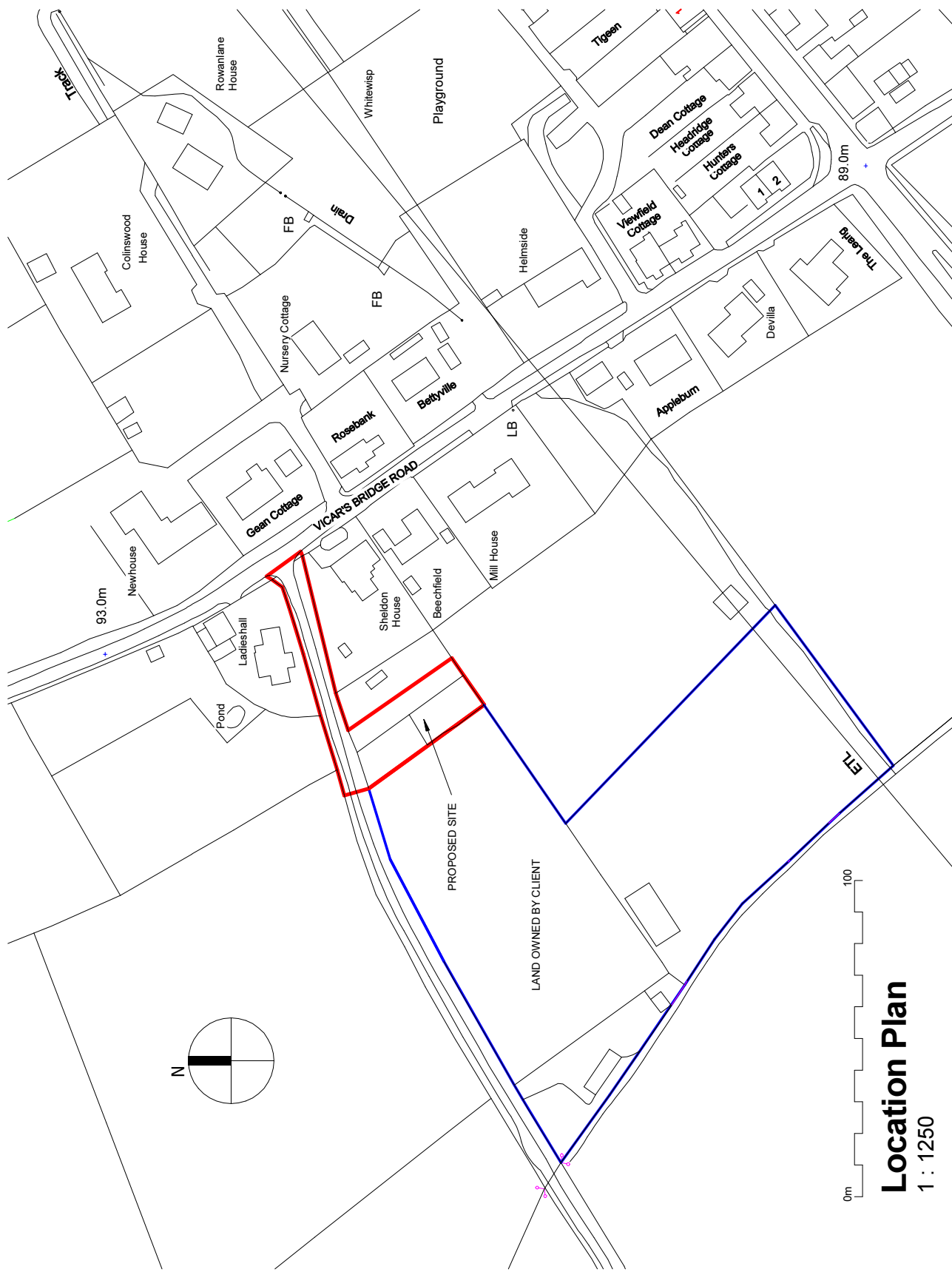
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l) With the planting of native trees and hedgerows, there could be an improvement to bird habitats and biodiversity.

m) The proposed scale, layout and design will be appropriate to the surroundings.

4.6 For all of the above reasons, it is respectfully requested that planning permission is granted.





Location Plan  
1 : 1250

Mr C McLean		Location Plan	
Proposed House on Land to West of Vicar's Bridge Road, Blairingone		Project number	13-25
		Date	11/11/13
		Drawn by	RP
		Checked by	
		Scale	1 : 1250

**ROBERT PAUL ARCHITECTS**  
 102 HIGH STREET DUNBLANE PERTHSHIRE FK15 0ER  
 T. 01786 825575 F. 01786 823994  
 e. info@paul-architects.co.uk w. paul-architects.co.uk

Do not scale from this drawing. If in doubt, ask  
 This drawing must only be viewed at the scale shown  
 Contractor to check all dimensions on site  
 Any discrepancy between drawings and site conditions to be  
 referred to the architect for clarification

Revision Number	Revision Description	Revision Date
Revision Schedule		



**Block Plan**  
1 : 500

Mr C McLean		Block Plan	
Proposed House on Land to West of Vicar's Bridge Road, Blairingone		Project number	13-25
		Date	11/11/13
		Drawn by	Author
		Checked by	Checker
		Scale	
		1 : 500	

**ROBERT PAUL ARCHITECTS**  
102 HIGH STREET DUNBLANE PERTSHIRE FK15 0ER  
T. 01786 825575 F. 01786 823994  
e. info@paul-architects.co.uk w. paul-architects.co.uk  
Do not scale from this drawing. If in doubt, ask  
This drawing must only be viewed at the scale shown  
Contractor to check all dimensions on site  
Any discrepancy between drawings and site conditions to be  
referred to the architect for clarification

Revision Number	Revision Description	Revision Date
Revision Schedule		

**TCP/11/16(291)**  
**Planning Application 13/02117/IPL – Erection of dwellinghouse (in principle), land at Blashieburn Vicar's Bridge Road, Blairingone**

**PLANNING DECISION NOTICE** *(submitted as part of applicant's submission, see pages 533-534)*

**REPORT OF HANDLING** *(submitted as part of applicant's submission, see pages 535-541)*

**REFERENCE DOCUMENTS** *(submitted as part of applicant's submission, see pages 551-560)*



**TCP/11/16(291)**  
**Planning Application 13/02117/IPL – Erection of**  
**dwellinghouse (in principle), land at Blashieburn Vicar's**  
**Bridge Road, Blairingone**

## **REPRESENTATIONS**

- Objection from The Coal Authority, dated 28 November 2013
- Objection from Mr and Mrs J C Sharpe, dated 1 December 2013
- Objection from Mr and Mrs Robert Ferguson, dated 2 December 2013
- Objection from Fossoway and District Community Council, dated 4 December 2013
- Representation from Regulatory Service Manager, dated 4 December 2013
- Representation from Transport Planning Technician, dated 11 December 2013
- Representation from Access Officer, dated 13 December 2013





The Coal  
Authority



INVESTOR IN PEOPLE

200 Lichfield Lane  
Berry Hill  
Mansfield  
Nottinghamshire  
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

Web: [www.coal.gov.uk/services/planning](http://www.coal.gov.uk/services/planning)

For the Attention of: Mr D. Niven – Case Officer  
Perth and Kinross Council

[By Email: [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk)]

28 November 2013

Dear Mr Niven

**PLANNING APPLICATION: 13/02117/IPL**

**Erection of dwellinghouse (in principle); Land at Blashieburn, Vicars Bridge Road, Blairingone**

Thank you for your consultation letter of 15 November 2013 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 the site is within an area that is likely to have been subject to historic unrecorded underground coal mining activity at shallow depth.

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

### The Coal Authority Recommendation to the LPA

In accordance with the agreed risk-based approach to development management in 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

*Julian Austin*

**Julian Austin** *BSc (Hons), MPlan, MRTPI*  
**Planning Adviser**

### Disclaimer

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



Mr & Mrs J C Sharpe



1 December 2013

Development Quality Manager  
Perth & Kinross Council  
Planning & Regeneration  
Pullar House  
35 Kinoull St  
Perth

Dear Sir/Madam,

**Planning Application Reference – 13/02117/IPL**

I am writing to submit comments on the above planning application and our comments are:

**Obstruction of light to our property and my wife's wellbeing** – We live in an old cottage with small windows. Currently, our sitting room is very dark on a bright sunny day. With the erection of this proposed dwelling house, the amount of light to our sitting room will be greatly reduced. This will affect my wife's Winter Depressed Syndrome and her ailing health. The GPs and I are doing our best to keep her at home instead of sending her to a nursing home. I hope the planning department will understand this to be our utmost important personal issue.

**Reduction of rural space to the villagers** - The proposed erection of dwelling house is located outside the Blairingone village boundary. For a number of years, Blairingone villagers have done their best to maintain a pleasant rural surrounding area. As a result the village has a very pleasant outlook for all to enjoy and live. If this proposed dwelling house is to be approved, the villagers will have less and less rural surrounding to enjoy and look at and we feel that it will reduce the quality of the villagers' standard of life.

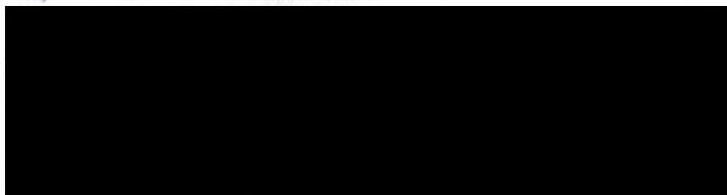
**The access path** – The access 'road' sketched on the illustration is a single country track, it is not a proper road. The width of the track/drive/path is narrow and just adequate for a single vehicle to drive on. This track is so narrow that when the farm

vehicles are travelling on it, there is absolutely no room left for any other road users. This country track is connecting the Vicar's Bridge Road and the B913 (the Devon Road), therefore it is frequently used by local residents, dog walkers, horse riders, walkers, joggers and farm vehicles. There is no passing places along this track, the curves of the track creating blind spots together with the un-kept vegetation and undergrowth along this track, it is dangerous for the current amount of traffic. The modern SAT Nav has brought a lot of visitors using this track at all time and the neighbouring council (Clackmannanshire Council) has officially made this track as an official path with a sign erected at the joining of the B913 and has invited more non-local users, we feel that we do not need any more track users added to the current traffic to this track. The condition of the access track is very poor with pot holes, uneven surface and poor drainage, we feel that an increase amount of vehicles accessing this track will rapidly deteriorate the already poor track condition.

**The waste** – Since the house is outside the village boundary, this dwelling house will not be able to connect to the main sewage system. We feel that Blairingone village has progressed forward as the sewage system has improved a great deal by the council several years ago. We, as 2 of the villagers, feel it will be a big disappointment if the proposed dwelling house has to be connected to a private septic tank.

These are our humble comments of the above planning application and we hope the Perth and Kinross Council will consider our concern.

Regards,





Mr & Mrs Robert Ferguson



2 December 2012

Development Quality Manager  
Perth & Kinross Council  
Planning & Regeneration  
Pullar House  
35 Kinoull Street  
PERTH  
PH1 5GD

Dear Sirs

**Planning Application Reference -13/02117/IPL**

We object to the above mentioned planning application for the following reasons:

- Our main objection is the application site is not included within the settlement boundary of Blairingone and should therefore not be considered. This would raise serious issues on past and future planning applications in the Fossoway area.
- Due to the large amount of woodland trees in a neighbouring garden, the building application, if granted, would severely add to the issue of overshadowing and lack of natural daylight.
- The loss of existing views from neighbouring properties would adversely affect the residential amenity of neighbouring owners.

- The access in question to this property is in fact not a road but a single track lane with no passing places to safeguard ramblers, dog walkers etc. The lane is in very poor condition.

Yours faithfully

Mr & Mrs Robert Ferguson

DN

## FOSSOWAY & DISTRICT COMMUNITY COUNCIL



4<sup>th</sup> December 2013.

Head of Development Standards  
Perth & Kinross Council  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD

Dear Mr Brian,

### **13/02117/IPL. Objection**

Fossoway and District Community Council discussed this planning application at a meeting on 3<sup>rd</sup> December 2013.

**13/02117/IPL.** Erection of dwellinghouse (in principle). Land At Blashieburn Vicar's Bridge Road Blairingone.

The Community Council objects to this development as contrary to Policy 48 of Kinross Area Local Plan and proposed Policy PM4 of proposed Local Development Plan. The site is outside the settlement boundary in KALP and partly (c60%) outside the boundary in pLDP. The settlement boundary has been moved 10m between plans.

Houses in the Countryside Guide does not apply to building adjacent to settlement boundaries (HitCG Criterion j). However the developer's agent has suggested that the site can be considered as "adding to a group", the village. This notion should be rejected. In addition the land outside the settlement boundary is agricultural and therefore the development is contrary to KALP Policy 50, as it is MLURI Class 3.1 and pLDP ER5.

Yours sincerely,

Alastair Lavery  
for Fossoway & District Community Council

P&KC 04.12.13a





# Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	13/02117/IPL	Our ref	EM
Date	04 December 2013	Tel No	01738 476452

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Consultation on an Application for Planning Permission

**PK13/02117/IPL RE: Erection of dwelling house (in principle). Land At Blashieburn, Vicar's Bridge Road, Blairingone for Mr Colin McLean.**

I refer to your letter dated 20 November 2013 in connection with the above application and have the following comments to make.

### **Contaminated Land** (assessment date - 22/11/13)

The comments made on applications 05/02196/OUT and 09/01279/IPL still stand. A search of the historical records held by this Service has identified that the proposed development area is sited 60 metres to the North East of an abandoned mine. The mine appears to have been operational during the late 19<sup>th</sup> and early 20<sup>th</sup> century and was sited on Vicars Bridge Road. Old mine workings can generate significant amounts of methane as well as other gases which may pose a high risk to any developments in the area. In addition due to the proximity of the application site to the mine workings it is possible that the area may have been used for the disposal of mine spoil or tailings.

I therefore recommend the following condition be applied to the application.

### **Condition**

Development should not begin until a scheme to deal with the contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall contain proposals to deal with the contamination to include:

- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed
- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures

Before any unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority. Verification that the schemes proposals have been fully implemented must also be submitted to the planning authority.









# MEMORANDUM

To	David Niven Planning Officer	From	Niall Moran Transport Planning Technician Transport Planning
Our ref:	NM	Tel No.	Ext 76512
Your ref:	13/02117/IPL	Date	11 December 2013

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

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

With reference to the application 13/02117/IPL for planning consent for:- **Erection of dwellinghouse (in principle) Land At Blashieburn Vicar's Bridge Road Blairingone for Mr Colin McLean**

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

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

I trust these comments are of assistance.



# Memorandum

To Nick Brian  
Development Quality Manager

From Frances Berry  
Access Officer

Your ref 13/02117/IPL

Our ref cc50FB

Date 13/12/2013

Tel No 01738 475324

**The Environment Service**

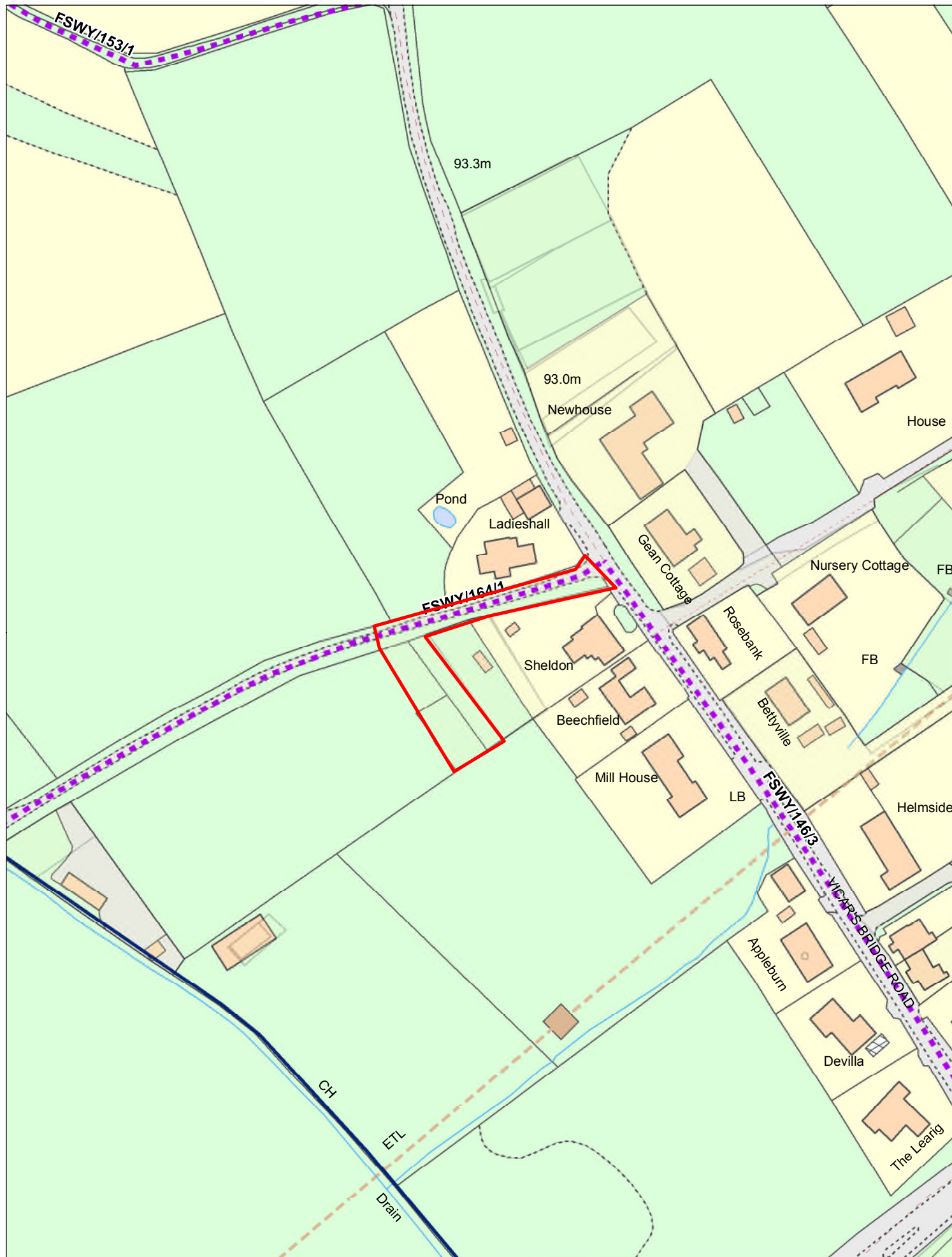
**Pullar House, 35 Kinnoull Street, Perth PH1 5GD**

With reference to the application for Erection of dwellinghouse (in principle) on Land At Blashieburn Vicar's Bridge Road Blairingone please note that a core path provides access to and runs beside the development site. A condition is essential here. Please see map attached.

Suggested Condition: The core path shown in PURPLE on the attached plan must not be obstructed during building works or on completion. Any damage done to the route during building works must be made good before the house is occupied.

Reason: To ensure continued public access along the public paths.

**Please contact Frances Berry, Assistant Access Officer, on Ext 75324 if you wish to discuss matters.**



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**PKC Core paths (shown purple)**

**Contact: F Berry**

**Date: Dec 2013**

Map for use in connection with Council duties  
under the Land Reform (Scotland) Act 2003

**578**



**Scale:**  
**1:1,500**



**TCP/11/16(291)**  
**Planning Application 13/02117/IPL – Erection of**  
**dwellinghouse (in principle), land at Blashieburn Vicar's**  
**Bridge Road, Blairingone**

## **FURTHER INFORMATION REQUESTED BY THE LRB**

- Further Information from the Appointed Officer
- Comments from Mr and Mrs Ferguson, dated 28 April 2014
- Comments from Mr and Mrs Sharpe, dated 28 April 2014
- Agent's response to comments, dated 9 May 2014



### **Local Review Body Case Ref: TCP/11/16 (291)**

Application Ref: 13/02117/IPL – Erection of dwellinghouse (in principle) on land at Blashieburn, Vicar's Bridge Road, Blairingone

#### **Planning History**

05/02196/OUT – Site Boundary identified in green on Appendix 1

Planning application for the erection of a single dwellinghouse in principle approved July 2006 subject to a condition restricting height of house to single storey. A mining report was undertaken as part of the assessment which was non-conclusive in its recommendations but did advise of a known coal seam under the site which was mined at some time previously. The instability associated with the undermining was regarded as surmountable; despite an unknown cost implication involved.

09/01279/IPL – Site Boundary identified in green on Appendix 1

Planning application for the renewal of the 2005 consent was granted approval in October 2009 subject to the same conditions of the original consent, including the condition regarding the height of the house (Condition 3). The applicant subsequently appealed to the Local Review Body to review the wording of Condition 3 in order to permit the erection of a one and a half storey house. LRB approved the amendment of the condition in order to allow the erection of a house with a ridge height no higher than the ridge of the roof of the adjoining house.

12/02019/IPL – Site Boundary identified in green on Appendix 1

Planning application for the renewal of the 2009 consent was granted approval in January 2013. An additional condition was applied requiring the submission of an up to date Coal Mining Risk Assessment Report as the previous report was considered to be out of date.

13/01136/FLL – Site Boundary highlighted in yellow on Appendix 1

A detailed planning application for the erection of a one and half storey house was submitted in June 2013 – see plans in appendix 2. This site differed from the site that gained outline consent but was entirely contained within the new settlement boundaries as per the recently adopted Perth and Kinross Local Development Plan 2014. An up to date Coal Mining Risk Assessment Report was submitted with the application and this identified that a programme of drilling and grouting works will be required to stabilise the shallow mine workings prior to development. However the applicant withdrew the application in August 2013 as it was discovered that approximately 1/3 of the

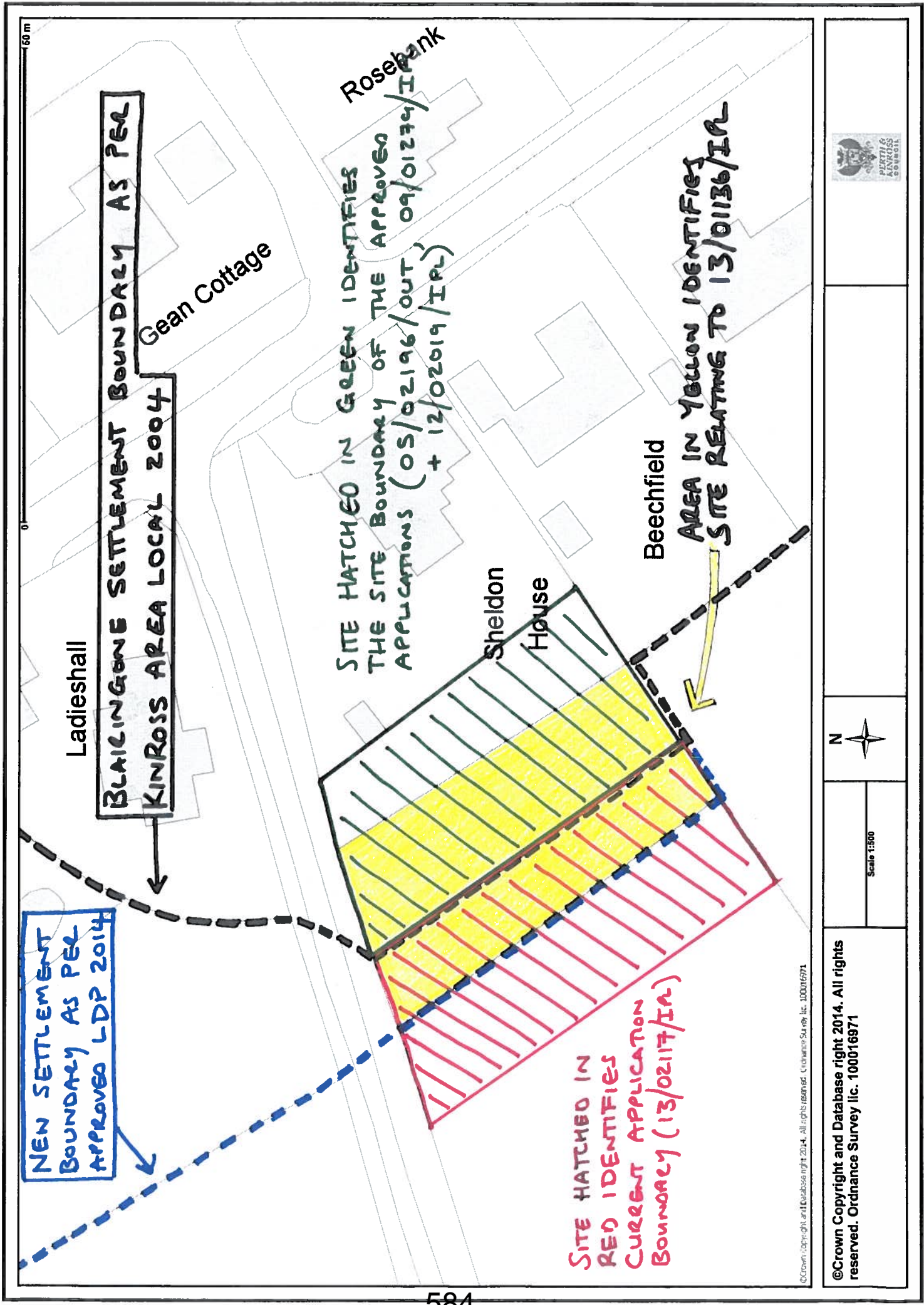
plot was mistakenly sold along with the land to west to Mr McLean (the applicant for the current application 13/02117/IPL).

13/02117/IPL – Site Boundary highlighted in red on Appendix 1

Planning application submitted for the erection of a dwellinghouse in principle refused in January 2014 and now subject to the current review by the Local Review Body. As demonstrated in appendix 1 approximately 2/3 of the site lies outwith the settlement boundaries as per the recently adopted LDP 2014. The applicant also did not undertake a Coal Mining Risk Assessment Report – please note that the Coal Mining Risk Assessment Report submitted with 13/01136/FLL was specific to that application site and does not assess all of the land that is subject to this application.



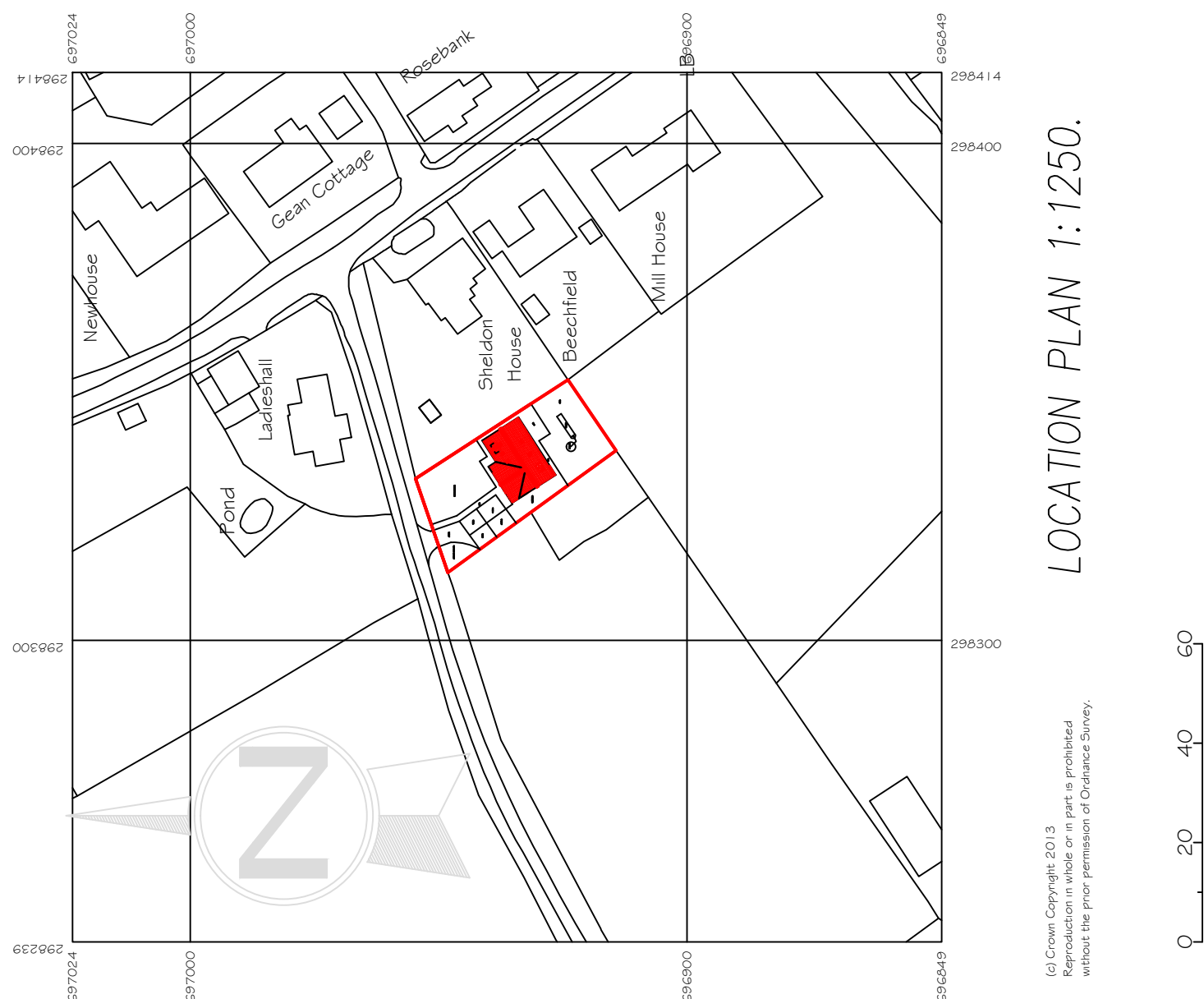
## Appendix 1



## Appendix 2

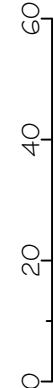


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LOCATION PLAN 1:1250.

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DATE	REVISION	SIGNED INDEX

TITLE	FOR-MR.W-TRAVERS. BLAGHIEBURN-ROAD. CLEISH.
SPECIAL-HOUSETYPE.	
SITE-PLAN-AND-LOCATION-PLAN.	

	<p>CLIMBER TIMBER FRAME LIMITED</p> <p>c/o REGENT TERRACE, DUNDEAL, FIFE, KY14 7HB.</p> <p>Tel/Fax : 0137 827766</p> <p>Email : <a href="mailto:claymoretimberframes@yahoo.co.uk">claymoretimberframes@yahoo.co.uk</a></p>	<p>Drawn by Black CTF/CIT</p> <p>Date 9-6-13.</p> <p>Scale 1:2500, 1:1250</p> <p>Drawing No. WTC0021:3/PD</p> <p>Revision</p>
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BLOCK PLAN 1:250.

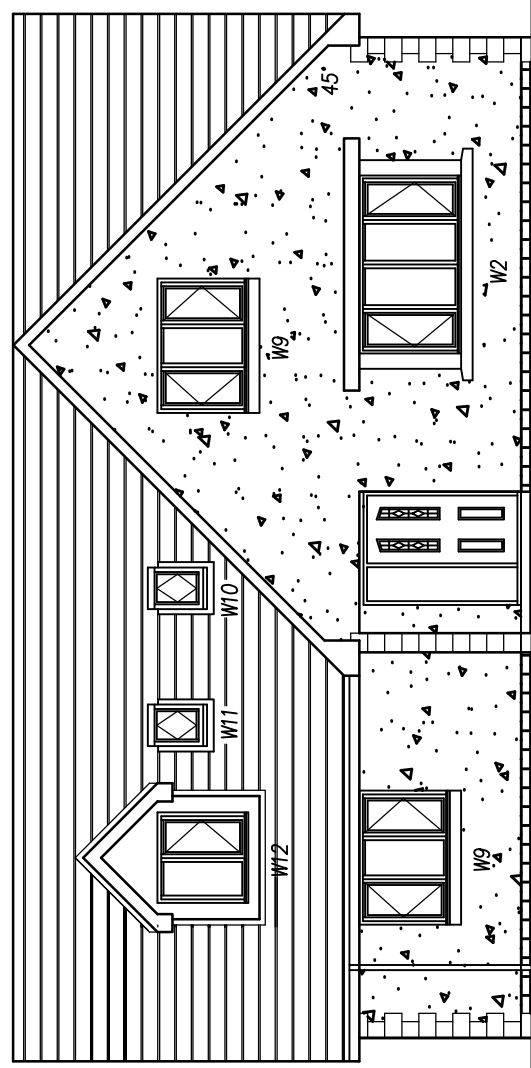


01

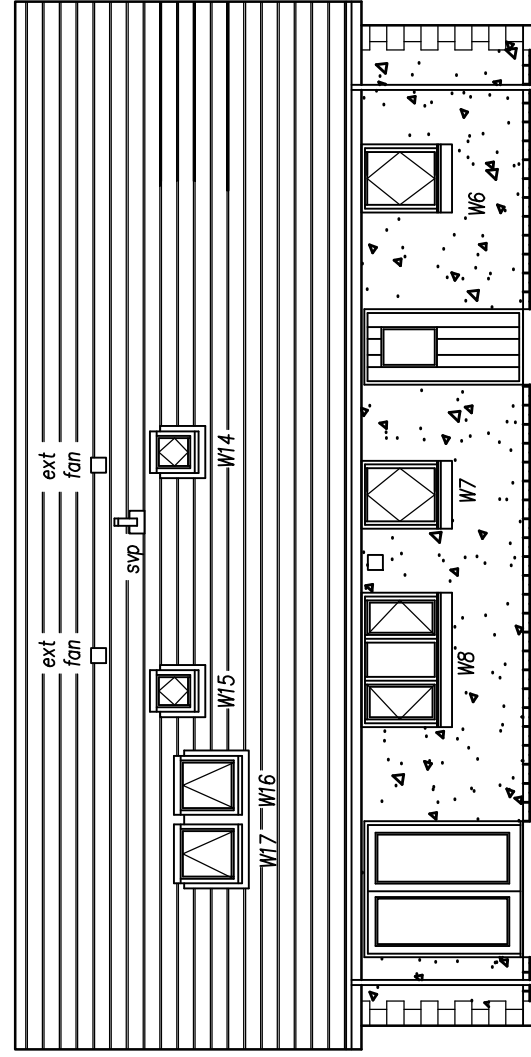
2



01



NORTH WEST ELEVATION 1:100.



<sup>0 of base</sup>  
SOUTH EAST ELEVATION 1:100.

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TITLE	SPECIAL-HOUSETYPE. PLANS-SECTIONS-ELEVATIONS.
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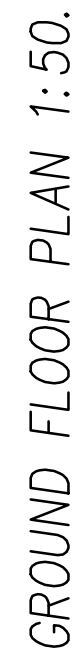


**CLAYMORE**  
TIMBER FRAME

Drawn by CTF Check CT

Date 9-6-13

With the Extra Edge	Revision		W1/00113FD	





**Mr & Mrs Robert Ferguson  
Beechfield  
Vicars Bridge Road  
Blairingone  
Perth & Kinross  
FK14 7LR**

28 April 2014

Your Ref: TCP/11/16 (291)

Perth & Kinross  
Local Review Body  
2 High Street  
PERTH  
PH1 5PH

Dear Sirs

**Planning Application Reference -13/02117/IPL**

We object to the above mentioned planning application for the following reasons:

- Our main objection is the application site is not included within the settlement boundary of Blairingone and should therefore not be considered. This would raise serious issues on past and future planning applications in the Fossoway area and set precedence. As mentioned in the Local Review Body Case documentation Planning History (point4) received 17 April; reads "That approximately 1/3 of the plot was mistakenly sold along with the land to west to Mr McLean – the current applicant" which in itself questions legalities of ownership?
- Due to the vast amount of tall woodland trees in a neighbouring garden, the building application, if granted, would severely add to the issue of overshadowing and lack of natural daylight into our single storey build.

- The loss of existing views from neighbouring properties would adversely affect the residential amenity of neighbouring owners.
- The access in question to this property is in fact not a road but a single track lane with no passing places to safeguard ramblers, dog walkers etc. The lane is in very poor condition which can only worsen with increased usage.

Yours sincerely

Mr & Mrs Robert Ferguson



Mr. and Mrs. J C Sharpe

Ladieshall

Vicar's Bridge Road

Blairingone

FK14 7LR

28th April 2014

Clerk – Gillian Taylor

2 High Street

PERTH PH1 5PH

Your Ref: TCP/11/16(291)

Dear Ms G. Taylor,

Thank you very much for your letter dated 17<sup>th</sup> April, 2014 concerning Application Ref: 13/02117//IPL – Erection of dwelling house (in principle) Land At Blashieburn Vicar's Bridge Road, Blairingone – Mr. C. McLean.

In the letter you have asked us to give you our comments on the above application. The application has been rejected and the applicant has taken it to appeal stage. This has caused a lot of emotional stress and anxiety for both myself and my wife, we are both elderly couples and we feel very sad that the rural area is being reduced on a daily basis. Our comments and feeling about this application has not changed and we like to write to let you know that we object to this application:

**1. Obstruction of light to our property and my wife's wellbeing**

We live in an old cottage with small windows. Our sitting room is opposite the proposed dwelling house and it is very dark even on a bright sunny day which is a rare occasion in Scottish weather. With the erection of this proposed dwelling house, the amount of light to our sitting room will be greatly reduced. This will affect my wife's Winter Depressed Syndrome and her ailing health. The GPs and I are doing our best to keep her at home instead of sending her to a nursing home. I hope the planning department will understand this to be our utmost important personal issue. Although one may say we have no automatic entitlement to light, my wife does not go out a lot now, for her to lose light to our sitting room, it will be detrimental to her health, therefore it is very important to our lives.

**2. The village boundary – how is it going to end? What is the legal description of a village boundary? When do we use this term to help villagers to make decision?**

We noticed that the village boundary has moved to a new location in 2014, allowing 2/3 of the proposed dwelling house sits within the village envelop. One can argue that it is only 1/3 is out of the boundary, it is not very much at all! But one has to ask a question, if one is a local villager, will that person think and feel differently when one's rural leisure green space is eaten away by another house? Another argument is that the owner of the house can plant trees, landscape the garden to merge into the existing rural outlook. But who is going to ensure and police this will happen? The applicant, who lives in Blairingone, has a reputation of not caring about the environment and beauty of his surrounding, his existing house and ground shows no sign of any sort of planting. An artificial planting and landscape is not rural planting and merging. Once the house is built and lived in, there is no law to enforce the owner to have a wild meadow or a wild rural garden. We do not believe this is an acceptable solution. We, 2 of the villagers, will not be happy that our village boundary is violated and the rural green space is being reduced.

To allow the house to be built outside the village boundary is to set a precedence. The applicant owns the land from the proposed building plot to the council boundary, he can then apply one at a time to build more houses outside the village boundary with the same argument that it is only one more house! So, where are we going to stop? Legislations and regulations are approved and passed legally. They are there for citizens to follow to stay within the parameters, they are there to help the council staff to advice, to support its citizen like us and to make decisions. Therefore a village boundary is set and it must do what it supposed to do. If we keep allowing houses or buildings to be built outside the village boundary then why do we set it at the first instance?

If we allow this proposal to go ahead, how many new builds will this precedence allow on lands which are partially out with the village boundary, like this case (2/3 in, 1/3 out)?

### 3. **The access path – Increase in traffic in this area is dangerous, because:**

#### 3a – Misleading status of the access path

In one of the sketches, it illustrates that the access to the proposed property is a proper road with 2 lanes, in fact this is not so, the access 'road' is only a single track path

#### 3b – Width of the access path

The width of the patch is very narrow and just adequate for a single vehicle to drive on. When a vehicle is travelling on it, there is absolutely no room left for any other road users like walkers, horse riders, cyclists, joggers etc.

#### 3c – Poor road condition

This 'road' was 'not maintained by the Perth & Kinross and the Clackmannanshire Council for at least 20 years resulting in the poor condition. Due to no maintenance, the 'road' then became a single track path and now the condition of this path is very poor with lots of pot holes, uneven surface and poor drainage, we feel that an increase amount of vehicles accessing this path will rapidly deteriorate the already poor track condition.

### 3d – Usage of this path

This is a busy path. Not illustrated on the planning sketch, the country path is connecting the Vicar's Bridge Road (Blairingone end) and the B913 (the Dollar end), therefore it is frequently used by local residents both from Blairingone village and the Dollarberg Castle Estate, dog walkers, horse riders, walkers, joggers, farm vehicles, modern SAT Nav traffic and the Dollar camp site visitors. All these different type of the path users can come in from either end of the, once they enter this path, they cannot exit until they reach the end. There are no passing places along this path, we have seen chaos on this path when traffic was coming in from opposite end.

### 3e The other dwelling house

Not illustrated on the planning sketch, further down the track crossing the council boundary into the Clackmannanshire council, there exists an over 200 years old dwelling house – Blashieburn Cottage. As above mentioned, the track is not suitable for increased traffic. Without passing places, the increase amount of traffic can enter the path from Blairingone end and Dollar end, one will find that drivers will have to queue on the Vicar's Bridge Road or the B913, both road are very busy especially the B913.

## 4. The waste

The proposed dwelling house is outside the village boundary, it will not be able to connect to the main sewage system. Perth and Kinross Council has done a marvellous job in upgrading our main sewage system a few years ago. We feel that Blairingone village has progressed forward. We, as 2 of the villagers, feel it will be a big disappointment if the proposed dwelling house has to be connected to a private septic tank.

## 5. Reduction of rural space to the villagers

The proposed erection of dwelling is located outside the Blairingone village boundary. For a number of year, Blairingone villagers have done their best to maintain a pleasant rural surrounding area. As a result the village has a very pleasant outlook for all to enjoy and live. If this proposal is to be approved, the villagers will have less and less rural surrounding to enjoy and look at and we feel that it will reduce the quality of the villagers' and of course myself and my wife's standard of life.

These are our humble comments of the above planning application and we hope the Perth and Kinross Local Review Body will consider our concern.

Regards,

Mr. and Mrs. J. C. Sharpe.



## Audrey Brown - CHX

---

**From:** Paul Houghton <paul@houghtonplanning.co.uk>  
**Sent:** 09 May 2014 09:58  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** RE: TCP/11/16(291) - Blashieburn, Vicar's Bridge Road, Blairingone

Dear Audrey,

The applicant has no comments to make on these letters.

Best wishes

Paul

**Paul Houghton**

Director

**Houghton Planning**

**102 High Street Dunblane Stirling FK15 0ER**

**t:** 01786 825575 **m:** 07780 117708

**e:** [paul@houghtonplanning.co.uk](mailto:paul@houghtonplanning.co.uk) **w:** [www.houghtonplanning.co.uk](http://www.houghtonplanning.co.uk)

