

FPRB Reference: 19/334

Review Decision Notice

Decision by Fife Planning Review Body (the FPRB)

- Site Address: 4 Naughton Road, Wormit, Newport On Tay, Fife
- Application for review by Riverview Properties Scotland Ltd against the decision by an appointed officer of Fife Council
- Application 19/01153/FULL for Full Planning Permission for Erection of three flatted dwellings with associated access and parking
- Application Drawings:
01 - Location Plan, 02 - Proposed Site Plan, 03 - Floor Plan Proposed, 04 - Floor Plan Proposed, 05 - Floor Plan Proposed, 06 - Floor Plan Proposed, 07 - Proposed Elevations, 08 - Design and/or Access Statement, 09 - Three Dimensional View, 17 - Flood Calculations, 18 - Flood Calculations, 19 - Flood Information, 14A - Site Investigation, 10 - Sectional Details, 11 - Statement, 16 - Street Scene, 13 - Parking Layout, 15 - Sustainable Drainage Certificates, 20 - Appraisal, 21 - Appraisal, 12A - Suds,
- No Site Inspection took place.

Date of Decision Notice: 12th November, 2020.

Decision

The FPRB varies the determination reviewed by them and refuses Planning Permission for the reasons outlined below in section 4.0.

1.0 Preliminary

- 1.1 This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for full planning permission was considered by the FPRB at its meeting on 26 October 2020. The Review Body was attended by Councillors David Barratt (Convener), Alice McGarry, Ross Paterson, Graeme Ritchie and Rosemary Liewald.

2.0 Proposal

- 2.1 The application site is an area of open ground with a small vacant commercial property within it. The site is significantly sloping in nature and largely comprises of overgrown vegetation. The top of the slope (and the commercial unit) fronts onto Naughton Road which is to the south and the bottom of the slope fronts onto Bridgehead Place which is a residential cul-de-sac.

- 2.2 The application proposes a four storey block of flats which would contain three flatted dwellinghouses. The ground floor of the block would face towards Bridgehead Place and would comprise of understorey parking. The upper three floors would each contain a flatted dwellinghouse on each floor. The upper two floors would provide a frontage onto Naughton Road. The commercial unit would be removed from the site.

3.0 Reasoning

- 3.1 The determining issues in this review were design and visual impact, residential amenity, road safety and drainage and flood risk. The FPRB considered the terms of the Development Plan which comprises the TAYplan (2017) ("Strategic Development Plan") and the Adopted FIFEplan (Fife Local Development Plan 2017 ("Adopted Local Development Plan"). The FPRB also considered Scottish Planning Policy (SPP) (2014), Making Fife's Places Supplementary Guidance (2018) and the associated Transportation Guidelines Appendix; Fife Council's Planning Customer Guidelines on Garden Grounds, Minimum Distances between Window Openings and Daylight and Sunlight.
- 3.2 The FPRB considered the principle of development and concluded that as the development was in the settlement boundary and was for residential development within a residential area, the development was in accordance with Policy 1 of the Adopted FIFEplan (2017) in principle.
- 3.3 The FPRB considered the design and visual impact of the development. The FPRB considered that the development was incongruous with the area and the development would have a detrimental impact on the surrounding area. The FPRB did not consider that the development would fit well with the site or the neighbouring residential area. The FPRB accepted that the development of the disused site would have some betterment however this would not outweigh the detrimental impact created by the scale and design of the development proposed. The FPRB considered that the development would have a detrimental impact on the visual amenity of the area and therefore not comply with policies 1 and 10 of the Adopted FIFEplan (2017) and Making Fife's Places (2018). They considered the development to be unacceptable in this regard.
- 3.4 The FPRB considered the potential impact on residential amenity from this development. The FPRB considered that the development was of significant scale and height and therefore had the potential to have a significant detrimental impact on the neighbouring properties in terms of loss of sunlight and daylight. They noted that the applicant had not provided a sunlight/daylight assessment to prove that there would not be any detrimental impact in this regard. The FPRB considered that this information was essential for the determination of the application and therefore concluded that the development could result in a significant loss of daylight and sunlight for neighbouring properties and there was no information available to indicate otherwise. The FPRB therefore concluded that the development was contrary to policies 1 and 10 of the Adopted FIFEplan (2017), Making Fife's Places and Customer Guideline on Sunlight and Daylight in this regard and the proposal was unacceptable.

- 3.5 In terms of proposed garden ground, the FPRB noted the comments by the applicant that the garden ground proposed met the minimum requirements in terms of the Fife Council Customer Guidelines on garden ground. The FPRB however considered the garden ground being proposed was not usable as it was on a significant slope. The FPRB considered that this type of development in this location requires usable garden ground to provide suitable residential amenity for future residents. As this is not being provided, the FPRB concluded that the development was contrary to the Customer Guidelines on garden ground and policies 1 and 10 of the Adopted FIFEplan (2017) and Making Fife's Places SG and unacceptable in this regard.
- 3.6 The FPRB considered other matters in terms of residential amenity and concluded that the development would comply in all other regards however this did not outweigh the deficiencies in terms of the potential sunlight and daylight impact and lack of appropriate garden ground.
- 3.7 The FPRB considered the impact of the development in terms of road safety. The FPRB concluded that the development would have a suitable access from Bridgehead Place but noted the concerns raised by the Council's Transportation Development Management in terms of parking provision. The FPRB concluded that this concern was significant and did not feel that adequate information had been provided to show that sufficient suitable parking spaces could be provided within the undercroft parking area. As a result, they were concerned that this could lead to road safety concerns from the need for on-street parking. The FPRB considered whether this further information could be requested through planning condition but concluded that a change to the undercroft parking design could have a significant impact on the design and visual appearance of the building and therefore this information is needed at determination stage. The FPRB therefore considered that the development was contrary to policies 1, 3 and 10 of the Adopted FIFEplan and Making Fife's Place SG. The development was considered unacceptable in this regard.
- 3.8 The FPRB also considered the potential flood risk of the development. They noted that the Council's Flooding, Shoreline and Harbours Team had requested additional information on the proposed surface drainage solution. This had not been submitted at the time of determination and the FPRB concluded that this was necessary to confirm whether the development was acceptable in this regard. The FPRB thereby concluded that it was not possible to confirm whether the development would have no detrimental impact in terms of flood risk and therefore was contrary to policies 1, 3 and 12 of the Adopted FIFEplan (2017) and Making Fife's Place Supplementary Guidance (2018). They considered this risk could be detrimental and was unacceptable in this regard.
- 3.9 The FPRB considered other potential impacts from the development including impact on land and air quality, natural heritage and sustainability and concluded that the application would comply with the relevant policies in this regard. The FPRB did not consider there to be any other matters which would require further assessment. The FPRB considered the supporting information within the Notice of Review but concluded that there were no material considerations raised to persuade the FPRB that the application should be approved. The FPRB therefore agreed with the assessment and reasons for refusal by the Appointed Officer but varied the reasons for refusal to reflect the correct status of Making Fife's Places as Supplementary Guidance rather than Planning Policy Guidance.

4.0 Reason for Refusal

4.1 The FPRB thereby uphold the decision reviewed by them but vary the reasons for refusal and instead refuse Planning Permission for the reasons below:

- (1) In the interests of visual amenity and preserving the character and appearance of the surrounding settlement; The proposal introduces an incongruous structure, due to its scale, height and massing, within the established urban character, resulting in an overbearing visual impact on adjacent residential properties, contrary to FIFEplan (2017) Policies 1 and 10 and Making Fife's Places Supplementary Guidance (2018).
- (2) In the interests of residential amenity; insufficient information has been provided to demonstrate that the proposed development would not give rise to overshadowing impacts with regard to loss of daylight and sunlight to No's. 24 and 27 Bridgehead Place. The application is therefore contrary to FIFEplan (2017) Policies 1 and 10, Making Fife's Places Supplementary Guidance (2018) and Fife Council's Planning Customer Guidelines on Daylight/Sunlight (2018).
- (3) In the interests of residential amenity; The proposed development does not provide any private usable amenity space, to the detriment of residential amenity of future occupants. The application is therefore contrary to FIFEplan (2017) Policies 1 and 10, Making Fife's Places Supplementary Guidance (2018) and Fife Council's Planning Customer Guidelines on Garden Ground (2016).
- (4) In the interests of flood risk and drainage impact; insufficient information has been provided to demonstrate that the proposed development would not give rise to adverse surface water drainage impacts. The application is contrary to FIFEplan (2017) Policies 1, 3 and 12 and Making Fife's Places Supplementary Guidance (2018)
- (5) In the interests of road safety; The proposed development does not provide adequate off street parking facilities, to the detriment of the road safety of surrounding road users. The application is therefore contrary to FIFEplan (2017) Policies 1, 3 and 10 and Making Fife's Places Supplementary Guidance (2018)

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Proper Officer

NOTICE TO ACCOMPANY REFUSAL ETC. TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

*Notification to be sent to applicant on refusal of planning permission or
on the grant of permission subject to conditions*

NOTICE TO ACCOMPANY REFUSAL ETC. TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

*Notification to be sent to applicant on determination by the planning authority of an
application following a review conducted under section 43A(8).*

1. If the applicant is aggrieved by the decision of the planning authority -
 - (a) to refuse permission for the proposed development;
 - (b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission; or
 - (c) to grant permission or approval, consent or agreement subject to conditions,

the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.