

FPRB Reference: 19/361

Review Decision Notice

Decision by Fife Planning Review Body (the FPRB)

- Site Address: Bellfield Farm Steading, Milton Of Balgonie, Fife
- Application for review by Ms Alyson Anderson against the decision by an appointed officer of Fife Council
- Application 19/02655/FULL for Full Planning Permission for Erection of 4 dwellinghouses (Class 9), formation of hardstanding, parking, and associated infrastructure
- Application Drawings:
 - 01 - Location Plan, 02 - Proposed various - elevation, floor etc, 03 - Proposed various - elevation, floor etc, 05 - Proposed various - elevation, floor etc, 06 - Proposed various - elevation, floor etc, 07 - Proposed various - elevation, floor etc, 08 - Photographs, 09 - Low Carbon Sustainability Checklist, 10 - Mine Risk Assessment, 11 - Mine Risk Assessment, 12 - Drainage Plan, 04 - Proposed Elevations, 13 - SUDs and Flood Risk Assessment Certs, 14 - SUDs and Flood Risk Assessment Certs, 15 - Proposed Elevations, 16 - Details, 17 - Report,
- No Site Inspection took place.

Date of Decision Notice: 7th September, 2022.

Decision

The Fife Planning Review Body (FPRB) reverses the determination reviewed by them and approves Planning Permission subject to the conditions 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 Planning Permission was considered by the FPRB at its meeting on 22nd August 2022. The Review Body was attended by Councillors David Barratt (Convener), Jane Ann Liston and Fiona Corps.

2.0 Proposal

- 2.1 The development relates 0.3 hectare application site relates to the larger part of the site of the former Bellfield Farm Steadings, fairly recently demolished, located in the countryside approximately 300 metres to the north of Milton of Balgonie. The site has been very largely cleared, with mainly hardstanding remaining. Access to the

site is via a private farm track abutting to the south which exits onto the B9130. The A911 is located approximately 208 metres to the south of the application site. Bellfield Farm Farmhouse is on the other side of the farm track to the south of the site. The surrounding area is otherwise agricultural land. The application site is identified as being within a high risk development area given historic coal mining. The farm access road is also a core path route – R387: Markinch to Balcurvie which continues to the east past the site. The site is not considered to be at risk from flooding. The site has previously occupied by a traditional stone built steading building and modern farm buildings which was demolished in 2016/17 following the granting of a building warrant.

2.2 Detailed planning permission is sought for the erection of four detached three-bedroom dwellinghouses. Two of the dwellings would be single-storey with an integral garage, one of these having a relatively expansive footprint. The other two houses are one and a half storey, i.e. with accommodation in the roof space. Finishing materials for 'Plot 1' would comprise reclaimed buff stone, natural sandstone and grey anstone feature elements, grey clay roof tiles and grey uPVC windows and doors, with this property also featuring a glazed gabled wall on its south elevation. The remaining three units would each be finished with buff/beige smooth rendered walls, with grey anstone and sandstone feature elements, slate grey coloured concrete roof tiles and grey uPVC windows and door. It is proposed to enclose the four properties with a stone boundary wall. The four dwellings would share a single access from the farm track. A treatment plant solution is proposed to manage foul water, with the plant discharging to a soakaway. Surface water is proposed to be managed through subsurface soakaways for each dwelling.

2.3 With regard to the recorded planning history of the site:

- Application for full planning permission 14/00053/FULL for change of use and alterations to the steading to form three dwellinghouses with ancillary works was withdrawn on 31 January 2014.
- Application for full planning permission 14/01815/FULL for change of use and alterations to form three dwellinghouses with ancillary works was approved with conditions on 18 November 2014.
- Application for full planning permission 19/01318/FULL for erection of a dwellinghouse with associated access and parking following demolition of the steading was withdrawn on 6 September 2019.

3.0 Reasoning

3.1 The determining issues in this review were the principle of development, design and visual impact, garden ground, road safety and transportation, ground conditions, flooding and drainage, sustainable construction, and residential amenity impacts (an issued not covered by the Appointed Officer). The FPRB considered the terms of the Development Plan which comprises the SESplan (2013) ("Strategic Development Plan") and the Adopted FIFEplan (2017) ("Local Development Plan"). The FPRB also considered the provisions of Making Fife's Places Supplementary Guidance (2018) (including Appendices), Low Carbon Fife Supplementary Guidance (2019), Scottish Planning Policy (SPP) (2014) and Fife Council's Planning Customer Guidelines on Garden Ground (2016).

- 3.2 The FPRB firstly considered whether the proposal was acceptable in principle, assessing the proposal for housing development in the countryside against FIFEplan Policies 1, 7 and 8. Of the criteria within Policy 7, the FPRB noted that support could be given to dwellings in the countryside if that development was considered to be compliant with Policy 8 of the Adopted FIFEplan. The FPRB considered the proposal against Policy 8 and concluded that the proposal would only be relevant to criterion 3 within that Policy which supports development for new housing clusters that involves imaginative and sensitive re-use of previously used land and buildings, achieving significant visual and environmental benefits. The FPRB did not consider there to be a shortfall in the 5 year effective housing land supply. With the existing Bellfield Farm Steading, the FPRB considered that the proposed four dwellinghouses would constitute a new cluster of 5 dwellings. Cognisant of the previously demolished buildings on the site as presented in more detail below, the FPRB considered that the proposal would offer significant visual and environmental benefits. The FPRB thus concluded that the proposal would comply with Policies 1, 7 and 8 of the Adopted FIFEplan, therefore overturning the Appointed Officer's assessment and first reason for refusal.
- 3.3 The FPRB assessed the design and visual impact of the proposed development on the rural setting. Giving specific and significant weight to the role of the previously demolished buildings on the character of the area and the enhancement of this part of the site introduced by the development, and cognisant of the current state of the site consideration, the FPRB concluded that the proposal would offer significant visual and environmental benefits. The design of the proposed dwellings was considered to be of a sufficient quality and in-keeping with the character of the location. The FPRB considered that the proposal to re-use stone from the demolished steading for Plot 1 and boundary wall would be acceptable. With regard to the other proposed finishing materials, the FPRB considered that the proposals would be acceptable, however, given the detail of information presented in the application, it was felt necessary to include a planning condition for samples of the materials to be submitted for the written approval of the Planning Authority. The FPRB thus concluded that the proposal would comply with Policies 1, 10 and 14 and the impact criteria of Policies 7 and 8 of the Adopted FIFEplan, therefore overturning the Appointed Officer's assessment and second reason for refusal.
- 3.4 The FPRB assessed the residential amenity impacts of the proposal. This issue was not assessed by the Appointed Officer. Giving consideration to the distance between the proposal site and third-party residential properties, the FPRB concluded that the proposal would not have an adverse impact on the daylight, sunlight or privacy provisions of neighbouring properties. The FPRB also concluded that the proposed dwellings would be laid out within the site to ensure each property would receive a suitable standard of amenity. The FPRB considered that the proposal would not give rise to any adverse noise concerns. The FPRB concluded therefore that the proposal would be acceptable in terms of residential amenity, complying with Policies 1 and 10 of the Adopted FIFEplan with respect to this matter.
- 3.5 The FPRB considered the garden ground proposals for each of the dwellings. Assessing the plot ratios and amount of useable garden ground proposed for Plots 1 and 2, the FPRB concluded that the proposals would be acceptable, in-keeping with Fife Council's Planning Customer Guidelines on Garden Ground (2016). With regard to Plots 3 and 4, the FPRB concluded that whilst the recommended plot ratios would be met, the useable area of garden ground for each Plot would be below the 100sqm recommendation. Nevertheless, giving consideration to the overall visual and

environmental benefits of redeveloping the site, the size of the dwellings themselves and the weight of the non-statutory Planning Customer Guidelines document, the FPRB ultimately concluded that the proposal would be acceptable. It was considered necessary by the FPRB to include a planning condition to remove Permitted Development Rights for Plot 3 to ensure any future proposal to reduce the area of useable garden ground for the Plot through permitted development once occupied is assessed by the Planning Authority. The FPRB thus concluded that the proposal would comply with Policies 1 and 10 of the Adopted FIFEplan, overturning the Appointed Officer's assessment and third reason for refusal.

- 3.6 The FPRB assessed the transportation and road safety impacts of the proposal. The FPRB took into consideration the comments provided by the Council's Transportation Development Management Officers who objected to the application on the grounds that the development would be in an unsustainable location, however accepted that this position could be relaxed if the proposal had policy support in principle. Giving consideration to the application site's proximity to Markinch, including Markinch Railway Station, the FPRB concluded that the proposal would be in an accessible location and not over-reliant of the use of private cars. Additionally, having previously concluded that the proposal was acceptable in principle, the FPRB thus concluded that the location of the proposal was suitable and the development would therefore be acceptable with regard to transportation and road safety considerations. In-keeping with the recommendations of Transportation Development Management Officers and planning conditions included on the approved 14/01815/FULL application, the FPRB considered it appropriate to include a number of conditions related to road safety. The FPRB concluded therefore that the proposal would be acceptable in terms of transportation and road safety, complying with Policies 1, 3 and 10 of the Adopted FIFEplan with respect to this matter, overturning the Appointed Officer's assessment and fourth reason for refusal.
- 3.7 The FPRB considered the ground conditions of the site and potential for past land contamination to impact the proposal. As the application site is located within a defined Development High Risk Area for coal mining, the FPRB took into consideration the comments provided by the Coal Authority. The Coal Authority confirmed they had no objections to the development providing conditions be included if the application is approved. The FPRB concluded that subject to the inclusion of the conditions recommended by the Coal Authority, the proposal would be acceptable and not be at risk from coal mining legacy issues. The FPRB also took into consideration the comments of the Council's Land and Air Quality Officers who requested that the applicant complete a questionnaire on the Redevelopment of Agricultural Buildings and Steadings. The FPRB concluded that a planning condition could be used to ensure the questionnaire is submitted alongside a Preliminary Risk Assessment (Phase I Desk Study) – the condition also confirms what further information/works are required in the event contamination is encountered. Further conditions were considered necessary to ensure remedial works are undertaken in the event contamination is encountered, and for works to stop in the event unexpected contamination is encountered following the commencement of development. Through the use of planning conditions, the FPRB concluded that the proposal would be acceptable, complying with Policies 1 and 10 of FIFEplan with regard to land contamination considerations, overturning the Appointed Officer's assessment and fifth reason for refusal.

- 3.8 The FPRB considered the flooding and drainage impacts of the proposal. The FPRB assessed that the proposed development would not be located within a defined flood risk area. With regard to the proposed foul and surface water soakaway solutions, the FPRB noted the consultation response provided by the Council's Structural Services Officers who requested calculations, infiltration records and assessments to confirm the proposals would adequately serve the development. The FPRB ultimately considered that it would be appropriate to impose a suspensive planning condition for the drainage information to be submitted for the written approval of the Planning Authority prior to the commencement of development. Through the use of a planning condition, the FPRB concluded that the proposal would be acceptable, complying with Policies 1, 3 and 12 of FIFEplan with regard to flood risk and drainage, overturning the Appointed Officer's assessment and final reason for refusal.
- 3.9 The FPRB considered whether the proposal supported the transition to a low carbon economy. Assessing the location of the development; and whether it was accessible by sustainable modes of transport; and the low/zero carbon technologies to be incorporated proposed to be incorporated, the FPRB considered that the proposal would be acceptable. The FPRB concluded that the proposal would be acceptable in terms of carbon reduction and sustainability, complying with Policies 1 and 11 of the Adopted FIFEplan with respect to this matter
- 3.10 The FPRB concluded that the development would have no significant detrimental impact in terms of the matters addressed by the Report of Handling, and the proposal would therefore comply with the Development Plan. The FPRB did not consider there to be any other matters for consideration or any material considerations which would outweigh the Development Plan position. The FPRB did not consider there to be any grounds to refuse the application and reversed the decision of the Appointed Officer.

4.0 Decision

4.1 The FPRB therefore reverses the decision of the Appointed Officer and approves Planning Permission subject to the following conditions and reasons:

- 1) BEFORE ANY WORKS START ON SITE, samples of the external construction materials finishes of the dwellings (in particular relating to the roof, windows and walls) and boundary treatments shall be submitted to and agreed in writing with the Council as Planning Authority. Thereafter the dwellings shall be constructed and finished in full accordance with the agreed samples prior to occupation unless otherwise agreed in writing by the Planning Authority.

Reason – To define the terms of this permission and ensure that the dwellinghouses are in-keeping with the character of the surrounding area.

- 2) BEFORE ANY WORKS START ON SITE, full details of foul and surface water drainage proposals, including supporting calculations, assessment of maximum groundwater levels, infiltration test records and completed version of SEPA SIA tool, shall be submitted for the written approval of Fife Council as Planning Authority. Thereafter, the development shall be carried out in accordance with the details approved unless otherwise agreed in writing by the Planning Authority.

Reason – To ensure that adequate drainage facilities are provided on site.

- 3) Prior to the first occupation of any of the dwellinghouses, three off-street parking spaces shall be provided within the curtilage of each dwellinghouse and thereafter maintained and kept available as such for the lifetime of the development.

Reason – In the interest of road safety; to ensure the provision of adequate off-street parking.

- 4) Prior to the first occupation of any of the proposed dwellinghouses, there shall be provided within the curtilage of the site suitable turning areas for vehicles suitable for use by the largest size of vehicle expected to visit or be used by occupants of the premises to allow a vehicle to enter and exit the driveway in a forward gear. The turning area shall be formed outwith the parking areas and shall be retained throughout the lifetime of the development.

Reason – In the interest of road safety; to ensure that all vehicles taking access to and egress from the site can do so in a forward gear.

- 5) Prior to the occupation of the first dwellinghouse, visibility splays of 6 metres x 210 metres in a westerly direction towards Markinch and 6 metres x 90 metres in a southerly direction towards the A911 public classified road shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at the junction of the vehicular access and the public road, in accordance with the current Fife Council Transportation Development Guidelines.

Reason – In the interests of road safety; to ensure the provision of an adequate design layout, construction and visibility at road junctions.

- 6) Prior to the occupation of the first dwellinghouse, "Private Access" name plates shall be erected at the junction of the shared private access and the public road.

Reason – In the interests of road safety; to ensure the entrances to shared private accesses are clearly defined.

- 7) NO DEVELOPMENT SHALL COMMENCE ON SITE until the risk of actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study) has been submitted by the developer to and approved in writing by the planning authority. A completed versions of Fife Council's Questionnaire on the Redevelopment of Agricultural Buildings and Steadings shall be included within a Preliminary Risk Assessment. Where further investigation is recommended in the Preliminary Risk Assessment, no development shall commence until a suitable Intrusive Investigation (Phase II Investigation Report) has been submitted by the developer to and approved in writing by the planning authority. Where remedial action is recommended in the Phase II Intrusive Investigation Report, no development shall commence until a suitable Remedial Action Statement has been submitted by the developer to and approved in writing by the planning authority. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures.

All land contamination reports shall be prepared in accordance with CLR11, PAN 33 and the Council's Advice for Developing Brownfield Sites in Fife documents or any subsequent revisions of those documents. Additional information can be found at www.fifedirect.org.uk/contaminatedland.

Reason – To ensure potential risk arising from previous land uses has been investigated and any requirement for remedial actions is suitably addressed.

- 8) NO BUILDING SHALL BE OCCUPIED UNTIL remedial action at the site has been completed in accordance with the Remedial Action Statement approved pursuant to condition 12. In the event that remedial action is unable to proceed in accordance with the approved Remedial Action Statement - or contamination not previously considered in either the Preliminary Risk Assessment or the Intrusive Investigation Report is identified or encountered on site - all development work on site (save for site investigation work) shall cease immediately and the planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, development works shall not recommence until proposed revisions to the Remedial Action Statement have been submitted by the developer to and approved in writing by the planning authority. Remedial action at the site shall thereafter be completed in accordance with the approved revised Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement - or any approved revised Remedial Action Statement - a Verification Report shall be submitted by the developer to the local planning authority.

Unless otherwise agreed in writing with the planning authority, no part of the site shall be brought into use until such time as the remedial measures for the whole site have been completed in accordance with the approved Remedial Action Statement - or the approved revised Remedial Action Statement - and a Verification Report in respect of those remedial measures has been submitted to and approved in writing by the local planning authority.

Reason – To provide satisfactory verification that remedial action has been completed to the planning authority's satisfaction.

- 9) IN THE EVENT THAT CONTAMINATION NOT PREVIOUSLY IDENTIFIED by the developer prior to the grant of this planning permission is encountered during the development, all development works surrounding the contaminated area (save for site investigation works) shall cease immediately and the planning authority shall be notified in writing within 2 working days.

Unless otherwise agreed in writing with the local planning authority, development work on site shall not recommence until either (a) a Remedial Action Statement has been submitted by the developer to and approved in writing by the planning authority or (b) the planning authority has confirmed in writing that remedial measures are not required. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures. Thereafter remedial action at the site shall be completed in accordance with the approved Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement, a Verification Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the planning authority, no part

of the site shall be brought into use until such time as the remedial measures for the whole site have been completed in accordance with the approved Remedial Action Statement and a Verification Report in respect of those remedial measures has been submitted by the developer to and approved in writing by the local planning authority.

Reason – To ensure all contamination within the site is dealt with.

- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any Order revoking and re-enacting that Order) no development within Classes 1A, 1B, 3A, 3B and 3D shall be undertaken within Plot 3 without the express prior consent of this Planning Authority.

Reason – In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality and to avoid over-intensive development of the plot.

Advisory notes

1. The length of the permission: This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Notice of the start of development: The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
3. Notice of the completion of the development: As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended))

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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.

Notice under the Town and Country Planning (Scotland) Act 1997 as amended by Sections 27A and 27B of the Planning etc. (Scotland) Act 2006

You are required, prior to the development hereby approved commencing on site, to submit written notification to Fife Council as Planning Authority ("this Council") of the intended date of commencement of the development. The development shall not commence until this notification has been acknowledged in writing by this Council. On completion of the development, you are also required to submit written notification to this Council of this as soon as practicably possible. Any submission on this matter should be addressed to Economy, Planning and Employability Services, Kingdom House, Kingdom Avenue, Glenrothes, KY7 5LT.

COALFIELD STANDING ADVICE AREAS

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com